

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 62
Adopted April 20, 1990

AN ORDINANCE TO AMEND ORDINANCE NO. 44 OF CHIKAMING TOWNSHIP ENTITLED: AN ORDINANCE TO ESTABLISH COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF CHIKAMING, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, BY ACT 637, OF THE PUBLIC ACTS OF 1978, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1.

ARTICLE 4, Section 4.04--Nonconforming Structures., Paragraph A.2., is hereby amended to read as follows:

Section 4.04--Nonconforming Structures.

A.,2. Any building or structure existing as a non-conforming structure, may, subject to all applicable building, health or other ordinances and regulations be repaired, altered or replaced and the non-conforming nature thereof continued providing that such action does not involve any change in use, that the variance from the applicable regulation of this ordinance is not increased and that a permit is first obtained from the Township Zoning Administrator.

Section 2.

ARTICLE 5, Section 5.02--Schedule of District Regulations R-1, Single-Family Residential District, is hereby amended to read as follows:

Section 5.02--Schedule of District Regulations R-1, Single-Family Residential District

SECTION 5.02--SCHEDULE OF DISTRICT REGULATIONS
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

DISTRICT AND INTENT	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	USES REQUIRING TOWNSHIP BOARD SPECIAL LAND USE PERMIT (See Article 10)
<p>R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT</p> <p>These regulations are intended to provide and maintain a suitable environment for families, typically with children, in quiet, uncongested, single-family home neighborhoods free from other uses except those compatible with and convenient to the principal uses and residents of such districts.</p>	<p>1. Detached single-family dwellings.</p>	<p>1. Private garages. 2. Garder house, tool house, play house, boat house pump house. 3. Swimming pool in accordance with Section 6.08. 4. Automobile parking for domestic use of the dwelling unit. 5. Other principal uses customarily incidental to the permitted principal use.</p>	<p>1. Churches, convents, schools hospitals, (exception-veterinary hospitals) clinics, nursing and convalescent homes, cemeteries. 2. Public recreation uses such as parks, playgrounds, golf courses, athletic fields, stadiums, community centers. 3. Municipal, state or federal governmental uses, libraries, museums. 4. Public utility buildings, telephone exchange buildings, electric power generators and transformer stations, gas regulator stations and fire stations. 5. Home occupations, in accordance with Article 8. 6. Seasonal tourist-oriented enterprises such as hotels, lodging houses, boarding houses, motels, restaurants, tourist homes. 7. Planned Unit Developments. 8. Single-family detached condominiums.</p>

Section 3.

ARTICLE 5, Section 5.03--Schedule of District Regulations R-2, Residential Rural Estate, is hereby amended to read as follows:

Section 5.03--Schedule of District Regulations R-2, Residential Rural Estate

SECTION 5.03--SCHEDULE OF DISTRICT REGULATIONS R-2, RESIDENTIAL RURAL ESTATE			
DISTRICT AND INTENT	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	USES REQUIRING TOWNSHIP BOARD SPECIAL LAND USE PERMIT (See Article 10)
<p>R-2 RESIDENTIAL RURAL ESTATE</p> <p>The intent of this district is to provide for a rural resi- dential environ- ment for families typi- cally with children. To this end, uses are basically limited to single-family dwellings and small scale agricultural activities. This District shall also protect and enhance signifi- cant natural features of the township from degradation due to excessive urbanization.</p>	<p>1. Single-family dwellings subject to yard, height and lot size requirements for this district.</p>	<p>1. Private garage. 2. Garden house, tool house, play house, green- house, boat house pump house. 3. Swimming pool in accordance with Section 6.08. 4. Automobile park- ing for the domestic use of occupants of the dwelling. 5. Small scale agri- cultural uses. 6. Similar accessory uses customarily incidental to the permitted principal use.</p>	<p>1. Houses of worship, parish houses, and convents. 2. Schools. 3. Public or private recreation uses such as parks, playgrounds, golf courses, ball fields, stadiums and community centers. 4. Governmental buildings, libraries museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire stations, gas regulator stations. 5. Hospital, nursing or convalescent homes. 6. Cemeteries. 7. Home occupations. 8. Private stables for not more than (3) three horses or ponies, or (3) three animals for each three (3) to five (5) acres of zoning lot, if such stables are animal barns and are located 100 feet or more from the boundaries of the property upon which the stables are located and 150 feet or more from the nearest residence or business district. 9. Planned unit developments. 10. Single-family detached condominiums.</p>

Section 4.

ARTICLE 6, Section 5.06--Schedule of District Regulations C, Commercial District, is hereby amended to read as follows:

Section 5.06--Schedule of District Regulations C, Commercial District

SECTION 5.06--SCHEDULE OF DISTRICT REGULATIONS C, COMMERCIAL DISTRICT			
<p>DISTRICT AND INTENT</p> <p>C, COMMERCIAL DISTRICT</p> <p>To encourage and facilitate the development and maintenance of sound and efficient shopping, business and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas and which function better outside such areas.</p>	<p>PERMITTED PRINCIPAL USES</p> <ol style="list-style-type: none"> Mercantile establishments for the sale of goods at retail or wholesale. Personal service establishments such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops. Professional service establishments such as offices of doctors, dentists, accountants, brokers and realtors. Funeral homes, clinics, medical centers, nursing homes, convalescent homes, veterinary hospitals. Hotels, motels, lodging houses, boarding houses, tourist homes. Open air markets; retail shops which make or fabricate merchandise for sale of same upon the premises. Restaurants, delicatessens and other dispensaries of food at retail. Banks, saving and loan associations and similar financial institutions or offices. 	<p>PERMITTED ACCESSORY USES</p> <ol style="list-style-type: none"> Uses customarily incidental to the permitted principal use. 	<p>USES REQUIRING TOWNSHIP BOARD SPECIAL LAND USE PERMIT (See Article 10)</p> <ol style="list-style-type: none"> Outdoor sales permitted for specified duration. Outdoor recreation such as trampolines and miniature golf, subject to such operating and special regulations as may be imposed in the public interest. Circus, fair, carnival or similar use, provided such use and occupancy: <ol style="list-style-type: none"> is temporary and/or seasonal only is not detrimental to adjacent surrounding property. is not disturbing to the general peace and tranquility. will not create undue traffic hazard and congestion. <p>Permits for such use may be granted for periods not to exceed eight (8) days consecutively and may be renewable for not more than eight (8) days.</p> <ol style="list-style-type: none"> Electric power generator or transformer stations and substations and gas regulator stations, water and sewage pumping stations, telephone exchange buildings, and fire stations.

SECTION 5.06--SCHEDULE OF DISTRICT REGULATIONS (Continued)
C, COMMERCIAL DISTRICT

PERMITTED PRINCIPAL USES

9. Theaters, night clubs, bowling alleys, skating rinks and similar places of entertainment or recreation.
10. Showrooms and workshops of plumbers, electricians, painters, printers and similar tradesmen.
11. Automobile service garages and filling stations provided all gasoline storage tanks must be underground; automotive parts and accessory shops; bicycle, motorcycle and similar small recreational equipment sales, service and repair shops.
12. Private clubs, churches and organizations operated not for profit.
13. Floriculture, berry culture or horticultural nursery.
14. Detached single family dwellings.

USES REQUIRING TOWNSHIP BOARD
SPECIAL LAND USE PERMIT
(See Article 10)

5. Public parking garage or parking lot for said parking.
6. Used car, mobile home, motor home and travel trailer sales/service.
7. Shops for the manufacture of small tools, dies, gauges, molds, patterns models or similar light manufacturing uses such as assembly of electronic components.
8. Junk yards or salvage yards provided all requirements of the township junk yard ordinance are complied with.
9. Drive-in restaurants and refreshment stands; drive-in Theaters.
10. Multiple-family dwellings with municipal sanitary sewer.
11. Planned Unit Developments.
12. Condominiums.

Section 5.

ARTICLE 6, Section 6.07--Keeping of Animals and Poultry., is hereby amended to read as follows:

Section 6.07--Keeping of Animals and Poultry.

A. The keeping of customary domestic household pets such as cats, dogs, fish and birds is expressly permitted in any zoning district. However, the keeping or breeding of other animals, poultry or livestock shall be a permitted principal use only in the Agricultural, AG Zoning District on parcels of land ten (10) acres or more in size. The keeping of other animals may be permitted in the R-2, Residential Rural Estate District by Special Land Use Permit as provided in Section 5.03. The keeping of other animals in zoning districts not mentioned herein may in a proper case be granted by the Township Board but only by renewable Special Land Use Permit for a period of one year on parcels of property of two (2) acres, or more, in area. The issuance or renewing of the Special Land Use Permit shall be conditioned upon such use being at all times kept a reasonable distance from adjoining residential dwellings in close proximity, upon the maintenance of good sanitary measures so as to avoid the creation of stench, a refuge for rodents, the breeding of flies or a hazard to public health and upon demonstration of proper and humane care of the animals involved.

Section 6.

ARTICLE 6, Section 6.14--Residential Development Open Space., is hereby added and shall read as follows:

Section 6.14--Residential Development Open Space.

A. A minimum of twenty (20%) percent of the net land area in any residential development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed. Net land area shall exclude all streets, walks, ways, alleys and parking areas which have been dedicated to the use of the public or to two or more owners if the dedication is private. Common open space areas shall be designed and located to afford use by all residents of the residential development and may include, but not by way of limitation, game courts, swimming pools, garden areas, putting or bowling greens, or play lots. Ponds, lakes, streams, fountains, bogs, wetlands and floodplains may be used to satisfy not more than fifty (50%) percent of the required open space.

As used herein residential development shall include any subdivision or condominium intended for dwellings.

Section 7.

ARTICLE 10, Section 10.02--Application Procedures., Paragraph D., is hereby amended to read as follows:

Section 10.02--Application Procedures.

D. Incomplete Application. If the Township Clerk is unsure whether an application is complete, the Township Clerk may submit the application for review for completeness to the Township Zoning Administrator, Engineer or Attorney. The review for completeness of the application shall be concluded within thirty (30) days of receipt of the application by the Township Clerk.

An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

Section 8.

ARTICLE 10, Section 10.02--Application Procedures., Paragraph E., is hereby amended to read as follows:

Section 10.02--Application Procedures.

E. Copy of Application to Township. The Township Clerk shall forward a copy of the application for the special land use request to the Planning Commission within seven (7) days after determining the application is complete. The Planning Commission shall review the application at its next regular meeting and set a public hearing date as required by Section 10.03. The Planning Commission shall make its recommendations to the Township Board within thirty-five (35) days after the public hearing. The applicant may waive the time requirement to allow submission of additional information to the Planning Commission in response to questions raised at the public hearing. If so waived, the waiver shall be for a period of thirty-five (35) days.

Section 9.

ARTICLE 11, Section 11.02--Filing of Application., Paragraph B., is hereby amended to read as follows:

Section 11.02--Filing of Application.

B. The Township Clerk shall refer the application and site plan to the Planning Commission if they are both complete. If the Township Clerk is unsure whether an application and site plan are complete, the Township Clerk may submit the application for review for completeness to the Township Engineer and Attorney. The review for completeness of the application and site plan shall be concluded within thirty (30) days of the receipt of the application and site plan. The application and site plan shall be forwarded to the Planning Commission within seven (7) days after the application and site plan are determined to be complete.

An application and site plan which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application and site plan shall be processed until properly prepared and submitted and all required fees paid in full.

Section 10.

ARTICLE 11, Section 11.03--Action of the Planning Commission., Paragraph C., is hereby amended to read as follows:

Section 11.03--Action of the Planning Commission.

C. The Planning Commission shall then transmit the application and site plan, together with its recommended approval or disapproval and the report, to the Township Board within thirty-five (35) days of the Public Hearing held pursuant to 11.03,A. The applicant may waive the time requirement to allow submission of additional information to the Planning Commission in response to questions raised at the Public Hearing. If so waived, the

waiver shall be for a period of thirty-five (35) days. If approval is recommended, the Planning Commission shall make an affirmative finding on Items 1 through 7 inclusive, of Section 11.03,B., above.

Section 11.

ARTICLE 11, Section 11.04--Action of the Township Board., Paragraph A.,1.,d), is hereby amended to read as follows:

Section 11.04--Action of the Township Board.

A.,1.,d) A minimum of twenty (20%) percent of the net land area developed in any residential Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed. Net land area shall exclude all streets, walks, ways, alleys and parking areas which have been dedicated to the use of the public or to more than two owners if the dedication is private. Common open space area shall be designed and located to afford use by all residents of the Planned Unit Development and may include, but not by way of limitation, game courts, swimming pools, garden areas, putting or bowling greens, or play lots. Ponds, lakes, streams, fountains, wetlands, bogs and floodplains may be used to satisfy not more than fifty (50%) percent of the required open space.

Section 12.

ARTICLE 12, Section 12.02--When Required., Paragraph B., is hereby amended to read as follows:

Section 12.02--When Required.

B. A scale drawing shall be prepared in accordance with Section 12.03 B., and 12.04 with any application for a Special Land Use Permit or Variance, involving a single-family, two-family, or agricultural permitted principal use; with any rezoning application for the sole purpose of constructing a single-family, two-family, or agricultural permitted principal use; with any application for a zoning compliance permit or building permit for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto.

Section 13.

ARTICLE 12, Section 12.03--Contents., Paragraph A.,4., is hereby amended to read as follows:

Section 12.03--Contents.

A.,4. All natural features such as woodlots, trees of more than one (1) foot in diameter, streams, lakes, ponds, wetlands, sand dune area, critical dune area, floodplains, and all man-made features such as existing roads, drives, paths, walks and all structures, with indication as to which features are to be retained and which altered or removed. All adjacent properties and their uses shall be identified.

Section 14.

ARTICLE 16, Section 16.02--Amendment Procedure., Paragraph B., 3., is hereby amended to read as follows:

Section 16.02--Amendment Procedure.

B.,3. If the proposed amendment would require a rezoning of land, a site plan prepared in accordance with Article 12 for the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private right-of-way and easements bounding and intersecting the land under consideration.

Section 15.

ARTICLE 18, Section 18.04 ("C")., Condominium Unit., is added and shall read as follows:

Section 18.04 ("C")., Condominium Unit.

Condominium Unit.--That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use.

Section 16.

ARTICLE 18, Section 18.13 ("L"). Lot., is hereby amended to read as follows:

Section 18.13 ("L"). Lot.

Lot.--For the purposes of this ordinance, a lot is a parcel of land or area of land of at least sufficient size, exclusive of road and street right-of-ways and areas under water to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. The word lot includes the words plot, parcel and that portion of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed, and includes a condominium unit or the condominium unit and contiguous limited common element surrounding a unit that is or shall be assigned to the owner of the unit for the owner's exclusive use.

Such lot shall have frontage on a recorded private or public street. In no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

Section 17.

ARTICLE 18, Section 18.13 ("L"). Lot Frontage., is hereby amended to read as follows:

Section 18.13 ("L"). Lot Frontage.

Lot Frontage. --The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Section 18.

ARTICLE 18, Section 18.13 ("L"). Lot of Record., is hereby amended to read as follows:

Section 18.13 ("L"). Lot of Record.

Lot of Record.--A lot which is part of a subdivision recorded in the office of the County Register of Deeds, a unit in a site condominium which is part of a condominium subdivision plan which has been so recorded, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Section 19.

ARTICLE 18, Section 18.14 ("M"). Master Deed., is hereby added and shall read as follows:

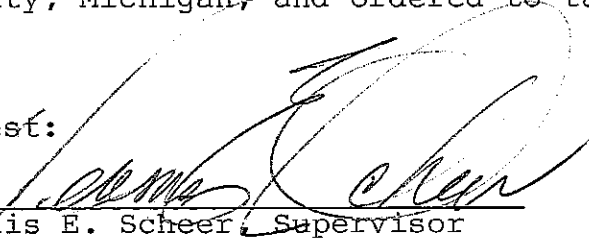
Section 18.14 ("M"). Master Deed.

Master Deed.--The legal document prepared and recorded pursuant to Public Act 58 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Section 20.

Enactment. The foregoing changes and amendments to Ordinance No. 44, the Township Zoning Ordinance, were enacted on the 19th day of April, 1990, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect immediately.

Attest:



Dennis E. Scheer, Supervisor
Chikaming Township

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 62, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a special meeting held on the 19th day of April, 1990. I further certify that Scheer moved the adoption of said ordinance and Dudeck supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN
Gibson	_____	<u>X</u>	_____
Sandtveit	_____	<u>X</u>	_____
Conley	<u>X</u>	_____	_____
Dudeck	<u>X</u>	_____	_____
Scheer	<u>X</u>	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 20 day of April, 1990, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in The Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 26th day of April, 1990.

Date: April 20, 1990

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming