

ORDINANCE NO. 10

ZONING ORDINANCE

AN ORDINANCE TO ESTABLISH ZONING DISTRICTS AND REGULATIONS GOVERNING THE UNINCORPORATED PORTIONS OF CHIKAMING TOWNSHIP, BERRIEN COUNTY, MICHIGAN, IN ACCORDANCE WITH THE PROVISIONS OF ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED; TO PROVIDE FOR REGULATIONS GOVERNING NON-CONFORMING USES AND STRUCTURES; TO PROVIDE FOR A BOARD OF APPEALS AND ITS DUTIES AND POWERS; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE INCLUDING THE OFFICIAL WHOSE DUTY IT SHALL BE TO ENFORCE THE PROVISIONS THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR CONFLICTS WITH OTHER ORDINANCES OR REGULATIONS.

The Township of Chikaming, Berrien County, State of Michigan, Ordains:

ARTICLE I

PREAMBLE

- Section 1. TITLE: This Ordinance shall be known as the "Chikaming Township Zoning Ordinance."
- Section 2. PURPOSE: The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the overcrowding of population; to promote adequate air and light; to lessen congestion on the public and private roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and services to conform with the most advantageous uses of land, resources and properties within Chikaming Township, Berrien County, Michigan.

Section 3. CONTINUATION OF PRESENT USE PERMITTED: At the discretion of the owner, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful on the effective date of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance.

## ARTICLE II

### ZONING DISTRICTS AND MAP

Section 1. DIVISION INTO ZONING DISTRICTS: For the purposes of this Ordinance, all of the unincorporated area of Chikaming Township, Berrien County, Michigan, is hereby divided into the following Zoning Districts:

RESIDENCE DISTRICT "A"  
RESIDENCE DISTRICT "B"  
COMMERCIAL DISTRICT  
INDUSTRIAL DISTRICT  
AGRICULTURAL DISTRICT

Section 2. ZONING MAP AND ZONE DISTRICT DESCRIPTIONS: The area respectively assigned to said districts and the boundaries thereof as shown upon the map entitled "Zoning Districts Map of Chikaming Township" and as more particularly described under the definition of ZONING DISTRICTS in Article XIV below, are hereby established, and said map and all proper notations, references and other information shown thereon, are hereby made a part of this Ordinance, and the description of each Zoning District as respectively defined in Article XIV below is hereby established as the actual description of each Zoning District.

Section 3. BOUNDARIES OF ZONING DISTRICTS: Unless otherwise provided in this Ordinance, the boundaries of Zoning Districts shall be interpreted as following along section lines, or lines of customary subdivision of such sections; or the right-of-way line of highways, streets, alleys or open areas; or property lines on record at the office of the Register of Deeds of Berrien County on the date of enactment of this Ordinance; or the extension of any of said lines.

Section 4. DISTRICT LINES: (a) All District Lines shall commence at the edge of the highway or street right-of-way or water front when measuring the depth of the District.

(b) As far as possible, all District Lines shall run parallel to the street or highway right-of-way lines or water shore lines.

### ARTICLE III

#### RESIDENCE DISTRICT "A"

Section 1. USES PERMITTED: No building, structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for other than one of the following uses:

- (a) One single family dwelling and accessory buildings on a lot.
- (b) Churches, schools, libraries and accessory buildings.
- (c) Publicly owned and operated parks and accessory buildings.
- (d) Hospitals - excluding Veterinary Hospitals.
- (e) Home Occupations as defined in Section 2 below.

Section 2. ACCESSORY USES PERMITTED: (a) Home occupations incidental to residential use, including gardening, handicraft and the sale of products for which materials have been purchased and labor added by persons occupying the premises, are hereby permitted; however, the retailing of articles and products purchased solely for resale, and the conduct of such incidental occupations which cause an undue amount of noise, odors, fumes, vibration or radiation are prohibited.

(b) Professional services such as medical, dental, legal, architectural, interior decorating, and the like, are permitted, provided that the erecting of or conversion of a building to such purposes shall only be started after approval of the Board of Appeals shall have been secured.

(c) Wherever a home occupation or professional service as described in paragraphs (a) and (b) above is permitted, not more than one (1) sign not more than one (1) square foot in area may be displayed for such occupation or service. Such sign may contain only the name and occupation.

Section 3. ACCESSORY BUILDINGS PERMITTED: (a) Boathouses, garages, pump houses and storage sheds are permitted providing that they meet yard requirements as specified in Section 5 of this Article.

(b) No other accessory buildings shall be erected or used without first securing a certificate of approval from the Zoning Administrator.

Section 4. LOT REQUIREMENTS: Each building permitted in Section 1 of this Article shall be located on a lot or parcel of land not less than one hundred (100) feet wide at the setback line and not less than twenty thousand (20,000) square feet in area. If any condition shall create a hardship in complying with this restriction, permission to erect such dwelling and accessory buildings upon any lot or parcel of land of lesser size shall first be obtained from the Zoning Administrator.

Section 5. YARD REQUIREMENTS:

(a) Setbacks:

Each lot or parcel of land on which a building permitted in Section 1 of this Article shall be erected shall have a front yard of not less than thirty-five (35) feet in depth, measured from the edge of a public or private highway or street right-of-way. In the event a building is to be erected on a street or highway (public or private) on which there are existing buildings or structures having front yards of less than thirty-five (35) feet depth, such new construction shall not have a front yard of less depth than the average depth of previously constructed buildings within two hundred (200) feet on either side of such building to be erected.

(b) Side Yards:

Every building hereafter erected on any lot or parcel of land with sidelines of record, shall be so located that the side yard on each side of the building shall not be less than ten (10) feet in width.

(c) Rear Yards:

Every building hereafter erected shall have a rear yard of not less than twenty-five (25) feet in depth and every accessory building shall have a rear yard of not less than ten (10) feet in depth. Provided, however, that if it is impractical to provide a rear yard of such depth, then the Zoning Administrator may grant permission for a rear yard of less depth than specified above.

(d) Problem Lots:

In the event that it is impractical or would create hardship to comply with the provisions of this Ordinance as to any corner lot, odd shaped lot, or lot with unusual terrain, then the Zoning Administrator may specify setback, side yard, and rear yard depths and widths less than is required by the provisions of this Ordinance.

(e) Garages:

In no case will it be permitted to erect a garage or other accessory building in the front portion of a lot unless it be attached to or a part of the dwelling and conform to the setback requirements in Section 5 (a) above. All garages and other accessory buildings attached to the dwelling (including breezeways) shall be considered a part of the dwelling in determining yard requirements.

- Section 6. ANIMALS AND POULTRY: The keeping of household pets including cats, dogs, household fish and household birds is expressly permitted; but the keeping of any other animals or poultry, for any purpose, shall not be permitted. The keeping of household pets, as defined above, for purposes of breeding and/or raising for sale, shall not be permitted.

ARTICLE IV

RESIDENCE DISTRICT "B"

- Section 1. USES PERMITTED: No building, structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for other than one of the following specified uses:
- (a) All uses and buildings permitted in Residence District "A".
  - (b) Two family dwellings, provided that there shall be only one such dwelling on a lot.
  - (c) Hotels, lodging houses, boarding houses, tourist homes, rest homes and nursing homes shall be permitted only after first receiving the approval of the Board of Appeals.
  - (d) Recreational and religious facilities of a non-commercial nature.

(e) Private clubs operated not for profit and for the benefit of members only; provided, that the representatives of the proposed private club shall obtain from seventy-five percent (75%) of all property owners within five hundred (500) feet of the proposed private club property a signed statement that they agree to the use of the property as a private club.

(f) The erection or use of any building as a multiple dwelling for more than two (2) families shall only be permitted when approved by the Board of Appeals.

Section 2. ACCESSORY USES AND BUILDINGS PERMITTED: Accessory uses and buildings permitted in this District shall be the same as provided in Article III, Sections 2 and 3 above and all sub-sections of said Sections 2 and 3.

Section 3. LOT REQUIREMENTS: Each building permitted in Section 1 of this Article shall be located on a lot or parcel of land not less than eighty (80) feet wide at the setback line and not less than twelve thousand (12,000) square feet in area. If any condition shall create a hardship in complying with this restriction, permission to erect such dwelling and accessory buildings upon any lot or parcel of land of lesser size shall first be obtained from the Zoning Administrator.

Section 4. YARD REQUIREMENTS: All yard requirements in Residence District "B" shall be the same as for District "A" as set forth in Article III, Section 5 above and all of the sub-sections of said Section 5.

Section 5. ANIMALS AND POULTRY: The keeping of household pets including cats, dogs, household fish and household birds is expressly permitted; but the keeping of any other animals or poultry, for any purpose, shall not be permitted. The keeping of household pets, as defined above, for purposes of breeding and/or raising for sale, shall not be permitted.

## ARTICLE V

### COMMERCIAL DISTRICT

Section 1. USES PERMITTED: No building, structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for other than one or more of the following uses:

(a) Single or two-family dwellings.

- (b) Churches, schools, and libraries.
- (c) Publicly owned and operated parks.
- (d) Home occupations as defined in Article III, Section 2 (a) above.
- (e) Recreational and religious facilities.
- (f) Hospitals, clinics and medical centers.
- (g) Hotels, motels, lodging houses, boarding houses, tourist homes, day nurseries, rest homes, and nursing homes.
- (h) Floriculture, berry culture or horticultural nursery.
- (i) All mercantile establishments for the sale of goods at retail or wholesale.
- (j) Open air markets for the sale of fruit and vegetables.
- (k) Such retail shops or establishments as shall make or fabricate merchandise for sale of same upon the premises.
- (l) Personal service establishments, such as barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning shops.
- (m) Restaurants, delicatessens and other dispensaries of food at retail.
- (n) Professional and business offices.
- (o) Banks; savings and loan associations.
- (p) Theatres, amusement and recreation buildings; offices, showrooms and workshops of plumbers, electricians, painters, decorators and similar trades; photograph and photograph supply shops, workrooms and studios; laboratories; and public utility buildings and structures.
- (q) Builders supply stores; ice storage and sales; plumbing and heating supplies; farmer's exchange or co-op.
- (r) Garages and filling stations, provided that all gasoline storage tanks must be underground; tire sales and repair shops; automobile sales and services; automotive parts and supply stores; and bicycle sales and repair establishments.

- (s) Taverns, cocktail lounges and night clubs.
- (t) Printing Shops.
- (u) Locker plant for storage of frozen food.
- (v) Funeral Homes.
- (w) Shops for the manufacture of small tools, dies, gauges, molds, patterns, models, and similar light manufacturing establishments.
- (x) Private clubs operated not for profit and for the benefit of members only.
- (y) The erection or use of any building as a multiple dwelling for more than two (2) families shall only be permitted after approval of the Board of Appeals.
- (z) Any commercial use or establishment not herein specifically permitted shall first be approved by the Board of Appeals before locating on any land or premises in this District.

Section 2. ACCESSORY BUILDINGS: Accessory Buildings customarily incidental to uses herein permitted may be erected, altered or used in this District.

Section 3. USES EXCLUDED: No trailer park, junk yard, or business involving the killing of live stock or business likely to create detrimental noise, odors, fumes, radiation or vibration shall be located or operated in this District.

Section 4. LOT REQUIREMENTS: Each building in the Commercial District shall be located on a lot or parcel of land not less than eighty (80) feet wide at the setback line and not less than twelve thousand (12,000) square feet in area. Providing, that if any condition shall create a hardship in complying with this restriction, permission to erect such building and accessory buildings upon any lot or parcel of land of lesser size shall first be obtained from the Zoning Administrator.

Section 5. YARD REQUIREMENTS:

(a) Setbacks:

Each lot or parcel of land on which a building shall be erected shall have a front yard of not less than forty-five (45) feet in depth, measured from the edge of a public or



private highway or street right-of-way. In the event a building is to be erected on a street or highway (public or private) on which there are existing buildings or structures having front yards of less than forty-five (45) feet depth, such new construction shall not have a front yard of less depth than the average depth of previously constructed buildings within two hundred (200) feet on either side of such building to be erected.

(b) Side Yards:

Every commercial main or accessory building hereafter erected on any lot or parcel of land with sidelines of record shall be so located that the side yard on each side of the building shall not be less than fifteen (15) feet in width; provided, however, that in the event a side line of a lot or parcel of land zoned for residential purposes or upon which a dwelling exists, then the side yard next to such abutment shall be not less than twenty-five (25) feet in width.

(c) Rear Yards:

Every commercial main or accessory building hereafter erected shall be so located that the rear yard shall be not less than twenty-five (25) feet in depth.

(d) Problem Lots:

In the event that it is impracticable or would create hardship to comply with the provisions of this Section of this Article as to any corner lot, odd shaped lot, or lot with unusual terrain, the Zoning Administrator may specify setback, side yard, and rear yard depths and widths less than is required by the provisions of this Ordinance.

Section 6. PARKING FACILITIES: No building or addition to an existing building shall be erected in this District unless the owner thereof provides off-street parking for all employees, customers, vendors and patients.

ARTICLE VI

INDUSTRIAL DISTRICT

Section 1. USES PERMITTED: (a) All uses permitted in a Commercial District (Article V, Section 1, above) shall be permitted in this District. Provided, that whenever approval of the Board of Appeals for any use is required in the Commercial District, such approval will also be required in the Industrial District.

(b) Any industrial or manufacturing use shall be permitted, provided such use is not injurious, noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, radiation, noise, fumes, flames or vibration. And provided further, that the appropriate use of other property in the vicinity will not be materially or permanently injured and the public health, safety, convenience and general welfare will be served, and that the use will not produce an effluent that pollutes a stream or ditch.

(c) No building or premises shall be used for any of the following uses unless and until the location and propriety of such use shall first have been approved by the Board of Appeals:

- i. Acid manufacture.
- ii. Cement, lime, gypsum, or plaster of paris manufacture.
- iii. Distillation of bones.
- iv. Manufacture or storage of explosives.
- v. Fat rendering.
- vi. Fertilizer manufacture.
- vii. Reduction or dumping of garbage, offal or dead animals.
- viii. Glue manufacture.
- ix. Petroleum refining.
- x. Smelting of tin, copper, zinc, iron ores or any other metal.
- xi. Stockyards or slaughter of animals.
- xii. Junk Yards.
- xiii. Trailer Parks.

Section 2. LOT REQUIREMENTS: Each building in said Industrial District shall be located on a lot or parcel of land not less than one hundred fifty (150) feet wide at the setback line and not less than forty-five thousand (45,000) square feet in area. Provided, however, that if any condition shall

create a hardship in complying with this restriction, permission to erect such building and accessory buildings upon any lot or parcel of land of lesser size first be obtained from the Zoning Administrator.

Section 3. YARD REQUIREMENTS:

(a) Setbacks:

Each lot or parcel of land on which a building shall be erected shall have a front yard of not less than seventy-five (75) feet in depth, measured from the edge of a public or private highway or street right-of-way. In the event a building is to be erected on a street or highway (public or private) on which there are existing buildings or structures having front yards of less than seventy-five (75) feet depth, such new construction shall not have a front yard of less depth than the average depth of previously constructed buildings within two hundred (200) feet on either side of such building to be erected.

(b) Side Yards:

Every industrial building erected on any lot or parcel of land with sidelines of record shall be so located that the side yard on each side of the building shall be not less than fifteen (15) feet in width; provided, however, that in the event a side line of a lot or parcel of land upon which an industrial building is to be erected abuts on a lot or parcel of land zoned for residential purposes or upon which a dwelling exists, then the side yard next to such abutment shall be not less than twenty-five (25) feet in width.

(c) Rear Yards:

Every industrial building hereafter erected shall be so located that the rear yard shall be not less than twenty-five (25) feet in depth.

(d) Problem Lots:

In the event that it is impracticable or would create hardship to comply with the provisions of this Section of this Article as to any corner lot, odd shaped lot, or lot with unusual terrain, then the Zoning Administrator may specify setback, side yard, and rear yard depths and widths less than is required by the provisions of this Ordinance.

- Section 4. ACCESSORY BUILDINGS: There shall be no limitation on the number or kind of accessory buildings permitted in this District, except that said accessory buildings shall conform to the restrictions above provided for main buildings as to yard requirements (section 3 above).
- Section 5. PARKING FACILITIES: No building or addition to an existing building shall be erected in this District unless the owner thereof provides off street parking for all employees and visitors.

## ARTICLE VII

### AGRICULTURAL DISTRICT

- Section 1. USES PERMITTED: No building or structure or part thereof shall be erected, altered or used, or land used, in whole or in part for other than one or more of the following specified uses:
- (a) All uses permitted in Residence District "A" (Article III - Sections 1, 2 and 3 above) or in Residence District "B" (Article IV - Sections 1 and 2 above) shall be permitted in this District. Provided, that whenever approval of the Board of Appeals is required in Residence District "A" or Residence District "B", such approval will also be required in the Agricultural District.
- (b) Except as provided in paragraph (a) above, all uses permitted in a Commercial District (Article V - Section 1 above) or in an Industrial District (Article VI - Section 1 above) shall be permitted in this District providing that the property owner who proposes inaugurating such use shall first obtain from two-thirds (2/3) of all property owners within one thousand (1,000) feet of the proposed use a signed statement that they agree to such use, and provided, further, that said signed statements shall be submitted to the Board of Appeals for final approval. In making its decision, the Board of Appeals shall determine, among other things, whether or not the appropriate use of other property in the vicinity will be materially or permanently injured and whether or not the public health, safety, convenience and general welfare will be served.
- (c) Farm Dwellings, farm buildings and structures.

(d) Farming, including specialized or general farming on areas of not less than two (2) acres. No restrictions on the keeping of domestic animals or poultry husbandry shall be applicable on land used for farming as herein set forth; provided, however, that all domestic animals, poultry and live stock shall be properly housed and fenced so as not to be a public nuisance.

(e) A State licensed Trailer Coach Park.

Section 2. YARD REQUIREMENTS:

(a) Setbacks:

Each lot or parcel of land on which a building shall be erected shall have a front yard of not less than thirty-five (35) feet in depth, measured from the edge of a public or private highway or street right-of-way.

(b) Side Yards:

Every dwelling and residential accessory building hereafter erected on any lot or parcel of land shall be so located that the side yard on each side of the building shall be not less than ten (10) feet in width.

Section 3. FARM BUILDINGS: (a) All farm buildings, including barns, cribs, poultry houses, storage sheds, milk houses and all other types of buildings customarily used in farming operations may be erected in this District, provided that such buildings shall not be less than twenty-five (25) feet from any property line of such farm.

(b) Temporary farm buildings and structures including roadside stands may be erected, moved upon and used in this District without requiring a Certificate of Approval.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. SCOPE: Except as otherwise provided in this Ordinance, no lot or parcel of land and no new building, structure or part thereof shall hereafter be erected, constructed, located or used for purposes other than in conformity with the provisions of this Ordinance; and no existing building, structure or part thereof shall hereafter be reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

Section 2. NON-CONFORMING USE REGULATIONS:

(a) Continuance of Non-conforming use:

The lawful use of any parcel of land, building or structure existing at the effective date of this Ordinance, although such use does not conform with the provisions hereof, may be continued, provided, however, that such non-conforming use of any such parcel, building or structure shall not be enlarged or extended beyond the use existing at the time of enactment of this Ordinance.

(b) Changes in non-conforming uses:

Whenever a non-conforming use is changed, in whole or in part, to a conforming use, such changed use shall not thereafter be modified or changed to any non-conforming use. A non-conforming use of a building or premises may, however, be changed to a kindred non-conforming use by the owner or occupant thereof, providing that such owner or occupant shall first submit to the Township Zoning Administrator a written application setting forth fully the particulars and purpose of the change, together with the written consent of a minimum of fifty-one (51%) percent of the owners of all property within four hundred (400) feet of the premises on which such activity is located; and the Township Zoning Administrator shall determine that the proposed change will not materially injure the appropriate use of other premises in the vicinity or the occupants thereof and will not be detrimental to the public health, safety and welfare; and, if the premises are located in or close to a residential neighborhood, will not detract from the desirability of such neighborhood as a residential area. If the applicant is approved, the Township Zoning Administrator shall issue a Certificate of Approval accordingly.

(c) Discontinuance of non-conforming uses:

If any non-conforming use is discontinued through vacancy of the premises, lack of operations or otherwise for a continuous period of two (2) years, then the future use of such property shall conform in its entirety to the provisions of this Ordinance; provided, however, that the Board of Appeals may grant an extension of such non-conforming use if, in its judgment, such extension is necessary in order to avoid injustice or undue hardship to the owner of the property and can be granted without undue detriment to other property in the vicinity and the owners thereof.

(d) Repair, alteration and replacement of non-conforming buildings:

Any building, existing as a non-conforming use, may, subject to all applicable building, health or other ordinances and regulations, be repaired, altered or replaced, and the non-conforming use thereof continued, provided that such action does not involve any change in use, that the variance from applicable regulations of this Ordinance is not increased, and that a Certificate of Approval is obtained from the Township Zoning Administrator.

(e) Reconstruction of damaged non-conforming buildings:

Any building or structure, existing as a non-conforming use, which is damaged or destroyed by fire, accident, the elements or other casualty, may, subject to all applicable building, health or other ordinances or regulations be reconstructed and restored and continued as a non-conforming use by the same owner, provided that no change shall be made in the nature of such use and the variance from applicable regulations of this Ordinance shall not be increased.

(f) Completion of non-conforming buildings:

If the construction of a building intended for a lawful non-conforming use, or located on a non-conforming lot, has been started prior to the effective date of this Ordinance, the completion of such building and occupancy thereof for the intended use shall be permitted, subject to all applicable building, health or other ordinances and regulations, and provided the construction shall be completed within two (2) years from the effective date of this Ordinance. The owner of the property must, within sixty (60) days following the effective date of this Ordinance - file a statement with the Zoning Administrator establishing the fact that the building is under construction and indicating its intended use.

Section 3. TEMPORARY BUILDINGS AND STRUCTURES: No basement, cellar, garage, cabin, trailer, or temporary structure shall hereafter be erected and occupied for living and/or sleeping purposes pending or during the construction of a residential dwelling in any of said districts unless there are available on the premises running water, a water closet and bath facilities, and all applicable zoning and health ordinances and regulations are complied with. Such permitted use shall not continue for more than one (1) year.

Section 4. PUBLIC UTILITIES: The erection, alteration and maintenance of public utility facilities, including erection of power, communications, disposal, distribution and similar public utility facilities and accessories therewith, as authorized and regulated by law shall be permitted in every District, it being the intent to exempt such structures and facilities from application of this Ordinance.

All buildings and/or structures erected shall be located as prescribed in "Yard Requirements" in each District, as follows:

In Residence Districts "A" and "B" (Article III-Section 5).

In a Commercial District (Article V -Section 5).

In an Industrial District (Article VI-Section 3).

In an Agricultural District (Article VII-Section 2).

Section 5. No provisions of this Ordinance shall prohibit the Township of Chikaming from constructing fire stations, schools, water and sewage pumping stations, and/or cemeteries, or other necessary public buildings in any of the aforementioned districts. However, except as to cemeteries, the Township of Chikaming shall be subject to the lot and yard requirements applicable in said districts.

Section 6. AUTOMOBILE TRAILERS: (a) No person shall park or cause to be parked any automobile trailer over night on any street, alley, highway or other public place except in a state licensed trailer coach park.

(b) Except pending or during the construction of a residential dwelling, as provided in Section 3 above, no person or persons shall occupy any automobile trailer or mobile home while on private property. No person shall connect or have connected to any such trailer or coach any electric wires, sewer pipes or water pipes. The doing of any act prohibited in this section shall be construed as using or occupying such trailer or coach for residential purposes. This provision does not apply to occupancy while any trailer coach is parked in a state licensed trailer coach park.

(c) No person shall remove or cause to be removed the wheels or tires of any automobile trailer except for the purpose of repairs.

(d) The owner of any premises may erect or move not more than one (1) automobile trailer upon his premises and



occupy the same for dwelling purposes during the actual construction of his dwelling thereon, but for not to exceed twelve (12) months, beginning with the issuance of a Certificate of Approval issued by the Township Zoning Administrator; provided, however, that all provisions of Act 172, P. A. 1958 of the State of Michigan (Trailers, Regulation and Taxation) shall be complied with, and provided that running water, sewage disposal and other sanitary facilities exist. Provided further that said Certificate of Approval shall automatically expire if construction is not started within sixty (60) days from date of issuance thereof.

Section 7. DUMPING OF RUBBISH: No person, firm or corporation shall commercially dump or cause to be dumped any tin cans, automobile bodies, stoves, garbage, junk, movable structures or other waste materials of any kind or description on any land, private or public, situated in Chikaming Township unless such place has been designated as a public dumping ground by the Township Board of said Township.

Section 8. SIGNS: (a) No sign, billboard or display board shall be erected or maintained in any Residential District except as provided in Article III, Section 2 (c) above, and in Section 8 (c) below.

(b) In any Commercial, Industrial, or Agricultural District, no sign, billboard or display board shall be erected or maintained having an area exceeding fifty (50) square feet nor a height or length exceeding fifteen (15) feet, except as provided in Section 8 (c) below. No sign, billboard or display board shall be erected or maintained with fifty (50) feet from any other sign, billboard or display board.

(c) Signs, billboards or display boards larger than those specified in Section 8 (a) and 8 (b) above may be erected or maintained within the boundaries of Chikaming Township, if such erection be first approved by the Zoning Administrator. In determining whether or not such a Certificate of Approval shall be issued, the Zoning Administrator shall consider the location of such proposed sign, its relation to other signs, as to whether or not it will constitute a traffic hazard, as to whether or not it detracts from the view of the area of location, and whether or not such sign or location will have any detracting or harmful effects whatever.

(d) Traffic control signs erected by properly constituted public authorities shall be exempt from the above regulations.

Section 9. FENCES AT INTERSECTIONS: On any corner lot, no fence or accessory structure or planting over three (3) feet in height shall be hereafter erected or planted within twenty (20) feet of the nearest boundary line of any road or street intersection corner, provided, however, that this restriction shall not apply to open wire fences.

Section 10. SWIMMING POOLS:

(a) Certificate of Approval:

It shall be unlawful for any person or persons to install, place or maintain a swimming pool upon any lot or parcel of land in Chikaming Township without first securing a Certificate of Approval therefor from the Township Zoning Administrator. In granting such Certificates, the Township Zoning Administrator shall consider, among other things, the availability of water and adequate drainage.

(b) Location:

The location of a swimming pool on any lot or parcel of land must comply with the yard requirements of the respective District in which it is situated.

## ARTICLE IX

### ADMINISTRATION

Section 1. ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board, who shall hold office at the pleasure of the Township Board and may be removed from office by a majority vote of said Township Board at any regular or special meeting. Said Township Zoning Administrator's compensation shall be fixed by the Township Board, and his duties shall be such as are prescribed by this Ordinance, and amendments thereto, together with any other duties assigned or delegated to him by any other law, regulation or ordinance of the State of Michigan or the Township of Chikaming.

Section 2. CERTIFICATE OF APPROVAL: (a) No building, structure or part thereof subject to the provisions of this Ordinance shall be erected, enlarged or moved until (1) an application for a Certificate of Approval has been completed and filed with the Township Zoning Administrator on duplicate forms provided by the Township Zoning Administrator, and (2) the Township Zoning Administrator has issued such Certificate.

(b) The application shall be signed by the owner of the premises or his agent, and shall certify that all provisions of this Ordinance and other applicable laws are to be complied with. The application shall be filed not less than ten (10) days prior to the initiation of any work on the premises, and shall be accompanied by a blueprint or pen sketch to scale in duplicate, showing the location and dimensions of the premises, the buildings at present located thereon and the anticipated use of new buildings or structures and location on the premises, - including accessory buildings or structures under consideration, and the kind and location of sewage disposal and water supply facilities.

(c) For each Certificate of Approval, a fee of two dollars (\$2.00) shall be paid to the Township Zoning Administrator, who shall transmit same to the Township Treasurer, as ordered by the Chikaming Township Board, and said Treasurer shall place the same in a separate fund to be known as the "Township Zoning Ordinance Fund", which fund shall be used solely for the administration of the Ordinance as directed by the Township Board. No Certificate of Approval shall be issued until the required fee has been paid. No separate fee shall be required for accessory buildings or structures when included in the application for principal building or structure.

(d) Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Township Zoning Administrator shall issue to the owner a Certificate of Approval within ten (10) days of the filing thereof. Where action of the Board of Appeals is required the Township Zoning Administrator shall issue such Certificate within seven (7) days of such action. In any case where a Certificate is refused, the cause shall be stated in writing to the applicant.

(e) Except as provided in Article VIII, Section 6 (d) above, any Certificate of Approval under which no work is done within six (6) months from date of issuance shall expire by limitation, but shall be renewable under re-application and payment of the original fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

(f) The Township Zoning Administrator shall have the power to revoke or cancel any Certificate of Approval in case of failure or neglect to comply with the provisions of this Ordinance; or in case of false statements or misrepresentations made in the application. The owner shall be notified of such revocation or cancellation in writing.

Section 3. CERTIFICATE OF COMPLIANCE: Within five (5) days after receiving written notification of completion of building or structure in compliance with the provisions of this Ordinance, the Township Zoning Administrator shall inspect the premises. If he finds that the building or structure and uses are in conformity with the Ordinance, he shall issue to the owner a Certificate of Compliance. No fee shall be required for this Certificate. No occupancy shall begin until the Certificate of Compliance has been issued.

Section 4. DUTY OF OTHERS: It shall be the duty and responsibility of all architects, contractors and other persons having charge of erection, construction, reconstruction, or movement of a building or structure subject to the provisions of this Ordinance, before undertaking any such work, to determine that a proper Certificate has been granted therefor; and all such persons performing such work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.

## ARTICLE X

### BOARD OF APPEALS

Section 1. CREATION: There is hereby created a Township Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided by Act 184 of the Public Acts of 1943; together with any amendments thereto, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morale and general welfare secured and substantial justice done.

Section 2. MEMBERSHIP: The membership of the Township Zoning Board of Appeals shall be as required by State Law, which is as follows: the first member shall be the chairman of the Township Zoning Board, the second member shall be a member of the Township Board appointed by the Township Board, and the third member shall be selected and appointed by the first two members from among the electors residing in the unincorporated area of the township; provided, that no elected officer of the township nor any employee of the Township Board may serve simultaneously as the third member of or as an employee of the Township Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

Section 3. ADDITIONAL JURISDICTION: In addition to the duties and powers prescribed in the previous sections of this Ordinance, the Board of Appeals shall hear and decide all matters relating to the following:

(a) The Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by the Township Zoning Administrator.

(b) The Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedure as such Board of Appeals, subject to the requirements herein.

(c) Whenever the approval of any application is required by the Board of Appeals under the provisions of this Ordinance, the Board of Appeals may grant or deny the application or, before doing so, may - if requested by the applicant or deemed necessary by the Board - set a date for hearing on such application and give public notice thereof not less than seven (7) nor more than fifteen (15) days prior to the date of such meeting and a brief statement of the contents of the application to be acted upon. Such notice shall be published in any paper having circulation in the Township. Any person who is interested in such application or the determination thereof may appear before the said Board of Appeals in person or by attorney and shall be permitted to state the reasons for approval or disapproval of such application.

(d) In reaching its determination on an application, the Board of Appeals shall consider the following:

- i. Whether the location, use, nature, intensity of operation and congestion and density of population of the District or with the purposes of this Ordinance.
- ii. Whether the sewage disposal and water supply facilities will be adequate and safe.
- iii. Whether the lot size and yard areas will be in harmony with the orderly and proper development of the District.
- iv. Whether adequate access to the building or use will be provided by either existing roads or public or other roads to be constructed.

v. Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, disposal of waste or sewage, or fumes, smoke, fire hazard, or bright or flashing lights.

vi. Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.

(e) In connection with the issuance of any special permit or variance, the Board of Appeals may impose such conditions as it deems necessary to protect the public health, safety or welfare or to serve the public interest.

Section 4.

PROCEDURE OF APPEALS: (a) Upon all appeals from any order, requirements, decision or determination of the Township Zoning Administrator, such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by the filing with the Township Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Township Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed was taken.

(b) The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Township Zoning Administrator or to decide in favor of the appellant on any matter appealed.

(c) Upon receiving any such appeal, the Board of Appeals shall fix a reasonable time for a hearing and give due notice thereof to the parties concerned. A decision shall be reached within a reasonable time after said hearing. At the hearing, any party may appear in person or by agent or by attorney, and be heard.

(d) The Board of Appeals may reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Township Zoning Administrator, and to that end shall have all the powers of said Township Zoning Administrator. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the rules, regulations or provisions relating to the construction, erection or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

(e) In the event the Board of Appeals fails to reach a decision on any matter within thirty (30) days, the person affected shall have the right to appeal to the appropriate Circuit Court on questions of law or fact.

## ARTICLE XI

### AMENDMENTS

- Section 1. INITIATION: Admendments or supplements to this Ordinance may be initiated by the Township Board upon its own motion, by the Township Zoning Board, or may be proposed for consideration by the petition of the owners of real estate within five hundred (500) feet of any part of the premises to be affected in any Residential or Commercial District, or by the petition of the owners of real estate within thirteen hundred and twenty (1320) feet of any part of the premises to be affected in any Agricultural or Industrial District. Such petitions shall be signed by not less than fifty (50) per cent of the property owners within the areas above described.
- Section 2. PROCEDURE: The procedure for making amendments or supplements shall be as provided by state law as follows:
- (a) Each proposal not originated by the permanent Township Zoning Board shall be submitted to said Board for its consideration and advice.
  - (b) Following such consideration, the proposal, including any changes thereto which the permanent Township Zoning Board deems advisable, shall be submitted to at least one (1) public hearing as provided by Section 9 of Act 184 of the Public Acts of 1943, as amended.
  - (c) The proposal shall be submitted to the County Zoning Commission for approval or to the Co-ordinating Zoning Committee as provided by Section 10 of Act 184 of the Public Acts of 1943, as amended.
  - (d) The approved proposal shall be submitted to the Township Board and acted on by said Township Board in accordance with the provisions of Section 11 of Act 184 of the Public Acts of 1943, as amended.

## ARTICLE XII

### PENALTIES FOR VIOLATION

- Section 1. PENALTIES: Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not to exceed One Hundred (\$100.00) Dollars, and the costs of prosecution; or in default of the payment thereof by imprisonment in the County Jail for not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- Section 2. PROCEDURE: The Township Board, the Board of Appeals and the duly authorized attorney for the Township of Chikaming, the Prosecuting Attorney for the County, or any owner or owners of real estate within the Zoning District in which such buildings, structures, land or premises is situated may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## ARTICLE XIII

### LAWS AND REGULATIONS INCORPORATED IN THIS ORDINANCE

#### BY REFERENCE

The following laws and regulations are by reference hereby expressly made a part of this Ordinance and any violation thereof shall constitute a violation of this Ordinance:

1. The Plat Act ( Act 172, P. A. 1929) as amended.
2. The Trailer Coach Park Act (Act 143, P. A. 1929), as amended.
3. Trailers, Regulation and Taxation (Act 172, P. A. 1958,) as amended.
4. Berrien County Sewage Disposal Ordinance as approved on September 17, 1962, by the Berrien County Board of Supervisors, and as amended.



5. Chikaming Township Junk Yard Ordinance as approved June 5, 1957 by the Chikaming Township Board, as amended or as same may be hereafter amended.

#### ARTICLE XIV

#### DEFINITIONS

For the purpose of this Ordinance certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number and words used in the plural include the singular number. The word "Shall" is always mandatory and not merely directory.

ACCESSORY BUILDING OR STRUCTURE: A supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

ACCESSORY USE: A use naturally and normally incidental to subordinate to and devoted exclusively to the main use of the land or building.

ALLEY: A public thoroughfare or service right-of-way not more than thirty (30) feet wide at the rear or side lines of property and affording only a secondary means of access to abutting property.

ALTERED: Any change, other than replacement thereof, in the supporting members of a building such as bearing walls, columns, posts, beams, girders and similar components.

AUTOMOBILE TRAILER: Any house car, house trailer, mobile home, trailer coach or similar vehicle used or so constructed as to provide its being used as a conveyance upon the public streets or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place of one (1) or more persons, and having no foundation other than wheels, jacks or skirtings.

BOARDING HOUSE: Primarily a family dwelling where meals with or without lodging are furnished for compensation on a weekly or monthly basis to one or more persons who are not members of the family occupying and operating the premises, but not necessarily to anyone who may apply.

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the shelter or inclosure of persons, chattels, or property of any kind. This shall include vehicles whether mounted or not on wheels and situated on private property and used for purposes of a building.

CABINS: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, motels, lodgings, houses or tourist homes.

CABIN PARK: Any tract or parcel of land on which two or more cabins as herein defined are maintained, offered or used for dwellings or sleeping quarters for transients.

DISTRICT: A part or parts of the unincorporated area of Chikaming Township for which the zoning regulations are prescribed.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, SINGLE FAMILY: A building having accommodations for and occupied exclusively by one family.

DWELLING, TWO FAMILY: A building having accommodations for and occupied exclusively by two families.

DWELLING, MULTIPLE: A dwelling other than a one or two family dwelling.

ERECTED: Includes built, constructed, reconstructed, moved upon and any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

EXISTING BUILDING: An existing building is one existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the effective date of this Ordinance.

FAMILY: Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club or similar structure together, with all necessary employees of the family.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant-farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplotted parcel of not less than two (2) acres in area;

provided, further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, vineyards, chicken hatcheries, poultry farms and aviaries; but establishments keeping fur-bearing animals or game or operating fish hatcheries, stock yards, stone quarries or gravel or sand pits shall not be considered farms hereunder unless combined with bonafide farm operations on the same continuous tract of land.

FARM BUILDINGS: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of agricultural activities.

GARAGE, PRIVATE: An accessory building designed or used for storage of vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing vehicles.

HIGHWAY: Any public thoroughfare except alleys in the Chikaming Township road system, including Federal, State and County roads.

HOME OCCUPATION: A gainful occupation conducted by members of the immediate family (living within the place of residence) within the place of residence, provided that the space used is incidental to residential use, that the occupation does not make necessary any change in the exterior of the building, and that no article is sold or offered for sale except such as is produced by such home occupation.

HOTEL: A building where lodging with or without meals is furnished to transient or resident guests for compensation and containing more than four (4) rooms for sleeping and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

LEGAL RECORD: The recording of legal description of any lot or parcel of land in the office of the Register of Deeds for Berrien County, State of Michigan or/as a part of an unrecorded plat, development plan, or subdivision, or by metes and bounds.

LODGING HOUSE: Primarily a family dwelling where lodging with or without meals is furnished on a weekly, monthly or any paying basis to one or more persons who are not members of the family occupying and operating the premises but not necessarily to anyone who may apply.

LOT: A parcel of land on which one (1) principal buildings and its accessory buildings are placed, together with the open spaces required by this Ordinance.

MOTEL: A group of two or more separate buildings or connected building units (other than a hotel), situated together on one or more lots, each having its entrance and exist from and to the outside, one of which buildings or units may be used for office purposes and the others consisting of one or two rooms and bathroom, with or without kitchen facilities, where for compensation, lodging is provided for transient guests.

NON-CONFORMING USE: The use of a building, structure, lot or parcel of land conflicting with the provisions of this Ordinance.

PARKS: Any non-commercial recreational area.

PROFESSIONAL SERVICES: Services furnished by such persons as doctors, dentists, artists, architects, lawyers, opticians, decorators, and beauticians.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulation to the public, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal and other similar services.

RESTAURANT: A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises; having suitable kitchen facilities connected therewith containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

RETAIL COMMERCIAL ESTABLISHMENT: A store, market or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages and automobile service stations are included in this classification.

ROADSIDE STAND: A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products in the immediate locality in which roadside stand is located.

SERVICE FACILITIES: The phrase "service facilities" means the erection, construction, alteration or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical steam or water transmissions or distribution system, collection, communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith but not including buildings.

SECTION 1

RESIDENCE DISTRICT "A" -

- (1) Commencing at Northeast corner of Frl. Section 1, measure S. along the E. section line 1177 feet; thence W. approx. 4400 feet to the E. line of the R.R. R/W; thence northeasterly along the railroad to the N. section line; thence E. to the place of beginning.

ALSO

- (2) All that part of N.W. 1/4 of Frl. Section 1, lying N. and W. of the R.R. R/W.

ALSO

- (3) Beginning at Southwest corner of Fractional Section 1; thence E. 233 feet; thence North to Southeasterly boundary of Railroad; thence Southwesterly along the Railroad right of way to west line of section; thence South to place of beg.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Frl. Section 1 not zoned RESIDENCE DISTRICT "A" as described above.

SECTION 2

RESIDENCE DISTRICT "A" - All of Frl. Section 2, except the COMMERCIAL DISTRICTS described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICTS -

- (1) Commencing at the S.E. corner of Section 2, measure West along the S. section line 769.1 feet to the point of beginning; thence N. 330 feet; thence W. 279 feet; thence N. 27° 50' E. 56.5 feet; thence E. 63.8 feet; thence N. 0° 37' W. 132 feet; thence W. to the R.R. right of way; thence S. 27° 50' W. along the R.R. to the S. section line; thence E. 603.2 feet to the point of beg.

ALSO

- (2) Beginning 330 feet East of South quarter post of Section 2, thence North 333 feet; thence East approximately 975 feet to the railroad right of way; thence southwesterly along the railroad to the South section line; thence West to the point of beginning.

ALSO

- (3) Beginning 1066.4 feet East of Southwest corner of Section 2, thence North 333 feet; thence East approximately 875 feet to the West line of Highway I-94; thence southwesterly along the highway to the South section line; thence West approximately 750 feet to the point of beg.

ALSO

- (4) Beginning 350 feet East of Southwest corner of Section 2, thence North and Northeast parallel to and 300 feet from the East line of Red Arrow Highway (formerly U. S. 12) to the North section line; thence West to the east line of Red Arrow Highway; thence Southwest and South along the highway to the South section line; thence East 300 feet to the point of beginning.

ALSO

- (5) Commencing at intersection of Westerly boundary of Red Arrow Highway and West line of Section 2; thence Northeasterly along the West boundary of Red Arrow Highway to the West line of East 1/2 of Southwest 1/4 of said Section 2; thence North to a point that is 300 feet Northwest of Westerly boundary of Red Arrow Highway when said point is measured perpendicular to Red Arrow Highway; thence Southwest parallel to and 300 feet west of Westerly boundary of said highway to the West line of Section 2; thence South to place of beginning.

ALSO

- (6) Commencing at the point where the westerly boundary of Red Arrow Highway intersects with the west line of Plat of South Park Gardens; thence Northeasterly along the west boundary of Red Arrow Highway to north line of Section 2; thence West along the North line of said Section 2 to the north quarter post of said section; thence South to a point when measured perpendicular to the west boundary of Red Arrow Highway that is 300 feet distant

from the west boundary of Red Arrow Highway; thence Southwesterly parallel to west boundary of Red Arrow Highway and 300 feet Northwesterly therefrom to the West line of South Park Gardens Subdivision; thence South along the West line of South Park Gardens Subdivision to the place of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

### FRL. SECTION 3

RESIDENCE DISTRICT "A" - All of Section 3, except "Commercial" Districts as described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT -

- (1) Beginning at Southeast corner of Section 3; thence West 1305 feet; thence North 364.5 feet; thence East 705.9 feet; thence North 496.3 feet; thence East to east line of section; thence South to place of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

### SECTION 9

RESIDENCE DISTRICT "A" - All of Frl. Section 9, EXCEPT the Commercial Districts described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICTS -

- (1) Beginning at the Southeast corner of Section 9; thence West to the Southwest corner of Southeast 1/4 of Southeast 1/4 of Section 9; thence North to a point that is 300 feet (measured perpendicular to said highway) northwest of the Northwesterly boundary of Red Arrow Highway; thence Northeast parallel to and 300 feet distant from North boundary of said highway to the East line of Sec. 9; thence South to place of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

Note: The land owned by Chikaming Township in the extreme Southwest corner of Section 9 - used as a Township Park - is zoned "Residence District 'A'".

FRL. SECTION 10

RESIDENCE DISTRICT "A" -

- (1) All property in Section 10 west and north of Red Arrow Highway (formerly U.S. 12) except commercial strip 300 feet wide on westerly side of Red Arrow Highway and additional area included below, under "Commercial (1) (2) and (3)".

ALSO

- (2) Commencing at a point 375 feet East of intersection of Southerly boundary of Red Arrow Highway and the South line of Northeast 1/4 of Section 10; thence East to centerline of old M-11 highway; thence Northeasterly along centerline of M-11 highway to East line of said section; thence North to the intersection of east line of said section and the centerline of Highway Old U.S. 12; thence South along centerline of old U.S. 12 to a point that is 443.25 feet North of the South line of the Northeast 1/4 of Section 10; thence West to a point that is (when said point is measured perpendicular to Red Arrow Highway) 300 feet Easterly from the East boundary of Red Arrow Highway; thence Southwesterly parallel to and 300 feet from Easterly boundary of said highway to the place of beginning.

ALSO

- (3) Commencing at the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 10, measure east to the east line of Red Arrow Highway and an additional 375 feet east to the point of beginning; thence east to the east line of Section 10; thence South 352 feet to the north line of the railroad right of way; thence southwesterly



along the railroad 1629.67 feet; thence North 472 feet to centerline of Old Highway M011; thence northeasterly along highway centerline to a point 375 feet east of Red Arrow Highway; thence northeasterly along a line parallel to and 300 feet from Red Arrow Highway to point of beginning.

ALSO

- (4) All that part of Section 10 lying South of C. & O. Railroad right of way except Industrial District (3) described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICTS -

- (1) In the South 1/2 section of Section 10, a strip 300 feet wide on the north side of Red Arrow Highway - measured from the north line of the highway - starting at the west line of Section 10 and ending at the north line of the South 1/2 section of Section 10.

ALSO

- (2) In the Northeast 1/4 Section of Section 10, beginning at a point where the west line of Red Arrow Highway intersects the South line of the Northeast 1/4 section; thence northeasterly along the west line of Red Arrow Highway to a point 243.22 feet north of the South line of the Northeast 1/4 section; thence west 375 feet; thence southwesterly along a line parallel to and 300 feet from the west line of Red Arrow Highway to the South line of the 1/4 section; thence east along the South line of the 1/4 section to the point of beginning.

ALSO

- (3) Commencing at the Northeast corner of Section 10, measure South 989.6 feet; thence West 666.96 feet to the west line of Red Arrow Highway, the point of beginning; thence South  $19^{\circ} 42'$  West along the highway 715.46 feet; thence South  $20^{\circ} 37'$  West 105.05 feet; thence South  $22^{\circ} 57'$  West 196.73 feet; thence North  $67^{\circ} 41'$  West 195 feet; thence North  $22^{\circ} 57'$  East 170.35 feet; thence North 173 feet; thence West to a point 300 feet West (when measured perpendicularly to said highway) of West boundary of said highway; thence northeasterly along a line parallel to and 300 feet from the west line of Red Arrow Highway to a point 333 feet south of the north line of section 10; thence

West to the westline of east 1/2 of northeast 1/4 of Section 10; thence North 333 feet to North line of Section 10; thence east to the west line of Red Arrow Highway; thence southwesterly along the west line of Red Arrow Highway to the point of beginning.

ALSO

- (4) All that part of Northeast 1/4 of Section 10 lying east of Red Arrow Highway except RESIDENCE DISTRICT "A" (2) in said quarter section described above, and also except INDUSTRIAL DISTRICT (2) in said quarter section described below.

ALSO

- (5) Commencing at the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 10, measure east to the east line of Red Arrow Highway, the point of beginning; thence East 375 feet, thence southwesterly on a line parallel to and 300 feet from the east line of Red Arrow Highway to the centerline of Old M-11 highway; thence southwesterly along the highway centerline to a point 1326.48 feet southwesterly of the intersection of centerline of said highway with east line of Section 10; thence South 472 feet to the northerly line of the railroad right of way; thence southwesterly along the railroad to the west line of southeast 1/4 of Section 10; thence N. 75 feet; thence Northwest to a point 200 feet west of the southwest corner of the Northwest 1/4 section of the Southeast 1/4 section of Section 10; thence West to the southerly line of Red Arrow Highway; thence northeasterly along southerly boundary of Red Arrow Highway to the point of beginning.

ALSO

- (6) Commencing at the Southwest corner of Section 10, measure East 522.8 feet and North 41.5 feet to the point of beginning; thence North 438.06 feet to southerly line of Red Arrow Highway; thence southwesterly along the highway to the west line of Section 10; thence South to southwest corner of Section 10; thence East 522.8 feet and North 41.5 feet to the point of beginning.

Note: The area now occupied by a Township Park in the Southeast 1/4 section of the Southwest 1/4 section of Section 10, lying between the Red Arrow Highway and the railroad right of way, is zoned "Commercial".

INDUSTRIAL DISTRICT -

- (1) Commencing on northerly line of railroad right of way at a point 522.8 feet East and 41.5 feet North of Southwest corner of Section 10; thence North 438.06 feet to southerly line of Red Arrow Highway; thence Northeast along highway to east line of Southwest 1/4 of Southwest 1/4 of Section 10; thence South to northerly line of railroad; thence southwesterly along railroad to point of beg.

ALSO

- (2) Beginning at East 1/4 post of Section 10, measure West 215 feet; thence northeasterly on a 606 foot radius curve to the left 366 feet to east line of Section 10; thence South 290 feet to point of beginning.

ALSO

- (3) All of Southeast 1/4 of Section 10 lying south and east of the railroad right of way, except: the South 733 feet thereof.

AGRICULTURAL DISTRICT - None.

SECTION 11

RESIDENCE DISTRICT "A" -

- (1) All that part of Section 11 lying north and west of the C. & O. Railroad and Highway I-94, EXCEPT that portion thereof included in Commercial District (1) of Section 11 which is described as follows: Commencing 990 feet East of the Northwest corner of said Section 11; thence South 660 feet; thence East to West boundary of Highway I-94; thence Northwesterly and north along the West boundary of Highway I-94 to north line of Section 11; thence West to place of beginning.

ALSO

- (2) Commencing 952.15 feet South of the West 1/4 post of Section 11; measure E. 792 feet; thence South to the South section line; thence West to the Southwest corner of the section; thence North to the point of beginning.

RESIDENCE DISTRICT "B" -

- (1) Commencing at the Northeast corner of Section 11, measure South 1320 feet; thence West 765 feet; thence North 660 feet; thence West 165 feet; thence North 462 feet; thence East 435 feet; thence North to the North section line; thence East to point of beginning.

COMMERCIAL DISTRICT -

- (1) Commencing 990 feet East of Northwest corner of said Section 11; thence South 660 feet; thence East to West boundary of Highway I-94; thence Northwesterly and North along the westerly boundary of Highway I-94 to north line of Section 11; thence West to place of beg.

ALSO

- (2) That part of fractional Section 11 bounded on the north by north section line, on the west by Highway I-94 and on the south and east by C. & O. Railroad.

ALSO

- (3) Beginning at a point 495 feet West of the Northeast corner of Section 11, measure South 333 feet; thence West to west line of C. & O. Railroad; thence North-easterly along the Railroad to the North section line; thence East to the point of beginning.

Note: The property occupied by the Sawyer Fire Station in the Northeast 1/4 section of the Northeast 1/4 section of Section 11 (Tax parcel 62.1) is zoned "Commercial".

INDUSTRIAL DISTRICTS - In Section 11, all property lying South and East of the Railroad right of way, except: Residence District "A" (2) and Residence District "B" and Commercial District (3).

AGRICULTURAL DISTRICT - None.

SECTION 12

RESIDENCE DISTRICT "A" - West 233 feet of Northwest 1/4 of Section 12.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 12 except the strip described above zoned "Residence District 'A' ".

#### SECTION 13

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 13 is zoned "Agricultural".

#### SECTION 14

RESIDENCE DISTRICT "A" - All that part of Section 14 lying North and West of Highway I-94.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None

AGRICULTURAL DISTRICT - All of Section 14 is zoned Agricultural except the northwest corner as described above zoned "Residence District 'A' ".

#### SECTION 15

RESIDENCE DISTRICT "A" - All of Section 15 except that portion lying North of C. & O. Railroad and also except that portion thereof lying South of Highway I-94.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - That portion of Section 15, lying North and West of the Railroad.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All that part of Section 15 lying South of Highway I-94.

Note: - The land owned by Chikaming Consolidated School District #39 (in the Northeast 1/4 section of the Northeast 1/4 Section of Section 15) is zoned "Residence District 'A' ".

#### SECTION 16

RESIDENCE DISTRICT "A" - All of Section 16, except the Commercial Districts described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICTS -

- (1) All land in Section 16 lying between Red Arrow Highway and C. & O. Railroad.
- (2) All that part of the Northeast 1/4 of the Northeast 1/4 of Section 16 lying north of Red Arrow Highway.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

#### SECTION 17

RESIDENCE DISTRICT "A" - All of Section 17 except the COMMERCIAL DISTRICT described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - Beginning at intersection of west line of Red Arrow Highway and the South line of said Section 17; thence North along Red Arrow Highway to South line of Brown Road; thence Northwest along South line of Brown Road 300 feet; thence Southwesterly parallel to Red Arrow Highway and 300 feet distant from Westerly boundary thereof to South line of said section; thence East to place of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

Notes:

(1) All land owned by the State of Michigan and by Berrien County in the Northeast 1/4 section of the Southeast 1/4 section of Section 17 is zoned "Residence District 'A' ".

(2) Land owned by Chikaming Township in the Northeast corner of Section 17 is zoned "Residence District 'A' ".

### SECTION 19

RESIDENCE DISTRICT "A" - All of Section 19, except the COMMERCIAL DISTRICT described below.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - Beginning 26.91 feet South and 100 feet West of the East 1/4 post of Section 19, measure North 50 feet; thence East 76 feet to the East section line; thence South to northerly line of Red Arrow Highway (formerly U.S. 12); thence Southwesterly along highway to the South section line; thence West approximately 400 feet to a point on the section line 300 feet from the Red Arrow Highway (measured at 90° to the highway); thence northeasterly on a line parallel to and 300 feet from Red Arrow Highway to the centerline of Pier St.; thence northwesterly along Pier St. to a point 173 feet North 46° 56' West from a point 33 feet West and 260.71 feet South of the East 1/4 post of the section; thence North 41° 12' East 60 feet; thence northerly to the point of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

Notes:

(1) Property now owned by Chikaming Township in the Southeast 1/4 section of the Northeast 1/4 section of Section 19 (Lakeside Fire Station - Tax parcel 62.2) is zoned "Residence District 'A' ".

(2) Land now owned by Chikaming Township in the Southeast 1/4 section of the Southeast 1/4 section of Section 19 (Tax parcel 75.1, i.e. 5.79 A.) is zoned "Residence District 'A' ".

## SECTION 20

RESIDENCE DISTRICT "A" - All of Section 20, except Residence District "B" described below, and Commercial District also described below.

RESIDENCE DISTRICT "B" - The Subdivision of WOODLAND HEIGHTS, according to recorded Plat thereof.

COMMERCIAL DISTRICT - Beginning at the northerly line of Red Arrow Highway where it intersects the West section line, measure North to centerline of East Road; thence East 366 feet; thence North to a point 300 feet from the northerly line of Red Arrow Highway (Measured at 90° to the highway); thence northeasterly on a line parallel to and 300 feet from Red Arrow Highway to the north section line; thence East to the northerly line of Red Arrow Highway; thence southwest-erly along the highway to the point of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.

### Notes:

- (1) The land occupied by the Lakeside School and the Lakeside Cemetery (a Township cemetery) is zoned "Residence District 'A'".
- (2) The land now used for a Township Park in the "Village of Wilkinson" is zoned "Commercial".

## SECTION 21

RESIDENCE DISTRICT "A" - In Section 21, all property lying North and West of Highway I-94.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - In Section 21, all property lying South and East of Highway I-94.

## SECTION 22

RESIDENCE DISTRICT "A" - All land in Section 22 lying North and West of Highway I-94.



RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - Beginning at the Southeast corner of Section 22, measure North 874.5 feet; thence West 333 feet; thence South 874.5 feet; thence East 333 feet to the place of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 22, except the Residence District "A" and the Commercial District described above.

Note: The land used as a Township Cemetery in the Southeast 1/4 section of the Southeast 1/4 section of Section 22 is zoned "Agricultural".

#### SECTION 23

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - Beginning at the Southwest corner of Sec. 23, measure East 756.91 feet; thence North 333 feet; thence West to a point 333 feet East of the west section line; thence North to a point 827 feet North of the South section line; thence West to the West section line; thence South to the point of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 23, except the commercial district described above.

Note: The land owned for a Township Cemetery and other land owned by Chikaming Township - all in the Southwest 1/4 section of the Southwest 1/4 section of Section 23 is zoned "Agricultural".

#### SECTION 24

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 24 is zoned "Agricultural".

SECTION 25

(Township 7 South, Range 20 West)

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 25, Township 7 South, Range 20 West, is zoned "Agricultural".

SECTION 26

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - Beginning at the Northwest corner of Section 26, measure East 664.1 feet; thence South 333 feet; thence West to a point 333 feet East of the West section line; thence South 360 feet; thence West 333 feet to the West section line; thence North to the point of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 26, except the Commercial District described above.

SECTION 27

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

SETBACK LINES: Lines established adjacent to highway for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way.

STREET: A public thoroughfare which affords a principal means of access to abutting property.

STRUCTURE: Any production or pieces of work artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings and signboards; except public utility communication and electrical transmission lines, underground gas distribution lines, and equipment and facilities supporting the same and/or incidental thereto.

TOURIST HOME: Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to any one who may apply.

TRAILER COACH PARK: Any site, lot, field, tract or parcel of land upon which two (2) or more occupied trailer coaches are harbored either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such trailer coach park.

YARD: A space open to the sky and unoccupied or unobstructed except by encroachments specifically permitted under Sections of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

- (a) Yard, front - A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.
- (b) Yard, rear - A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.
- (c) Yard, side - A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main or of accessory building attached thereto.

ZONING DISTRICTS: The Zoning Districts established under Section 2 of Article II above and hereinabove referred to elsewhere in this Ordinance, are herein described as follows for each respective Section of land in the Township of Chikaming:

COMMERCIAL DISTRICT - Beginning at the Northeast corner of Sec. 27, measure South 660 feet; thence West 333 feet; thence North 660 feet; thence East 333 feet to the point of beginning.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 27, except the Commercial District described above.

Notes:

(1) Warren Woods State Park - owned by the State of Michigan - located in the West 1/2 section of Section 27 South of Warren Woods Road - is zoned "Agricultural".

(2) The land in the North 1/2 section of Section 27, north of Warren Woods Road, is zoned "Agricultural".

#### SECTION 28

RESIDENCE DISTRICT "A" - None.

RESIDENCE DISTRICT "B" - None.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - All of Section 28 is zoned "Agricultural".

#### SECTION 29

RESIDENCE DISTRICT "A" - In the North 1/2 of Section 29, all property North and West of Highway I-94.

RESIDENCE DISTRICT "B" - All that part of West 1/2 of Section 29, lying South of Highway I-94.

COMMERCIAL DISTRICT - None.

INDUSTRIAL DISTRICT - All that part of Southwest 1/4 of Section 29, lying north and west of Highway I-94.

AGRICULTURAL DISTRICT - All of the East 1/2 of Section 29, lying South of Highway I-94.

SECTION 30

RESIDENCE DISTRICT "A" - All property in Section 30 except that zoned "Residence District 'B' " and "Commercial" and "Industrial", as described below.

RESIDENCE DISTRICT "B" - All that part of South 3/4ths of West 1/2 of Section 30 lying South of C. & O. Railroad.

COMMERCIAL DISTRICT -

- (1) A strip of land 300 feet wide lying along and adjacent to the West side of Red Arrow Highway from the North line of Section 30 to Lake Shore and Warren Woods roads.
- (2) All that part of Southeast 1/4 of Section 30 lying South and East of Highway I-94.

INDUSTRIAL DISTRICT - All the Southeast 1/4 section of Section 30, lying North and West of Highway I-94.

AGRICULTURAL DISTRICT - None.

FRL. SECTION 25

(Township 7 South, Range 21 West)

RESIDENCE DISTRICT "A" - All of Frl. Section 25, except Residence District "B" and Commercial Districts described below.

RESIDENCE DISTRICT "B" - All that part of Frl. Section 25, lying South and East of the C. & O. Railroad.

COMMERCIAL DISTRICTS -

- (1) Beginning on the South section line 1010.5 feet East of South 1/4 post of Frl. Sec. 25; thence North 330 feet; thence East 170 feet; thence North 469 feet; thence North 30° East 71 feet to southerly line of Union Pier Highway; thence South 28° East along Highway 186 feet; thence northeasterly 66 feet across highway; thence North 40° 48' East 355.4 feet; thence South 32° 15' East to a point 300 feet from the northerly line of Red Arrow Highway; thence northwesterly parallel to and 300 feet from Red Arrow Highway 444.6 feet to the westerly line of Center Avenue; thence southeast to the northerly line of Red Arrow Highway; thence southwesterly along highway to South section line; thence west to point of beginning.

ALSO

- (2) All land lying between the Red Arrow Highway and the C. & O. Railroad right of way in Frl. Section 25.

INDUSTRIAL DISTRICT - None.

AGRICULTURAL DISTRICT - None.


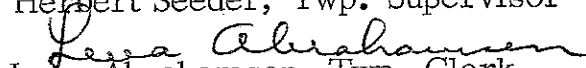
ARTICLE XV

VALIDITY

- Section 1. This Ordinance and the various parts, sections, sub-sections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

ARTICLE XVI

- Section 1. The foregoing Zoning Ordinance was approved by the Township Board of Chikaming Township, Berrien County, Michigan, on March 5, 1964, and ordered to take effect immediately.

  
Herbert Seeder, Twp. Supervisor  
  
Lena Abrahamsen, Twp. Clerk