

## PUBLIC NOTICE

### Notice of Adoption

#### Amendments to Zoning Ordinance #148

#### Chikaming Township, Berrien County, Michigan

Notice is hereby given that the Chikaming Township Board of Trustees adapted amendments to the Chikaming Township Zoning Ordinance #148, on October 14, 2021  
Summary of amendments to Chikaming Township Zoning Ordinance #148 as follows.

#### **Section 3.01 (Table of Permitted Uses)**

- “Event Space” has been added as a permitted use in the C, C-I, and C-H Districts, and a Special Use in the C-S, C-L, and C-U Districts.
- An asterisk and footnote have been added regarding the C-U District, to clarify that, within the Union Pier Overlay, the regulations of the Overlay supersede those in Section 3.01 (in the event of a conflict).
- Cross References have been updated to reflect new numbering in Article 6.

#### **Section 4.02 (Schedule of Regulations for Principal Structures)**

- The minimum lot areas for AG and M have been changed from being displayed in square feet to being displayed in acres.
- In the C District, the language in the chart regarding the special setbacks for lots on the Red Arrow Highway has been changed. The purpose of the change is to clarify that the setbacks apply to all lot lines, when the front lot line is the Red Arrow Highway, and not just to the setbacks from the Red Arrow Highway itself.
- Footnote d has been revised to state that if the Berrien County approves a septic system in a front or side yard, then the minimum rear setback will be reduced to 30 feet, even if the lot in question is not served by public sewer.
- A new Footnote h has been added, with a cross reference and hyperlink to the definition of Lot Coverage, to make it easier for an applicant to determine what should be included in a Lot Coverage calculation.
- A new Footnote i has been added regarding the C-U District, to clarify that, within the Union Pier Overlay, the regulations of the Overlay supersede those in Section 4.02 (in the event of a conflict).
- A new Footnote j has been added, bringing back a lot split provision for the AG District that was in the pre-2019 Ordinance but is not in the current Ordinance. The provision states that lots under 10 acres in area can be created, with the following restrictions:
  - o No more than three lots can be created from the same parent parcel.
  - o The parent parcel must be a lot of record existing prior to November 11, 1981.
  - o The parent parcel must be at least 10 acres in area *after* any proposed new lots are split off.
  - o Each new lot must be at least two acres.
  - o Each new lot must have at least 150 feet of road frontage.

#### **Section 4.03/Table 4.1 (Permitted Projections into Required Setback)**

- A new row has been added to this table to make “Emergency Egress” a permitted encroachment into required setbacks.
- The previously proposed Footnote d with limitations on emergency egresses has been removed.

**Section 5.01.C.1 (R-1-W District Intent):**

- Typographical Revisions

**Section 5.01.C.2.e (R-1-W District Intent):**

- Updated to reflect the name change of the Michigan Department of Environmental Quality (MDEQ) to Michigan Department of Environment, Great Lakes, and Energy (EGLE).

**Section 5.01.H.1.D (C-U District Name):**

- Added a reference to the Union Pier Overlay

**Section 5.01.H.2 (Commercial Mixed-Use Districts)**

- In Section 5.01.H.2.a, a new sentence has been added stating that if all requirements of the Union Pier Overlay are met, then the more general standards in this Section are automatically deemed to be met. The purpose of this sentence is to ensure that the Overlay standards are enforced consistently, and not subject to subjective decisions based on the broader standards in Section 5.01.H.2.a.
- Section 5.01.H.2.b.ii previously required buildings with a commercial first floor to have a commercial use extending the entire width of the building. This section has been revised to require residential uses to either be behind or above any commercial uses in the same building. Another sentence has also been added to clarify that, within the Union Pier Overlay, the requirements of the Overlay supersede section 5.01.H.2.b.ii, in the event of a conflict.
- Section 5.01.H.2.b.iv was revised to reduce the minimum transparency level (i.e., windows and glass doors) for first floor front facades in the C-U district from 70% to 60%, in order to make the C-U District consistent with the Union Pier Overlay. All other Commercial Mixed-Use districts retain the 70% requirement.
- A new Section 5.01.H.2.b.viii has been added to address lots with two structures – one residential and one commercial. The new language allows that type of arrangement by Special Use in the Commercial Mixed-Use Districts, provided that certain other requirements are met:
  - o Lot coverage maximum: 40%
  - o The residential building must comply with the height requirements of the R-1 District
  - o Both structures must meet the minimum setback requirements.
  - o The commercial use must be permitted, or be an approved Special Use.
  - o In the Union Pier Overlay, the Overlay requirements must be met.
- A new Section 5.01.H.3 has been added containing the Union Pier Overlay.

**Section 5.01.I.2 M (District Setbacks):**

- Typographical Revisions

**Section 6.12.G.4.b (Detached Unit Resorts):**

- Added Cross Reference to applicable multi-family standards.

**Section 6.14 (Drive-Thru)**

- A new Section 6.14.D.3 has been added with requirements for car stacking at drive-thrus. Stacking lanes must be at least 10 feet wide and have space for at least 7 cars to line up without blocking driveways, drive aisles, or parking spaces.
- All subsequent sections in Article 6 have been renumbered.

**Section 6.15.B.4.a.i (Density in Multi-Family Developments):**

- An overall maximum number of bedrooms per acre (27) has been added to provide clarity and a lower density to this section. Additional clarifying language has also been added to ensure the table is easier to interpret.

**Section 6.15.B.4.h.iii (Use of Open Space):**

- Additional examples of permitted uses of open space have been added.

**Section 6.15.G.4.f (Accessory Dwelling Units)**

- Corrected Cross Reference

**Section 6.16 (Event Space)**

- A new Section 6.16 has been added with a definition and regulations for “Event Space.”
- All subsequent sections in Article 6 have been renumbered.

**Section 6.36.D (Restaurant Standards)**

- Corrected Cross Reference

**Section 7.02 (Accessory Buildings, Structures, and Uses)**

- Section 7.02.C.2 (Detached Accessory Buildings) has been revised to create a sliding scale of rear setbacks (depending on the size of the accessory building) for the R-1 District.
- *Section 7.02.C.2.c.2 has been removed and a new Section 7.02.C.3 has been added to revise the limitations on accessory building size. Instead of each accessory building being allowed to be up to the same square footage as the “floor area” of the principal building, the new regulation restricts the total square footage of all accessory buildings in the R-1 and R-1-W Districts, and lots in other districts that are under 2 acres, to 50% of the footprint of the principal building, or 750 square feet, whichever is greater. Non-building accessory structures are exempt from the size limitation, but are restricted by the lot coverage requirements, which apply to all impervious surfaces. Lots over two acres in districts other than R-1 and R-1-W would also be exempt from the size limitation although, again, the lot coverage maximum would still apply.*
- Section 7.02.D (Non-Building Accessory Structures) has been revised to clarify the language, including clarifying that tennis courts are allowed to be within 42 inches of another structure.

**Section 7.10 (Safety Provisions)**

- Section 7.10.A (Public Service Access) has been revised to clarify that “adequate access” for public safety vehicles means 14 feet horizontal by 14 feet vertical clearance.

**Section 7.11.A (Non-Motorized Pathways)**

- Typographical Revisions

**Section 7.12 (Streets, Roads, and Other Means of Access)**

- Section 7.12.D has been revised to require private roads to be built to the requirements of Berrien County.
- A new Section 7.12.D.2 has been added restricting what can be built within a right of way, including prohibiting “berms, structures, architectural details, and other impediments to safe travel.” *July 16 Update: This Section has been revised to remove “landscaping” from the list of prohibited items in the right of way, and new language has been added stating that landscaping is permitted, provided that the owner and operator of the right of way approves it, and provided that the Clear Corner Vision standards for landscaping (Section 10.02.F) are met.*

**Section 7.13.A.4 (Temporary Special Events)**

- Typographical Revisions

**Section 7.14 (Trash Removal and Collection)**

- Section 7.14.A.4 has been revised to replace the term “roadside” with the clearer term “road right-of-way”, to clarify where trash containers are allowed to be placed.

**Section 7.15 (Wetland and Inland Waterway Setbacks)**

- Updated to reflect the name change of the Michigan Department of Environmental Quality (MDEQ) to Michigan Department of Environment, Great Lakes, and Energy (EGLE).

**Section 7.17 (Vendor Trucks and/or Trailers, and Pop-Up Operations)**

- Section 7.17.A.8 has been revised to allow Pop Up Operations for up to three days “per calendar month.” Previously, the Ordinance simply said “three days”, without any indication of when the Pop Up Operation could re-start (or another Pop Up Operation could begin on the same site).

**Section 7.20 (County, State, and Federal Requirements)**

- A new Section 7.20 has been added to act as a catch-all so that County, State, and Federal requirements are always required to be met in order to be in compliance with Chikaming Zoning.

**Section 7.21 (Drainage)**

- A new Section 7.21 has been added to act as a catch-all so that no property owner can alter their parcel in a way that negatively impacts adjacent parcels. This section is also referenced in Section 17.02, to ensure this requirement is reviewed during Site Plan Reviews. *July 16 Update: The language in this Section has been simplified to reduce the burden on single family homeowners.*

**Section 7.22 (Structures Crossing Property Lines)**

- A new Section 7.22 has been added to act as a catch-all so that structures throughout the Township are prohibiting from occupying more than one parcel.

**Section 8.01.B (Nonconformity Summary)**

- Corrected Cross Reference

**Section 8.04 (Modification to Nonconforming Uses or Structures)**

- Section 8.04.A.1.e has been revised to clarify that Section 8.04 generally applies to walls and decks.
- Section 8.04.A.2.a has been revised to allow only “repairs and maintenance”, not “renovations”, to a non-conforming structure.

**Section 8.05.D.1 (NCR-1)**

- Typographical Revisions

**Section 9.01 (Off-Street Parking Requirements)**

- The parking standard for Single Family Rental Homes has been moved from the “Commercial Lodging” portion of the table in Section 9.01.A to the “Dwelling Units” portion of the table.
- A parking standard for Event Space (1 space per 250 square feet) has been added to the table in Section 9.01.A.
- The parking standard for Restaurants has been increased from 1 space per 250 square feet to 1 space per 100 square feet.

**Section 10.02 (General Landscaping Requirements)**

- Throughout Section 10.02.B, the word “required” has been removed, so that the standards now apply to *all* berms, not just those that are specifically required by the Zoning Ordinance.

**Section 10.06.B (Existing Plant Material)**

- Typographical Revisions

**Section 11.01.A (Screening Walls)**

- Typographical Revisions

**Section 11.02 (Residential Fences and Walls – formerly Fences and Walls in Residential Districts)**

- A new Section 11.02.B has been added including regulations for fences and walls on residential properties in Commercial Mixed-Use Districts. Notably, the regulations are the same as those for residential districts, but they are kept separate so that the Township can more easily change them at a future date, if necessary.

**Section 11.03 (General Fence and Wall Standards)**

- Section 11.03.H has been revised to clarify that fences on uneven ground shall be measured from the lowest elevation adjacent to the fence, and that the entire fence must meet the maximum height requirement.

**Sections 12.04 (General [Sign] Provisions) and 12.05 (Sign Design Standards)**

- Section 12.04.B.19 has been removed, which removes electronic message signs from the list of prohibited signs.
- A new Section 12.05.B.7 has been added, regulating electronic message signs with the following standards:
  - Allowed on freestanding signage or wall signage.
  - Only one electronic message sign per lot.
  - The maximum size of an electronic message sign is half the area of the sign the electronic message is included within.
  - Copy change no more often than every ten seconds.
  - Required automatic dimmer and limitations on brightness and light cast.
  - Prohibition on motion, animation, or video.

**Section 12.07 (Temporary Sign Standards)**

- Flagpoles are now referred to as “Flagpole Signs” and the 20-foot maximum height in Non-Residential Districts has been removed.

**Section 17.02 (Site Plan Process)**

- Revisions have been made throughout Section 17.02.B to create a new “Simplified Site Plan Review Process” for qualifying applications. The Simplified Site Plan Review process would allow the Zoning Administrator to waive required information that the ZA deems irrelevant to the application. The Planning Commission would have to concur with the Zoning Administrator’s determination.
- Section 17.02.B.3.a has had two clarifying subsections (i and ii) added to it. They confirm that compliance with the drainage requirements of Section 7.21 is required and that, if the property is not served by public sewer, the site plan must show a septic system plan that has been approved by Berrien County.
- Section 17.02.E.3.e has been removed, because it is redundant with the same requirement listed elsewhere.
- Section 17.02.F.11 has been replaced with a cross reference to Section 7.21, so that drainage issues are reviewed during site plan approval, but there is no risk of conflicting language between this section and 7.21.

**Section 17.04.D.1 (ZBA Procedures)**

- Typographical Revisions

**Section 17.04.D.5 (ZBA Procedures)**

- Clarified Reference to State Law

**Section 20.01 (Definitions)**

- A new definition of “Event Space” has been added.
- A new definition of “Footprint, Building” has been added. The definition references the definitions of “gross floor area” and “grade” to help determine the footprint for a building that is not on level ground.
- The definition of “Grade” has been revised to clarify that the applicant must submit a calculation of the “building grade”

*based on the formula described in the definition, and that the Zoning Administrator (not "Building Official") will review the calculation and determine compliance.*

- The definition of "Kitchen" has been revised to account for the possibility of electric stoves and ovens.
- The definitions of "Lot, Corner" and "Rear Lot Line" have been revised to clarify that, for NCR-1 lots, there may be two front yards and two side yards, and no rear yard.
- Flags are now referred to as "Flag Signs."
- The definition of "Special Event" was renamed "Temporary Special Event" and moved to the correct place alphabetically.
- The definition of "Structure" has been revised so that fences are no longer considered structures

These changes will go into effect on November 2, 2021

Chikaming Township Clerk  
Paula Dudiak

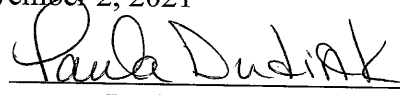
### CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 148, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 14th day of October, 2021. I further certify that Dudiak moved the adoption of said ordinance and Sullivan 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
Marske	<u>  </u> X			
Dudiak	<u>  </u> X			
Bunte	<u>  </u> X			
Rettig	<u>  </u> X			
Sullivan	<u>  </u> X			

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 18<sup>th</sup> day of October 2021, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Harbor Country News, or another newspaper circulating within the boundaries of the Township of Chikaming, Berrien County, Michigan, on the 19<sup>th</sup> day of October 2021 and will be effect November 2, 2021

Dated: October 14, 2021

  
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Paula Dudiak, Clerk  
Township of Chikaming