

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 153
Adopted: February 9, 2023

AN ORDINANCE TO AMEND ORDINANCE NO. 144 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 MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006 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 2, Title Purpose, and Scope M, Section 2.03(E) is hereby deleted in its entirety

Article 3, Table of Permitted Uses, Section 3.01, Table of Permitted Uses is hereby amended by the deletion of Multiple Family (including Senior Housing) under Dwelling Units and the insertion in its place of Multiple Family.

Article 3, Table of Permitted Uses, Section 3.01, Table of Permitted Uses, Dwelling Units, is hereby amended by the additions of:

Uses:	R-2	R-3	C-S	Standards or Definitions
Senior Housing	S	S	S	6.15B

Article 3, Table of Permitted Uses, Section 3.01, Table of Permitted Uses, Outdoor Event, is hereby amended by the deletion of

Uses:	AG	C	C-I	C-S	C-L	C-H	C-U	M	RE	Standards or Definitions
Outdoor Event	S	S	S	S	S	S	S	S	S	6.27

and the insertion of:

Uses:	AG	R-2	C	C-I	C-S	M	RE	Standards or Definitions
Outdoor Event								
Medium Outdoor								
Event	P	P	P	P	P	P	P	7.13C
Large Outdoor								
Event	P		P	P	P	P	P	7.13C

Article 4, Schedule of District Regulations, Section 4.03, Yard and Bulk Regulations, Table 4.1, Notes on Table. Note (a), is hereby amended to read as follows:

Bay windows, window sills, belt courses, cornices, and other architectural features may project into a required side setback not more than three feet, except on lots designated NCR-1, where the permitted projection shall be limited to two feet. Eaves and overhanging eaves may project into a required setback not more than three feet, except on lots designated NCR-1, where the permitted projection shall be limited to two feet.

Article 4, Schedule of District Regulations, Section 4.02, Schedule of Regulations for Principal Structures, Footnotes to the Schedule of Regulations, Note (h) is hereby amended to read as follows:

For buildings/structures use the footprint of the structure. Lot coverage percentages are as follows:

- 1) Percentages in the table above apply to buildings/structures only.
- 2) Impervious paved surfaces maximum lot coverage is 10%.

See Lot Coverage Definition.

Article 4, Schedule of District Regulations, Section 4.02, Schedule of Regulations for Principal Structures, Footnotes to the Schedule of Regulations, is hereby amended by the addition of Note K:

(k) Eaves and Overhangs. For Lot Coverage purposes:

- (i) Eaves and/or overhangs of 3 feet or less are exempt from lot coverage percentages for conforming lots.
- (ii) Eave and/or overhangs of 2 feet or less are exempt from lot coverage percentages for nonconforming lots.
- (iii) Eaves and/or overhangs greater than items (i) and (ii) above shall be included in the lot coverage percentages for the entirety of the overhang.

Article 4, Schedule of District Regulations, Section 4.02, Schedule of Regulations for Principal Structures, is amended by the addition of (k) to Maximum Coverage of Lot column header.

Article 4, Schedule of District Regulations, Section 4.03, Yard and Bulk Regulations,, Section 4.03 (A) (2) (iii) is hereby amended to read as follows:

(iii) Principal structures in the C-S, C-L, UPV, UPC, and C-U districts shall be exempt from this section.

Article 5, Zoning Districts, Section 5.01 (F), R-4 Mobile Home Park, paragraph (2) (c) (iv) c), is hereby amended to read as follows:

c) If a mobile home park contains more than 100 sites, two vehicular accesses to a public road shall be provided. The minimum separation distance between these vehicular accesses shall be 150 feet, measured between vehicular access centerlines.

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (c), is hereby amended to read as follow:

The Union Pier Village District is intended to promote a pedestrian-friendly environment in the core of the Union Pier community. Small lot widths allow the highest built densities in the Township, while zero building setback requirements allow buildings to adjoin public sidewalks and promote a pedestrian character. The district also requires the provision of nonmotorized paths and streetscaping amenities to ensure that the paths are safe and convenient for all users. These nonmotorized requirements vary between frontage on side streets, where traffic speeds are slower. The Union Pier community is split between New Buffalo and Chikaming Township and so many of these standards match the requirements for Union Pier in Chikaming Township, in order to promote cohesive built patterns. A wide variety of commercial service uses, especially food and beverage, and retail are promoted to serve residents and visitors. Second-floor residential is also allowed to enhance the viability of properties and to ensure the district's vibrancy.

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (c) Union Pier Village, Union Pier Village (UPV) Table Main Building Maximum Height, is hereby amended to read as follows:

Maximum 3 stories not to exceed a height of 40'

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (d) Union Pier Corridor, Union Pier Corridor (UPC) Table Main Building Maximum Height, is hereby amended to read as follows:

Maximum 3 stories not to exceed a height of 40'

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (e), Union Pier Site Standards, (i) Development Standards, Union Pier Districts table, Entrances section is hereby amended to read as follows:

- Entrances
- Secondary public entrances are permitted on the rear or side façade, including additional access for uses in a multi-tenant building.
 - Principal entrances should have details that enhance the prominence of the entrance, such as peaked roof forms, porches, overhangs, archways, larger door openings, accent colors, tile, moldings, and pedestrian-scale lighting.
 - Each commercial first floor unit shall have a principal pedestrian entrance located on a front lot line and directly accessible from a public sidewalk.
 - Front entrance must be inset a minimum of three (3) feet from the front building wall to ensure that the door zone does not conflict with users of the right-of-way.

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (e), Union Pier Site Standards, (i) Development Standards, Union Pier Districts table, Uses First Floor section of Union Pier Corridor column is hereby amended to read as follows:

- Residential may be allowed in the rear 50% of the floor, however the front 50% must be for commercial use for buildings along Red Arrow Highway.
- Commercial first floor shall extend for the entire width of the front of the building as viewed from Red Arrow Highway.

Article 5, Zoning Districts, Section 5.01 (H), Commercial Mixed Use Districts, paragraph (3) (e), Union Pier Site Standards, (i) Development Standards, Union Pier Districts table, Union Pier Corridor is amended by the addition thereto of :

Residential Density

- The maximum number of total bedrooms shall be 27 per acre.
- Additionally, there shall be a maximum number of each unit type per acre, as shown below:
 - Maximum number of 1-Bedroom Units: 18
 - Maximum number of 2-Bedroom Units: 12
 - Maximum number of 3+ Bedroom Units: 9

Article 6, Standards for Uses, Section 6.03, Agritourism, paragraph (B) Permitted by Right, is hereby amended to read:

Permitted by Right: None.

Article 6, Standards for Uses, Section 6.03, Agritourism, paragraph (C) Permitted by Special Use Permit, is hereby amended to read:

Permitted by Special Use Permit: AG, R-2, C, C-I, RE

Article 6, Standards for Uses, Section 6.03, Agritourism, paragraph (D) Standards, is hereby deleted in its entirety and replaced with by the following:

(D) **Standards:** The following provisions shall apply to agritourism operations:

- (1) **Purpose and Intent:** The purpose and intent of this section is to allow and regulate operations and businesses that invite the public to engage with and experience the inner workings of agriculture and food production. In combination with a conventional farm, the following activities may constitute an agricultural tourism event: ongoing uses such as a winery and tasting room, frequent seasonal uses such as a cider mill, or other events of varying time frames including bonfires, cooking demonstrations, corn mazes, fishing pond, food service, petting farms, seasonal you-pick fruits and vegetables, animal displays, pony rides, wagon/sleigh/hay-rides, nature trails, picnic facilities, educational classes, historical agriculture exhibits, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.

- (2) **Impact on Surrounding Properties.** The location, layout, design, and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.
- (3) **Buildings.** More than one (1) Building may be permitted per parcel. Unless a building is exempt because it is an agricultural structure.
- (4) **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use, based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.
- (5) **Restrooms.** A sufficient number of restrooms shall be available for public use, based on an evaluation, by the Planning Commission, of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).
- (6) **Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.
- (7) **Planning Commission Waivers.**
- (1) The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.
 - (2) The Planning Commission may waive any requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control. Regardless of whether the lot is paved or not, all requirements of Article 9 must be met.
 - (3) The Planning Commission may waive parking lot lighting requirements in Section 7.08 upon making the determination that the facility will be used only during daylight hours.
 - (4) The Planning Commission may waive parking lot landscaping requirements in Article 10 upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.
- (8) **Overnight Accommodations.** Overnight accommodations related to an agritourism operation shall comply with the regulations for bed-and-breakfast establishments in Section 6.12.D.
- (9) **Exclusions.** The provisions in this subsection do not apply to the following uses, which are regulated elsewhere in this Ordinance:
- (a) Nature centers or demonstration farms.
 - (b) Recreation facilities.
 - (c) Outdoor events.
 - (d) Roadside stands.
 - (e) Distilleries.
 - (f) Bed-and-breakfast establishments.
 - (g) Brewpubs and Microbreweries.
 - (h) Any use for which zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS), such as farm market

Article 6, Standards for Uses, Section 6.07, Brewpub/Microbrewery/Distillery, paragraph (D) (2) (c), is hereby amended to read as follows:

- (c) No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 7.13. Outside table service may be permitted in areas not designated for parking or loading/unloading, subject to the requirements of Section 7.19.

Article 6, Standards for Uses, Section 6.12, Commercial Lodging, paragraph (D) (3), is hereby amended to read as follows:

(3) Permitted by Special Use Permit: AG, R-1, R-1-W, R-2, R-3, C-I

Article 6, Standards for Uses, Section 6.12, Commercial Lodging, paragraph (D) (4) (e), is hereby amended to read as follows:

(e) Bedrooms used shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.

Article 6, Standards for Uses, Section 6.12, Commercial Lodging, paragraph (F) (4), subparagraph (e) is deleted in its entirety and the remaining subparagraphs renumbered sequentially (e) through (h).

Article 6, Standards for Uses, Section 6.15, Dwelling Units, paragraph (B) (1), is hereby amended to read as follows:

(1) Definitions:

Multiple Family: A building or complex of multiple buildings where each building contains at least two dwelling units.

Senior Housing: Housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care.

Article 6, Standards for Uses, Section 6.15, Dwelling Units, paragraph (B) (4) (a) (i) is hereby amended to read as follows:

(i) Basic Formula. The permitted density of multi-family development or Senior Housing shall be based on the total number of bedrooms. The maximum number of total bedrooms shall be 27 per acre. Additionally, there shall be a maximum number of each unit type, as shown in the table below.

Article 6, Standards for Uses, Section 6.15, Dwelling Units, paragraph (B) (4) (h) **Open Space**, is hereby amended to read as follows:

(h) Open Space. Open space shall be provided in any multiple family development or Senior Housing containing eight (8) or more units. The open space shall comply with the following requirements:

Article 6, Standards for Uses, Section 6.15, Dwelling Units, paragraph (G) **Accessory Dwelling Units**, is hereby amended to read as follows:

(G) Accessory Dwelling Units

- (1) Definition:** A second dwelling unit associated with the principal dwelling which cannot be sold or leased separately from the principal dwelling unit.
- (2)** Only one (1) such accessory residence shall be permitted on each parcel.
- (3) Attached Accessory Dwelling Unit (Mother-In-Law Suite).**

(1) Permitted by Right: AG, R-1, R-1-W, R-2, R-3, R-4, C.

Permitted by Special Use Permit: None.

Standards. The following regulations shall apply to attached accessory dwelling units:

- (i)** Accessory dwelling units shall be established in and attached to owner-occupied homes.
- (ii)** The accessory dwelling unit shall not contain a kitchen.

- (iii) The accessory dwelling unit shall be clearly incidental to the principal residence on the site.
- (iv) **Setbacks and Placement on the Parcel.** Residences that contain an accessory dwelling unit shall comply with all setback requirements for the district in which they are located.
- (v) **Compatibility with Surrounding Land Use.** The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
- (vi) **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.

(4) Accessory Dwelling Units in Accessory Structures (Detached Accessory Dwelling Unit).

(1) Permitted by Right: None.

Permitted by Special Use Permit: AG, R-1, R-1-W, R-2, R-3, R-4, C.

Standards. The following regulations shall apply to accessory dwelling units in Accessory Structures:

- (i) Accessory Dwelling Units in Accessory Structures **must** be approved by Special Use Permit prior to construction. See Section 17.03.
- (ii) Accessory dwelling units shall be permitted in detached Accessory Structures **ONLY** if the detached accessory dwelling unit is constructed for the express purpose of occupancy by a member of the immediate family of the property owner, such as a parent or child. In order to be approved for a Special Use permit, detached accessory dwelling unit shall meet all requirements of this Section (6.15.G (4)).
- (iii) The total floor area of the accessory residence shall not exceed eight hundred (800) square feet.
- (iv) May contain a kitchen.
- (v) **Setbacks and Placement on the Parcel.** The detached accessory dwelling unit shall comply with all setback requirements for the district in which they are located.
- (vi) **Compatibility with Surrounding Land Use.** The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood.
- (vii) **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
- (viii) Detached Accessory Dwelling Units **shall NOT** be used as a rental unit, and shall not be sold separately from the principal dwelling.

Article 6, Standards for Uses, Section 6.15, Dwelling Units, paragraph (H) **State Licensed Residential Facilities (Non-Daycare)**, sub-paragraph (4) (a) is hereby amended to read as follows:

(a) Facilities shall not be located nearer than 1,500 feet to another State Licensed Residential Facility.

Article 6, Standards for Uses, Section 6.16 **Event Space** paragraph (D,) **Standards**, is hereby amended to read as follows:

(1) Approval as Principal Use: Event Space that is a principal use shall be permitted as a permitted use or special land use as indicated in sections 3.01 and/or 6.16 (A) and (B). Parking shall be provided for the event space use as described in Section 9.01.A, Accessory Event Space uses subject to Subsection 3 below.

(2) **Approval as Accessory Use:** Event Space that is accessory to another use (such as an agritourism, a hotel, a restaurant, an institution of higher education, or a religious institution), shall be permitted in the same zoning districts as the principal use, and shall be subject to the same standards as the principal use. Parking shall be provided for the accessory event space use as described in Section 9.01.A, Accessory Event Space uses subject to Subsection 3 below.

(3) **Performance Standards:** The Planning Commission may impose performance standards on an Event Space use that are more strict than would otherwise be required by this Ordinance, upon finding that the Event Space would otherwise have negative impacts on the health, safety, and welfare of surrounding residential uses. Examples include, but are not limited to, limits to the hours of operation and/or frequency of events, additional parking, additional landscaping, reduced lighting, and site-specific noise restrictions. This subsection shall apply even when the Event Space is a permitted use by right.

Article 6, Standards for Uses, Section 6.27 **Outdoor Event** is deleted in its entirety and the remaining Sections of this article are renumbered sequentially from Section 6.26.

Article 6, Standards for Uses, Section 6.27, **Parking Lot with No Other Principal Use**, paragraph (A) is hereby amended to read as follows:

(A) **Definition:** An area on private property that provides vehicular, excluding semi trucks, parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

Article 6, Standards for Uses, Section 6.27, **Parking Lot with No Other Principal Use**, paragraph (D) is hereby amended to read as follows:

(D) **Standards**

(1) Lots cannot be used for storage.

Article 6, Standards for Uses, Section 6.41 **Utility Structures and Substations**, paragraph (D) (2), is hereby amended to read as follows:

(2) **Design.** All such uses, except electrical substations, shall be contained in buildings that are architecturally compatible with buildings in the vicinity and shall be screened in accordance with Section 10.02 (D).

Article 6, Standards for Uses, Section 6.43 **Vehicle Filling Stations (Gas Stations)**, paragraph (A) is hereby amended to read as follows:

(A) **Definition:** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Vehicle filling stations' may also incorporate a convenience store operation as an Accessory Use, provided it is clearly incidental to the filling station use.

Article 6, Standards for Uses, Section 6.49 **Wind Energy Facility** paragraph (D) (2) (p) is hereby amended to read as follows:

(p) **Liability Insurance:** The current WECS owner and operator shall insure for liability for the WECS in an amount of \$2,000,000, without interruption until removed and comply with section (q) "Decommissioning" to protect the current WECS owner and operator.

Article 7, General Provisions, Section 7.02 **Accessory Buildings, Structures, and Uses** paragraph (D) is hereby amended to read as follows:

(D) **Non-Building Accessory Structures.** Non-building accessory structures (for example, tennis courts, swimming pools, antennas) shall be located in the side and/or rear yard. For through lots non-building accessory structures shall be located in the side yard only. In-ground swimming pools, and tennis courts, may be located within 42 inches of a structure and an attached deck that does not exceed 8 inches above finished grade, but, in all other instances, shall be subject to all setback requirements for detached accessory structures.

Article 7, General Provisions, Section 7.13 **Temporary Structures and Uses** is hereby amended by the addition thereto of the following:

(C) Outdoor Events

1. Medium Outdoor Event

- (a) Definition: A musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free.
- (b) Temporary Use Permit process:
 - a. Planning Commission to review temporary use application and required documentation to make a recommendation to the Township Board to approve, approve with conditions, or deny.
 - b. Township Board to review application and Planning Commission recommendation in order to issue, issue with conditions, or deny the Temporary Use Permit.
- (c) Permitted with Temporary Use Permit issued by the Township Board: R-2, C, C-S, C-I, M, RE, AG.
- (d) Standards:
 - 1) Attendees: 250 to 500 persons per day
 - 2) Minimum acreage: 3 Acres
 - 3) Maximum number of event days: 3 days
 - 4) NO OVERNIGHT CAMPING ALLOWED.
 - 5) Drives and parking areas shall be subject to compliance with Article 9, except parking shall be provided at one space for every four persons of the maximum attendance level approved for the event and shall be subject to compliance with applicable barrier-free requirements.
 - 6) A parking attendant(s) shall direct traffic into the event and towards available parking.
 - 7) Operational period is limited to the following, unless otherwise modified by the Planning Commission:
 - 1. 9:00 a.m. to 9:00 p.m. on Sundays.
 - 2. 9:00 a.m. to 10:00 p.m. on Fridays and Saturdays.
 - 8) Adequate lighting shall be provided on the premises to illuminate the outdoor event and parking areas. All lighting shall be in compliance with Section 7.08 of the Zoning Ordinance. Lighting associated with the outdoor event shall be turned off when the event is not in operation.
 - 9) An outdoor event shall provide a water supply and sewage disposal system necessary to accommodate the outdoor event to the satisfaction of the Berrien County Health Department.
 - 10) Noise levels generated at an outdoor event shall not constitute a nuisance to adjoining properties.
 - 11) Structures and features related to the event shall be kept within an esthetic that is appropriate within the surrounding area.
 - 12) Barriers and/or buffers and event separations designed to minimize identified injurious or annoying impacts on surrounding properties may be required by the Planning Commission.

2. Large Outdoor Event

- (a) Definition: A musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free.

(b) Temporary Use Permit process:

- a. Planning Commission to review temporary use application and required documentation to make a recommendation to the Township Board to approve, approve with conditions, or deny.
- b. Township Board to review application and Planning Commission recommendation in order to issue, issue with conditions, or deny the Temporary Use Permit.

(c) Permitted with Temporary Use Permit issued by the Township Board: AG, C, C-I, C-S, M, RE.

(d) Standards:

- 1) Attendees: greater than 500 persons per day
- 2) Minimum acreage: 5 Acres
- 3) Maximum number of event days: 3 days
- 4) Hours of Operation. Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Planning Commission upon finding that longer hours will have no impact on use of surrounding property.
- 5) Fencing. The premises shall be completely enclosed by a six (6) foot tall fence of sufficient strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. The Township Fire Department shall determine the number of required gates in the fence based on the proposed number of attendees.
- 6) Parking. Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly-marked barrier-free spaces shall be provided in accordance with the schedule in Section 9.01. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Section 9.01 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.
- 7) Traffic Circulation and Control. A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the Township Police and Fire Departments. The sponsors of the Outdoor Event shall pay for the cost of such traffic control.
- 8) Security Guards. A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the Township Police Department determines that greater or fewer guards are needed to preserve order and protection of property on and around the site of the Outdoor Event.
- 9) Potable Water. Potable water shall be available in sufficient quantity and pressure for drinking and sanitation purposes for the entire Outdoor Event, including under conditions of peak demand. The water supply shall comply with applicable County and State laws and regulations.

- 10) Toilet Facilities. A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.
- 11) Liquid Waste Disposal. Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.
- 12) Solid Waste Disposal. Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.
- 13) Electrical Service. A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Building Official. All electrical wiring shall be installed in compliance with the Michigan Building Code.
- 14) Noise Control. Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.
- 15) Illumination. Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.
- 16) Communications Facilities. An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the Township Police Department.
- 17) Overnight Facilities. **Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight.** Overnight use of the premises by performers or employees of the Outdoor Event *may* be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.
- 18) Signs. Signs shall comply with the standards for Approved Nonresidential Principal Uses in Section 12.07(C).
- 19) Medical Facilities. If determined necessary by the Township Police Department, emergency medical facilities shall be provided on the premises for the duration of the event.

- 20) Prohibited Activities. It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.
- 21) Fire Protection. Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Department. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Township Fire Department, shall be provided. Open fires are prohibited.
- 22) Performance Guarantee. A performance guarantee meeting the requirements of Section 18.07 shall be deposited with the Township to assure proper clean-up of the site in accordance with the clean-up plan that is required with the application.
- 23) Insurance. The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Supervisor. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination of the insurance.

Article 8, Nonconformities, Section 8.01 (B) **Summary of Nonconformity Regulations** table; issue Renovation, modernization, Requirement, is amended to read: See Section 8.04

Article 8, Nonconformities, Section 8.04 **Modification to Nonconforming Uses or Structures** paragraph (A) (5) (b) is hereby amended to read as follows:

(b) Additional Permitted Improvements. Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

Article 8, Nonconformities, Section 8.05 **Nonconforming R-1 Lots of Record (NCR-1 Designation)** (D) (1) Table is hereby amended by the addition of (d) to the Max Lot Coverage column header.

Article 8, Nonconformities, Section 8.05 **Nonconforming R-1 Lots of Record (NCR-1 Designation)** (D) (1) table footnotes is amended by the addition thereto of the following:

- (d)** For buildings/structures use the footprint of the structure. Lot coverage percentages are as follows:
- 1) Percentages in the table above apply to buildings/structures only.
 - 2) Impervious paved surfaces maximum lot coverage is 10%.
 - 3) Eave and/or overhangs of 2 feet or less are exempt from lot coverage percentages for nonconforming lots.
 - 4) Eaves and/or overhangs greater than item (3) above shall be included in the lot coverage percentages for the entirety of the overhang.

Article 9, Off-Street Parking and Loading Requirements, Section 9.01 **Off-Street Parking Requirements**, paragraph (B) (3) is hereby amended to read as follows:

- (3) Bicycle Parking Where Public Bicycle Parking is Not Provided.** Parking facilities for bicycles shall be encouraged on all premises that provide off-street parking for vehicle in the C-S, C-H, C-L, C-U, UPV, and UPC districts. Bicycle parking facilities shall allow the parking of at least four bicycles and shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly-visible and accessible areas.

Article 9, Off-Street Parking and Loading Requirements, Section 9.01 **Off-Street Parking Requirements**, paragraph (B) (4) (a) is hereby deleted in its entirety.

Article 10, Landscaping and Screening, Section 10.01 **Intent and Scope of Requirements**, paragraph (A) (3), is hereby amended to read as follows:

(1) Improve the appearance of off-street parking areas, vehicular use areas, and property abutting rights-of-way,

Article 10, Landscaping and Screening, Section 10.01 **Intent and Scope of Requirements** paragraph (E), Summary of Minimum Landscaping Requirements table, Note a, is hereby amended to read as follows:

Multiple-family residential developments, Senior Housing, and mobile home parks shall provide 2 trees and 4 shrubs per dwelling unit or lot.

Article 10, Landscaping and Screening, Section 10.01 (E) **Summary of Plant Material Specifications** table, Ornamental Trees; Minimum Caliper, is hereby amended to read as follows:
1.5 inches measured 12 inches above grade

Article 10, Landscaping and Screening, Section 10.01 (E) **Summary of Plant Material Specifications** table, Evergreen Trees; Minimum Spread, is hereby amended to read as follows:
3 feet

Article 10, Landscaping and Screening, Section 10.02 **General Landscaping Requirements** paragraph (D) (3) is hereby amended to read as follows:

- (3) Screening of Parking Lots from Roads.** Landscaping shall be required between parking lots and roads in order to soften the view of the parked cars from the roads. The minimum width of the planting strip shall be fifteen (15) feet. The planting strip shall be planted with at least 1 tree and 8 shrubs per 40 linear feet of frontage.
- (4) Landscaping Adjacent to Road ROW.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

Article 10, Landscaping and Screening, Section 10.03 **Specific Landscaping Requirements for Zoning Districts**, paragraph (B) (1) is hereby amended to read as follows:

(1) General Site Landscaping. A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development or Senior Housing shall be counted in meeting these requirements for trees.

Article 10, Landscaping and Screening, Section 10.03 **Specific Landscaping Requirements for Zoning Districts**, paragraph (B) (2) is hereby amended to read as follows:

(2) Landscaping Adjacent to Road. All multiple family developments or Senior Housing shall comply with the requirements for landscaping adjacent to the road in Section 10.02.D.

Article 10, Landscaping and Screening, Section 10.03 **Specific Landscaping Requirements for Zoning Districts**, paragraph (B) (5) is hereby amended to read as follows:

(5) Privacy Screen. Where multiple family dwellings or Senior Housing are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and berms, subject to review by the Planning Commission.

Article 10, Landscaping and Screening, Section 10.03 **Specific Landscaping Requirements for Zoning Districts**, paragraph (C) (4) is hereby amended to read as follows:

- (4) **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Sections 10.02.D and 10.02.E.

Article 10, Landscaping and Screening, Section 10.03 **Specific Landscaping Requirements for Zoning Districts**, paragraph (D) (4) is hereby amended to read as follows:

- (4) **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Sections 10.02.D and 10.02.E.

Article 10, Landscaping and Screening, Section 10.04 **Standards for Landscape Materials** paragraph (B) (4) is hereby amended to read as follows:

- (4) **Shrubs.** Shrubs shall be a minimum of two and a half (2.5) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty four (24) inches when planted.

Article 10, Landscaping and Screening, Section 10.04 **Standards for Landscape Materials** paragraph (B) (5) is hereby amended to read as follows:

- (5) **Hedges.** Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two and a half (2.5) feet in height when planted.

Article 10, Landscaping and Screening, Section 10.05 **Installation and Maintenance** paragraph (C) is hereby amended to read as follows:

- (C) **Protection from Vehicles.** Landscaping shall be protected from vehicles through use of wheel stops in parking lots.

Article 10, Landscaping and Screening, Section 10.05 **Installation and Maintenance** paragraph (D) is hereby amended to read as follows:

- (D) **Off-Season Planting Requirements.** If development is completed during the off-season when plants cannot be installed, the owner shall install the required landscaping in the next planting season.

Article 10, Landscaping and Screening, Section 10.06 **Treatment of Existing Plant Material** paragraph (B) (2) is hereby amended to read as follows:

- (2) In the event that healthy plant materials are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed plant material, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

Article 10, Landscaping and Screening, Section 10.06 **Treatment of Existing Plant Material** paragraph (B) table **Schedule of Replacement Trees**, is amended by the addition thereto of the following Note under Table:

Note: Use the following formula to calculate the diameter of the tree.

$$\text{Diameter} = \text{Circumference of the tree at 4.5 feet above grade} / 3.14.$$

Article 11, Walls and Fences, Section 11.02 **Residential Fences and Walls** paragraph (A) is hereby amended to read as follows:

- (A) **Fences in Residential Districts.** Fences in the R-1, R-1-W, R-2, R-3, R-4, and AG districts may be located in the required front, side or rear yard subject to the following requirements.

- (1) Fences in waterfront yards shall be subject to Section 5.01.C.

- (2) **Maximum Height.** The maximum height shall be eight (8) feet.

- (3) **Fence Design.** Fences in the front yard shall be non-obscuring (i.e., less than 50% opaque) in design and shall not exceed 48 inches in height.

Article 11, Walls and Fences, Section 11.03 **General Fence and Wall Standards** paragraph (H) is hereby amended to read as follows:

(H) Fence and Wall Heights. The maximum height of a fence or wall shall be measured from grade level adjacent to the fence or wall, to the top of the fence or wall. Where the elevation is higher on one side than on the other, such as with a retaining wall, the grade level measurement shall be made on the side with the lower elevation. In the case of uneven ground, the height of the fence shall be measured from the lowest elevation adjacent to the fence. The entire fence must comply with the maximum height limit following the contour of the existing grade.

Article 12, Signs, Section 12.03 **Enforcement** paragraph (A) (2) (j) is hereby deleted in its entirety.

Article 12, Signs, Section 12.03 **Enforcement** paragraph (A) (5) is hereby amended to read as follows:

(5) Removal Agreement or Bond. All signs erected by a business must be removed within 30 days if that business closes. Freestanding sign structures may remain in place, but must be fitted with a blank face or a Real Estate Sign until put in use again by a new business.

Article 12, Signs, Section 12.03 **Enforcement** paragraph 12.03 (B) Inspection and Maintenance. sub-paragraphs (1) through (3) are hereby amended to read as follows:

(1) Inspection of New Signs. All signs for which a permit has been issued shall be inspected by the Building Official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and building Code standards.

(a) In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Building Official when such fastenings are to be installed so that inspection may be completed before enclosure.

(2) Inspection of Existing Signs. The Zoning Administrator or Building Official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Zoning Administrator shall determine whether the sign is located in the permitted area and painted to prevent corrosion. In conducting such inspections, the Building Official shall determine whether the sign is adequately supported, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.

(3) Removal of Unsafe or Unlawful Signs. Signs which are deemed to be unlawful by the Zoning Administrator shall be removed in conformity with the provisions of this Article. Signs which are deemed to be unsafe by the Building Official shall be removed or made safe in conformity with the provisions of this Article.

Article 12, Signs, Section 12.03 **Enforcement** paragraph 12.03 (B) (4) (a) is hereby amended to read as follows:

(a) When the whole or any part of a sign or sign structure is found to be in a dangerous or unsafe condition or otherwise not in compliance with this Ordinance, the Building Official shall then issue a notice of noncompliance.

Article 12, Signs, Section 12.03 **Enforcement** paragraph 12.03 (B) (4) (d) is hereby amended to read as follows:

(d) A hearing officer, which shall not be the Zoning Administrator, Building Official, or Code Enforcement Officer, shall be appointed by the Township Supervisor to serve at the pleasure of said Supervisor. The Zoning Administrator shall file a copy of the notice of noncompliance with the hearing officer.

Article 12, Signs, Section 12.04 **General Provisions** paragraph (B) is hereby amended to read as follows:

(B) **Prohibited Signs.** The following signs are prohibited in all districts.

(1) Any sign not expressly permitted

Article 12, Signs, Section 12.05 **Sign Design Standard** paragraph (D) (2) (c) is hereby amended to read as follows:

(c) The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building or property line.

Article 15, PUD, Planned Unit Development, Section 15.03 **Project Design Standards** paragraph (H) (4) (b) is hereby amended to read as follows:

(a) **Location.** Required obscuring walls or fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the edge of the required planting shall be placed on the utility easement line located nearest the property line.

Article 15, PUD, Planned Unit Development, Section 15.03 **Project Design Standards** paragraph (G) (4) (a) is hereby amended to read as follows:

(b) Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course).

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (B) (3) (c) is hereby amended to read as follows:

(c) Construction involving only interior improvements where there is no change in use.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (C) (2) is hereby amended to read as follows:

(2) **Optional Conceptual Review by Planning Commission.** An applicant may file a written request of conceptual review of a preliminary site plan by the Planning Commission to evaluate the following:

- (a) Relationship of the site to nearby properties;
- (b) Density;
- (c) Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,
- (d) Conformance with Township development policies and standards.
- (e) Conceptual review fees shall be paid according to the fee schedule established by the Township Board.
- (f) No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission shall be bound by any comments or suggestions made during the course of the conceptual review.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (C) (3), introductory statement is hereby amended to read as follows:

(3) **Submission of Site Plan for Formal Review.** In order to initiate formal review by the Planning Commission, the applicant is required to submit the following materials to the Chikaming Township Hall:

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (C) (3) (c) is hereby amended to read as follows:

(c) Proof that the plan has been submitted for review to all appropriate affected governmental agencies, including but not limited to the Berrien County Road Department, Berrien County Drain Commission, Berrien County Health Department, Michigan Department of Transportation (where applicable), Michigan Department of Energy, Great Lakes, and Environment (where applicable) and any other agencies deemed appropriate by the Planning Commission.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (C) (3) (e) is hereby amended to read as follows:

(e) These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission meeting at which the review is requested.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (D) is hereby amended by the addition thereto of the following::

(9) **Revocation.** Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Planning Commission shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development if the Commission determines a violation in fact exists and has not been remedied prior to such hearing.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (D) is hereby amended the by the renumbering of subparagraphs (9) and (10) as subparagraphs (10) and (11).

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (E) (2) (f) is hereby amended to read as follows:

(f) Location map with north point.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (E) (2) (n) is hereby amended to read as follows:

(n) Proximity to major thoroughfares.

Article 17, General Procedures and Related Standards, Section 17.02 **Site Plan Review/Process** paragraph (E) (8) (a) (ii) is hereby amended to read as follows:

(ii) **Condominium** subdivision plan requirements, as specified in the Condominium Act, PA 59 of 1978, as amended.

Article 17, General Procedures and Related Standards, Section 17.03 **Special Land Uses** paragraph (B) (2) (a) is hereby amended to read as follows:

(a) **Approval.** Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval of the special land use.

Article 17, General Procedures and Related Standards, Section 17.03 **Special Land Uses** paragraph (B) (2) (b) is hereby amended to read as follows:

(b) **Approval with Conditions.** The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance. The Planning Commission shall recommend approval with specified conditions to the special land use.

Article 17, General Procedures and Related Standards, Section 17.03 **Special Land Uses** paragraph (B) (2) (c) is hereby amended to read as follows:

(c) **Denial.** Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial of the special land use.

Article 17, General Procedures and Related Standards, Section 17.03 **Special Land Uses** paragraph (B) is hereby amended by the addition thereto of the following:

(12) **Revocation.** A special land use permit may be revoked by the Planning Commission, upon written notice to the owner and holding of a public hearing, following notice according to the Michigan Zoning

Enabling Act (Act 110 of 2006). The Planning Commission may revoke the special land use after the public hearing if it finds that one or more of the following conditions exists:

- (a) The location, operation or other aspects of the special land use do not comply with the requirements of this ordinance.
- (b) The special land use is not in conformance or is otherwise in violation of any condition applied to the special land use approval.
- (c) The special land use approval was for an activity or use with a discernibly finite nature, the activity or use has ceased, and the approved activity or use, by nature, cannot be resumed in the same manner as the original approval.

Article 17, General Procedures and Related Standards, Section 17.04 **Variances and Appeals** paragraph (D) (3) is hereby amended to read as follows:

- (3) Period of Validity.** Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one (1) year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void. However, the applicant may apply in writing to the ZBA for an extension of variance approval. The ZBA may grant one or more extensions of up to a total of twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved plan conforms to current Zoning Ordinance standards.

Article 17, General Procedures and Related Standards, Section 17.07 **Permits and Certificates** paragraph (A) (1) (d) is hereby amended to read as follows:

- (d)** Prior to any change in use of an existing building or structure to a different class or type.

Article 17, General Procedures and Related Standards, Section 17.07 **Permits and Certificates** paragraph (A) (5) is hereby amended to read as follows:

(5) Expiration of Permits.

- (a) **Building Permits.** A permit issued for construction, or remodeling of any building or structure shall be subject to terms of expiration specified in the adopted Building Code.
- (b) **Zoning Permits.** Any permit granted under this Section shall become null and void after 12 months from the date of granting such permit unless the development proposed has obtained a building permit. The applicant shall have the option of extending the permit by a maximum of 12 months upon written notice to the Zoning Administrator. Said notice shall be filed prior to the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.

Article 17, General Procedures and Related Standards, Section 17.07 **Permits and Certificates** paragraph (B) (1) (c) is hereby deleted in its entirety.

Article 17, General Procedures and Related Standards, Section 17.09 **Violations and Penalties** paragraph (D) is hereby amended to read as follows:

(D) Authority to Pursue Court Action. The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Trial Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with, or violation of, any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

Article 18, Administrative Organization, Section 18.03 **Township Planning Commission** paragraph (C) is hereby amended by the deletion in its entirety of subparagraph (2).

Article 20, Definitions, Section 20.01 **Definitions** is hereby amended by the following definitions replacing previous definitions thereof and the addition of a definition:

Lot Coverage: The part or percent of a lot that is occupied by a building/structure footprint, accessory structures, and impervious paved surface, such as a driveway. The footprint of a building/structure shall be comprised of the foundation walls and any first floor cantilevered area if present. Pervious pavement and gravel surfaces shall not be considered impervious surface. See the definition of impervious surface in this section.

Outdoor Event: A musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to asphalt and concrete. Pervious pavement, structures that permit water to run between the slats, and gravel surfaces shall not be considered impervious surface.

Multiple Family Housing (or Multi-Family Housing): A building or complex of multiple buildings where each building contains at least two dwelling units.

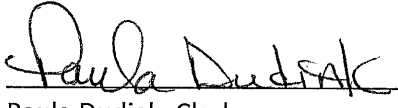
Senior Housing: Housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care.

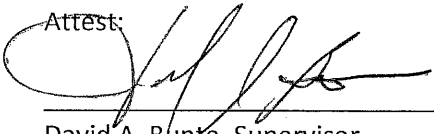
Parking Lot, Off-Street: An area on private property that provides vehicular, excluding semi trucks, parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

Vehicle Filling Station: A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Vehicle filling stations' may also incorporate a convenience store operation as an Accessory Use, provided it is clearly incidental to the filling station use.

Section 2.

Enactment. The foregoing change and amendment to Ordinance No. 144, the Chikaming Township Zoning Ordinance, was enacted on the 9th day of February, 2023, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 4th day of March, 2023, the same being more than seven (7) days after its publication.


Paula Dudiak, Clerk
Township of Chikaming

Attest:

David A. Bupte, Supervisor
Township of Chikaming

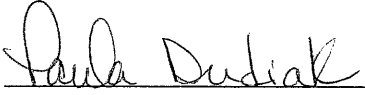
CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 153, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 9th day of February, 2023. I further certify that Dudiak moved the adoption of said ordinance and Marske 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	ABSENT
Sullivan	X			
Marske	X			
Rettig	X			
Dudiak	X			
Bunte	X			

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 10 day of February, 2023, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that a synopsis of the foregoing ordinance was published in full in the Harbor Country News, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 24th day of February, 2023.

Dated: 2-10-2023



Paula Dudiak, Clerk
Township of Chikaming