

ORDINANCE NO. 46

Adopted November 11, 1982

AN ORDINANCE TO AMEND ORDINANCE NO. 44 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, STATE OF MICHIGAN, ORDAINS:

Section 1.

ARTICLE 5, Section 5.14--Schedule of District Regulations, is hereby amended to read as follows:

SECTION 5.14--SCHEDULE OF DISTRICT REGULATIONS

The minimum size of Dwellings shall be as follows:

Type of Building	Square Feet Floor Area First Story (See definition of floor area, Article 18, Section 18.07)	Square Feet Total Floor Area	Square Feet Additional Floor Area for Storage and/or Utility (See Article 18, Section 18.05 "D", Dwelling, Single Family, no. 6)
SINGLE-FAMILY DWELLING			
1 story in height	840	840	100
1-1/2 stories in height	758	1,000	100
2 stories in height	728	1,456	100
TWO-FAMILY DWELLING			
Per dwelling unit	-	840	100
MULTI-FAMILY DWELLING			
Per efficiency dwelling unit	-	600	100
Per one-bedroom dwelling unit	-	750	100
Per two-or-more bedroom dwelling unit		750 + 100 for each additional bedroom	200

Section 2.

ARTICLE 18, Section 18.05 ("D"), Dwelling, Single-Family, is hereby amended to read as follows:

A detached residential dwelling unit designed for and occupied by one (1) family only, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. It has a minimum width across each front, side or rear elevation of 20 feet and complies in all respect with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such Federal or State standard or regulation shall apply
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. In the event that dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Berrien County Health Department.
6. The dwelling contain a storage capability area either in a basement located under the dwelling, in a utility storage area, in a garage or in a separate structure, provided the garage or separate structure is of standard construction, similar to or of better quality than the principal dwelling. The storage capability area shall be in compliance with Article 5, Section 5.14 of this Ordinance.
7. The dwelling contains no additions or rooms or other area which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
8. The dwelling has not less than two exterior doors with the second door being in either the rear or side of the dwelling and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and

Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

10. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plan submitted for a particular dwelling. The Zoning Administrator's decision shall be reduced to writing which shall indicate the facts upon which it is based. The Zoning Administrator's decision shall be referred to the Township Planning Commission which at its next regular meeting, shall affirm or reverse the decision of the Zoning Administrator. The Planning Commission's decision shall be reduced to writing and shall state the facts upon which it is based. A written notice of the decision of the Planning Commission shall be sent to the party involved by certified mail, return receipt requested. Within a period of sixty (60) days from the receipt of notice of the Planning Commission's decision an aggrieved party may appeal the decision to the Zoning Board of Appeals.

The determination of compatibility of design and appearance shall be based upon the standards set forth in this definition of "dwelling" and the character, design and appearance of the residential dwellings located:

- a. Within 2,000 feet of the subject dwelling provided at least 20% of the area is developed with residential dwellings; or,
- b. Within one (1) mile of the subject dwelling if the development requirement of a. , above, is not met.

Residential dwellings located within mobile home parks shall not be used in the determination of compatibility.

The foregoing shall not be construed to prohibit inovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

11. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

12. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

Section 3.

ARTICLE 18, Section 18.05 ("D"), Dwelling, Two-Family, is hereby amended to read as follows:

A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families, and conforming in all other respects to the standards set forth in this section.

Section 4.

ARTICLE 18, Section 18.05 ("D"), Dwelling, Multiple-Family., is hereby amended to read as follows:

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, and conforming in all other respects to the standards set forth in this Section.

Section 5.

The foregoing amendment to Ordinance No. 44, The Chikaming Township Zoning Ordinance, adopted November 12, 1981, was approved by the Township Board of Chikaming Township, Berrien County, Michigan, on the 11th day of November, 1982, and ordered to take effect immediately.

Jeanne Dudeck
Jeanne Dudeck, Clerk
Township of Chikaming

Attest:

Dennis E. Scheer
Dennis E. Scheer, Supervisor
Township of Chikaming

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 46, duly adopted by the Township Board, Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 11th day of November, 1982. I further certify that Gibson moved the adoption of said Ordinance and Dudeck supported said motion. The names of the members of the Township Board and their vote on the foregoing Ordinance were as follows:

	YES	NO
Gibson	<u> x </u>	_____
Sandveit	<u> x </u>	_____
Sperry	<u> x </u>	_____
Dudeck	<u> x </u>	_____
Scheer	<u> x </u>	_____

I further certify that the aforesaid Ordinance was recorded in the Ordinance Book of the Township of Chikaming on the 25 day of November, 1982, and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk. I further certify the foregoing Ordinance was published in full in the Galien River Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 24th day of November, 1982.

Dated: 11-25, 1982

Wanne Dudeck

APPROVED BY THE
MICHIGAN SUPREME
COURT ADMINISTRATOR

State of Michigan,
County of Berrien

RE: Ordinance 46, Township of Chikaming

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF
dwelling" a
sign and ap
ential dwell
ithin 2,000
welling prov
ie area is de
al dwellings
thin one (1)
welling if t
irement of
ential dwell
obile home
ed in the de
libility.
oregoing st
to prohib
oncepts inv
as solar en
nd contour o
on or standa
ie foregoing
apply to a n
a licensed n
pt to the exte
r Federal la
ifically requ
of the Tow
such parks.
! constructi
all be comm
ilding perm
n accordanc
Township
visions and

Section 3.

E 18. Sec
wo-Family.,
to read a
ed residenti
two (2) dwe
for occupan
two (2) far
in all other
rds set for