

**TOWNSHIP OF CHIKAMING  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE NO. 114**  
Adopted: May 13, 2004

**AN ORDINANCE TO AMEND ORDINANCE NO. 87 OF CHIKAMING TOWNSHIP ENTITLED: AN ORDINANCE TO ESTABLISH COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF CHIKAMING, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, BY ACT 637, OF THE PUBLIC ACTS OF 1978, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.**

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

Section 1.

**ARTICLE 2, DEFINITIONS, Section 2.04 (“B”),** is hereby amended by the addition thereto of the following:

Building-Attached -- A building that is linked with a structural connection to another structure, that has a continuous foundation and shares at least 15 feet of wall with the principal structure, for which a building permit is issued, and which is comprised of a roof and walls, and is enclosed on all sides.

**ARTICLE 2, DEFINITIONS, Section 2.06 (“D”),** is hereby amended by the addition thereto of the following:

Driveway -- if length is 150 feet or more from road, there is a minimum requirement of 10 feet width of driving surface with an additional 3 feet width of unobstructed clearance on each side and 15 feet of overhead clearance.

**ARTICLE 2, DEFINITIONS, Section 2.14 (“L”),** Lot Frontage, hereby amended to read as follows:

Lot Frontage. -- The length of the boundary line of a lot which abuts a public road right-of-way or private road right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section. In determining lot frontage on odd shaped lots, if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the minimum lot frontage shall be measured at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear, the minimum frontage shall be measured at the rear line of the principal building or 30 feet behind the front setback line, parallel to the street or street chord.

**ARTICLE 2, DEFINITIONS, Section 2.18 (“P”),** is hereby amended by the addition thereto of the following:

Park Model Recreational Unit -- A recreational unit that is built on a single chassis with an area of not more than 400 square feet and that is certified by the manufacturer as complying with the American National Standards Institute Standard A119.5.

**ARTICLE 2, DEFINITIONS, Section 2.22 (“T”)**, is hereby amended by the addition thereto of the following:

**Temporary Living Quarters** -- A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Section 2.

**ARTICLE 4, NONCONFORMING LOTS, STRUCTURES AND USES, Section 4.01, Intent**, is hereby amended to read as follows:

**Section 4.01 Intent**

- A. Within the zoning districts established by this Ordinance and its predecessors there exist lots, structures and uses which may have been lawful at the time the ordinance came into effect, but which would be prohibited, regulated or restricted under its present terms. Such lots, structures and uses are called “nonconforming,” *i.e.*, they do not conform to the requirements of the ordinance and/or its amendments. The nonconforming characteristics of these lots, structures and uses may also be known as “nonconformities.”
- B. Since such nonconformities tend to disrupt the harmony of neighborhoods and adversely affect the public health, safety and welfare, it is the intent of this Ordinance to permit them to exist only conditionally. Thus, the continuance of nonconformities is discouraged, and most changes to lots, uses and structures shall, if possible, eliminate the nonconformity. Nevertheless, proposed changes which would not increase the degree of nonconformity may be accommodated.
- C. It is further the intent of this Ordinance that the nonconforming characteristics of nonconforming lots, structures and uses shall not be enlarged upon, expanded or extended, nor shall they be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.
- D. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been issued and on which actual construction shall have been diligently carried on for 30 days preceding the date of adoption of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such activity shall be deemed to constitute actual construction, provided that work shall be carried on diligently.

**ARTICLE 4, NONCONFORMING LOTS, STRUCTURES AND USES, Section 4.02, Nonconforming Lots of Record**, is hereby amended to read as follows:

**Section 4.02 Nonconforming Lots of Record.**

- A. Nonconforming lots of record are those lots of record, as defined in Article 2, existing and lawful prior to the effective date of this Ordinance or amendments thereto, which could not be created lawfully thereafter.
- B. No division of any parcel shall be made which creates a lot with area or frontage less than the requirements of this Ordinance, for the zoning district in which it is situated
- C. In any zoning district in which single-family dwellings are permitted, the Board of Appeals may, in accordance with provisions of Article 23, grant a variance to allow construction of such dwelling and customary accessory buildings on a vacant nonconforming lot of record which does not meet requirements of this Ordinance for minimum lot area, minimum lot frontage or both. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership, the

combining of which would create a lot which would meet the area and frontage requirements of this Ordinance.

- D. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, such lots shall be combined and considered as one lot for purposes of this Ordinance. No portion of the combined lot shall be used or sold in a manner which diminishes compliance with lot area or frontage requirements of this Ordinance, nor shall any division of the combined lot be made which creates a lot with area or frontage less than the requirements stated in this Ordinance.

**ARTICLE 4, NONCONFORMING LOTS, STRUCTURES AND USES, Section 4.03, Nonconforming Structures by Reason of Dimensional Inadequacies**, is hereby amended to read as follows:

**Section 4.03 Nonconforming Structures by Reason of Dimensional Inadequacies**

Where a lawful structure exists on the effective date of this Ordinance or amendments thereto which could not be built under its terms by reason of restrictions on area, height, yards, location on the lot, or other dimensional requirements, such a structure may be continued so long as it remains otherwise lawful, provided:

1. Repairs, maintenance and renovation necessary for health or safety reasons or to keep such a nonconforming structure in a sound condition may be made.
2. A nonconforming structure may be enlarged, expanded or altered, so long as the nonconforming characteristic of the structure is not enlarged upon, extended or increased in its degree of nonconformance.
3. Should such a nonconforming structure be relocated for any reason or for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.
4. If such a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
5. Such a nonconforming structure which is damaged or destroyed by wind, fire, explosion, a natural calamity or the public enemy may be altered, repaired or replaced and the nonconforming nature thereof continued, provided that 1) the repair, replacement or alteration is undertaken within two years following the damage, 2) there is no change in use, and 3) the extent of the nonconformance with the provisions of this Ordinance is not increased.

**ARTICLE 4, NONCONFORMING LOTS, STRUCTURES AND USES, Section 4.03, Nonconforming Land or Structures by Reason of Use**, paragraphs 4 and 5 are hereby amended to read as follows:

**Section 4.04 Nonconforming Land or Structures by Reason of Use**

4. Any nonconforming use of a structure, or structure and premises, may by Special Land Use Permit be changed to another use more appropriate to the district than the existing nonconforming use. In permitting such change, the Township Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months (except when circumstances beyond the control of the owner impede access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; provided, however, the Township Board may grant an extension of such nonconforming use by Special Land Use Permit in accordance with Article 19.

Section 3.

**ARTICLE 9, C, COMMERCIAL DISTRICT, Section 9.03, Special Land Uses**, paragraph 2 is hereby amended to read as follows:

**Section 9.03 Special Land Uses.**

2. Two-family and multi-family dwellings, provided they are served by municipal water and sanitary sewer services.

Section 4.

**ARTICLE 13, RE, RECREATION DISTRICT, Section 13.03, Permitted Accessory Uses/Structures**, is hereby amended to read as follow:

**Section 13.03 Permitted Accessory Uses/Structures.**

A single family dwelling, subject to compliance with standards of the R-1 zoning district, for the owner, operator, watchman or other staff members of the operation.

**ARTICLE 13, RE, RECREATION DISTRICT**, is hereby amended by the addition thereto of **Section 13.04, Special Land Uses**, as follows:

**Section 13.04 Special Land Uses**

1. Privately-owned and township parks, preserves or campgrounds, with seasonal or year round use, in accordance with Article 19.
2. Privately-owned campgrounds offering ownership interests subject to the procedures, rules and regulations contained in Article 19 and Article 21 of this Ordinance. Structures shall be limited to park model recreational units ("camping cabins"), as defined under the American National Standards Institute (ANSI) standard A119.5, and such structures shall be considered "temporary living quarters" for the purpose of Article 21 and permissible for the purposes of Article 14.

Section 5.

**ARTICLE 14 - SCHEDULE OF DISTRICT REGULATIONS, Section 14.02 - Schedule of District Regulations, Part 1, YARD, HEIGHT, AND LOT SIZE REQUIREMENTS FOR PRINCIPAL USES**, is hereby as follows:

Zoning District R-4 - Residential Mobile Home Park - Maximum Building Height - 1 story  
Zoning District C - Commercial - Maximum Building Height - 3 stories  
Zoning District RE - Recreation - Maximum Building Height - 20 feet/1½ stories

Section 6.

**ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS, Section 15.03, Accessory Structures**, is hereby amended to read as follow:

**Section 15.03 Accessory Structures**

- A. Detached accessory structures in an R-1 Single Family Residential District shall be limited in size by the following:

Lot Area	Total maximum square footage of all accessory buildings	Maximum number of stories
10,000 sq. ft. or less	400 sq. ft.	1
10,001 to 20,000 sq. ft.	800 sq. ft.	1½
20,001 sq. ft. to 1 acre	1,000 sq. ft. (footprint)	1½
Over 1 acre to 2 acres	1,500 sq. ft. (footprint)	2
Over 2 acres	Not to exceed maximum lot coverage including principal dwelling unit	Not to exceed building height and number of stories in R-1 District

Exception: In-ground pools and tennis courts shall not be limited to the above chart, but shall be included in maximum lot coverage limits.

All utilities shall be connected to the principal dwelling unit. There shall not be separate meters or connections to the accessory building.

An accessory building or structure shall not contain a dwelling unit. An accessory building or structure shall not contain a kitchen or area used or designated to be used, for the preparation of food.

- B. In all zoning districts except the AG and R-2 zoning districts, an accessory building or structure shall not be located in any portion of a front yard. In the AG and R-2 zoning districts, an accessory building may be located in the front yard, provided it is set back from the front lot line a minimum of 50 feet. All garages and other accessory buildings and structures attached, (as defined in Article 2) to the principal dwelling shall be considered a part of the dwelling in determining yard requirements.
- C. A detached accessory building or structure shall be located no closer than 10 feet from any side or rear lot line.  
Exception: Non-permanent storage sheds 120 sq. ft. or less may be located 5 feet from any side or rear lot line.
- D. A detached accessory building or structure shall be located no closer than 10 feet to another accessory building or principal building.  
Exception: A portable hot tub less than 100 square feet can be located 3 feet from the principal dwelling.
- E. No accessory buildings or structures shall be permitted on a lot on which there is not an existing principal building.

**ARTICLE 15, SUPPLEMENTARY DISTRICT REGULATIONS, Section 15.08, Public Street Access; Private Road Standards, Private Road Construction Permits, paragraph A., is hereby amended to read as follow**

- A. Every building hereafter erected or moved and any principal use of land shall be located on a lot which has lot frontage, as defined in Article 2, on a public street right-of-way or private road right-of-way, in accordance with the requirements for minimum lot frontage contained in Article 14. All structures shall be so located on the lot as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 7.

**ARTICLE 19, SPECIAL LAND USES, Section 19.09, Additional Standards for Approval of Specific Special Land Uses, is hereby amended by the addition thereto of the following paragraphs:**

- U. Privately owned campgrounds

1. "Campgrounds" means a parcel or tract of land under the control of a person, corporation, or association in which sites are offered for the use of the public or members of an organization, either for a charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. "Campground" shall not include a "seasonal mobile home park" licensed under Act No. 419 of the Public Acts of 1976, as amended, being sections 125.1101 to 125.1147 of the Compiled Laws of 1970.
2. The maximum density of sites allowed shall be 5 sites per acre.
3. No structure shall be occupied for more than 90 consecutive days during the period of June 1 through September 15. Occupancy during the period of September 16 through May 31 shall not exceed 14 consecutive days.
4. Campgrounds may only be located on property when it is determined the operation will not be detrimental to the public health, safety and welfare.
5. A site in a campground shall abut on a roadway or have access from a roadway. The site shall have not less than 50 feet of road frontage width and an area of 3,750 square feet. Site setbacks shall be: (1) front yard setback - 15 feet from the road right-of-way; (2) 10 feet rear yard setback; and, (3) 10 feet side yard setback. No tents, travel trailers, camping trailers, motor homes, truck campers, slide-in campers or chassis-mount campers shall be parked on or occupy a site. The maximum number of persons allowed to occupy a site shall be limited to eight (8).
6. A campground owner shall locate all sites and other facilities on a site plan in accordance with Article 21. The site shall be of such a size and so arranged to provide space for a park model recreational unit(s), a storage shed not to exceed 100 square feet, and parking space for not more than 2 vehicles. Temporary living quarters shall not exceed 700 square feet, nor consist of more than 2 recreational units. Site coverage shall not exceed 25%, which includes the living unit(s), shed, deck and similar structures. Park Model recreational units shall be attached to a foundation according to manufacturer recommendations or better. No structure shall be used as a permanent dwelling, residence or living quarters.
7. All construction of amenities, including but not limited to, bath/shower houses, swimming pools, community buildings, laundry facilities, *etc.*, shall be in accordance with the Michigan Building Code, as amended. All electrical, plumbing and mechanical work shall be in compliance with applicable State of Michigan Codes, as amended.
8. A campground owner shall provide a road right-of-way that is not less than 40 feet wide. The driving surface shall have an aggregate surface 20 feet wide and a 2 foot wide shoulder on each side, as illustrated in Exhibit A of this Ordinance and as referenced in Section 15.08, B, 1. A campground owner shall ensure that the right-of-way is free of obstructions and provides free and easy access to abutting sites. A campground owner shall maintain the traveled portion of the right-of-way in a passable and reasonably dust-free condition. A campground owner shall ensure that vehicles do not park in the road right-of-way.
9. A campground shall be served by municipal water and sewer. Connection to municipal utilities shall be pursuant to Chikaming Township Utility ordinances (Ordinance No. 71, as amended, for water, and Ordinance No. 111, as amended, for sewage disposal system.)
10. A campground owner shall locate all connections to the water distribution system above the elevation defining the 100-year flood plain. The campground owner shall locate the top of site sewer connections above the elevation defining the 100-year flood plain.
11. A campground shall provide customer site piping to convey water from the service connection to the points of use within the campground, as provided for in the Safe Water Drinking Act, Act 399 of the Public Acts of 1976, as amended, and rules promulgated under the Act. A campground shall provide a private sewer collection system as permitted by the Michigan Department of Environmental Quality meeting the requirements of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended, and rules promulgated under the Act.

Section 8.

**ARTICLE 20 - PLANNED UNIT DEVELOPMENT, Section 20.04, Area, Height, Bulk, Placement and Density Standards**, paragraph B, is hereby amended to read as follows:

**Section 20.04 Area, Height, Bulk, Placement and Density Standards.**

B. The "maximum gross density" of dwelling units per acre permitted in a residential PUD shall be determined on the basis of gross land area included within the PUD, reduced by the following exclusions:

1. The area of existing or proposed public street rights-of way or private street right-of-ways located within the PUD boundary.
2. The area of any ponds, lakes or other permanently submerged lands in excess of one (1) acre located within the PUD boundary.

Section 9.

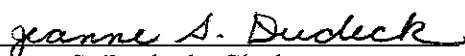
**ARTICLE 21 - SITE PLAN REVIEW AND APPROVAL, Section 21.06, Procedure for site plan review and approval of Condominium Units Intended for Single-Family and Two-Family Dwelling Units**, paragraph A, is hereby amended to read as follows:

**Section 21.06 Procedure for site plan review and approval of Condominium Units Intended for Single-Family and Two-Family Dwelling Units.**


A. The site plan for any condominium consisting of detached single-family homes or two-family dwellings or any other permitted dwelling unit (hereinafter referred to as "site condominiums") shall be subject to review and approval by the Township prior to initiating construction and prior to the recording of a master deed. This section shall also be applicable to an amendment to an existing condominium master deed, including an amendment which creates additional condominium units by addition of land to an expandable condominium or conversion of convertible area to additional condominium units, or which alters the horizontal dimensions of a condominium unit.

Section 10.

Enactment. The foregoing change and amendment to Ordinance No. 87, the Chikaming Township Zoning Ordinance, was enacted on the 13th day of May, 2004, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 1st day of June, 2004, the same being more than seven (7) days after its publication.

  
Jeanne S. Dudeck, Clerk  
Township of Chikaming

Attest:

  
Carl R. Anderson, Supervisor  
Township of Chikaming

**CERTIFICATION**

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 114, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 13th day of May, 2004. I further certify that Marske moved the adoption of said ordinance and Dudeck supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Marske	<u>  x  </u>	_____	_____	_____
Gibson	<u>  x  </u>	_____	_____	_____
Simmons	<u>  x  </u>	_____	_____	_____
Dudeck	<u>  x  </u>	_____	_____	_____
Anderson	<u>  x  </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 14th day of May, 2004, 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 Southcounty Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 24th day of May, 2004.

Dated: May 14, 2004

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