

CHIPPEWA TOWNSHIP ZONING ORDINANCE

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Article I Short Title

Section 1.01

Short Title

This Ordinance shall be known and cited as the "**Zoning Ordinance Of Chippewa Township**," Isabella County, Michigan, and will be referred to as "this Ordinance".

Article II Construction Of Language

Section 2.01

Construction Of Language

The following rules of construction apply to the text of this Ordinance:

1. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
2. A "building" or "structure" includes any part thereof.
3. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
4. Terms not herein defined shall have the meaning customarily assigned to them.

Article III Definitions

Section 3.01

Definitions

For the purpose of this Ordinance, certain terms are herewith defined.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

Accessory Structure: A structure subordinate to a main building or structure on the same lot devoted exclusively to an accessory use. Amended Ordinance 1999-03

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Alterations: Any change, addition, or modification in construction or type of occupancy: any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Architectural Features: Architectural features of a building or structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornaments.

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Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rust-proofing, and any related activities.

Basement: A basement is that portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area.

Board of Zoning Appeals: The words "Board of Appeals," or "Board" shall mean the Board of Zoning Appeals for Chippewa Township

Boarding House: A dwelling where meals, or lodging and meals are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, for the shelter, support, or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separate from every part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building Code Or Construction Code: Means the Chippewa Township Construction Code Ordinance.

Building, Farm: 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 their agricultural activities.

Building Height: The building height is the vertical distance measured from the grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs.

Building Line: A building line is a line established in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this ordinance.

Building, Principal: A principal building is a building in which is conducted the principal use of the premise on which it is situated.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Site: A lot or the functional equivalent of a lot in a site condominium project.

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Campground: A tract of land where recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet and sewer connections are available at each site. (Amended Ordinance 1996-2)

Cellar: (See Basement)

Condominium: A system of separate ownership of individual units in a multiple-unit building or system of separate ownership to a parcel of land for development of site condominiums.

Condominium Development: A plan or project consisting of two or more condominium units.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use regardless of whether it is intended for detached or communal residential, office, industrial, business, recreation, or any other type of use.

District: A portion of the Township within which, on uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.

Dwelling Unit: A dwelling unit is any house or building or portion thereof having cooking facilities, which is designed and intended to be occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, travel trailer, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings.

Dwelling, Multiple or Multiple-Family: A building or portion thereof, used or designed as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three-family houses, four-family houses, and apartment houses, but does not include mobile home parks.

Dwelling, Single-Family: A single-family dwelling is a detached building, designed for or occupied exclusively by one family.

Dwelling, Tenant: A residential structure located on a bona fide farm occupied by a transient farm worker employed on the farm.

Earth Berm: A mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and to reduce noise and dust from adjacent uses and passersby

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Erected: The word "erected" includes built, constructed, reconstructed, moved upon, attached, placed, suspended, affixed, or any physical operations on the premises required for the building or structure. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, stream, or water transmission or distribution systems, collections, communication, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavations: The removal or movement of soil, sand, stone, gravel, or fill dirt.

Family: A group of individuals not necessarily related by blood marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability.

Fence: Any permanent partition, structure or gate erected as a dividing marker, barrier, or enclosure.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".

Floor Area, Usable (For The Purpose Of Determining Minimum Building Size): All horizontal floor area within the enclosed living space of a dwelling unit, measured from the interior faces of the exterior walls, provided, that usable floor area shall not include basements, cellars, unfinished attics, garages, breezeways, enclosed and unenclosed porches, space used for off-street parking, elevators, accessory structures, and utility rooms.

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Floor Area, Usable (For The Purpose Of Computing Parking): Is that area for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. One-half (1/2) of such floor area which is used principally for the storage or processing of merchandise, such as hallways, basements, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Fowl: Any bird that is not commonly kept as a household pet and is bred for its meat or eggs, including but not limited to chickens, ducks, geese, turkeys, and other poultry.

Garage, Private: An accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than four (4) automobiles. Carports shall not be considered as garages.

Garage, Storage: Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

Gasoline Stations, Self-Serve: A facility whereby fuel is dispensed by the customer and no vehicles are repaired on the site.

Gasoline Stations, Full Serve: A facility whereby fuel is dispensed by the consumer or attendant employed by the facility and vehicles are repaired on site.

Grade: The established "grade" of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. Where no curb exists the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been officially established.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be independently regulated for the cultivation of plants for subsequent sale of personal enjoyment. This definition shall not include noncommercial structures which are accessory to a permitted principal use and do not have a gross floor area that exceeds two hundred (200) square feet.

Hotel: A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

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Household Pets: Any animal that is not likely to bite without provocation and that is not likely to cause death, maiming, or illness to a human, provided that they are not kept, bred or maintained for commercial purposes. Such animals shall include but are not limited to birds (caged), fish, rodents (bred), cat (domestic), lizards (nonpoisonous), snakes (nonpoisonous), chinchillas, marmosets (bred), spiders (nonpoisonous), dogs (domestic), prairie dogs (bred), small pot-bellied pigs (if bred, sold and intended as a household pet).

Junk: For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above named or enumerated items, such as fenders, motors, electric motors, and like materials.

Junkyard: An area either open or enclosed where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles.

Livestock: Livestock is any domestic animal that is not a household pet. These animals include, but are not limited to horses, cows, pigs, goats, sheep, ponies, and animals kept or raised for their fur or pelt.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle loading and unloading merchandise or materials.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) or more main buildings with their accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance.

Lot Area: The term "lot area" means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said Private Street.

Lot, Corner: A corner lot is a lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) tangents of which form an angle of one hundred thirty-five (135) degrees or less measured on the lot side. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot Coverage: The term "lot coverage" means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot Frontage: The amount of linear feet located on a street contained in a lot or parcel as measured at the building line.

Lot, Interior: A lot other than a corner lot with only one lot line fronting on a street.

Lot Line: A line dividing one lot from another, or from any other piece or parcel of property of whatever nature, or from a street, or from any other use of any kind whatsoever.

a. Front Lot Line: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designed as the front street in the plat and in the request for a building permit. (See Double Frontage Lot.)

b. Rear Lot Line: Ordinarily that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular triangular or gore-shaped lot, a line ten (10 feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of a rear yard. In cases where none of these definitions is applicable, the Board of Appeals shall designate the rear lot line. (See Double Frontage Lot.)

c. Side Lot Line: Any lot lines not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

d. Street or Alley Lot Line: A lot line separating the lot from the right-of-way of a street or an alley.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat on the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

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Manufactured Building: Includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction

Manufactured Dwelling: Includes manufactured buildings, modules, or units, or areas within such buildings, modules, or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

Mixed Use: For the purpose of this Ordinance a mixed use shall be any combination of uses commonly known to supplement each other within one structure or on a single lot of record.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure. "Mobile home" does not include a recreational vehicle or motor home. Update 2008-03

Mobile Home Park: A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

Motel: A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and /or caretaker.

Multiple Family Residential: A form of housing where three (3) or more families live in individual dwelling units within one residential building structure.

Nonconforming Lot: Any lot, out-lot, or other parcel of land which does not meet the land area or dimensional requirements of this Ordinance.

Nonconforming Structure: Is a structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

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Nonconforming Use: A Nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance: Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

Nursery Plant Area: Is a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

Nursery School: (Day Care Center) A public or private school, kindergarten or child care facility wherein day care or day care and education is provided for five (5) or more minors under the age of seven (7) years.

Occupied: The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial, or industrial building.

Off-Street Parking Lot: A facility providing spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of motor vehicles.

Parcel: A continuous area, track, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act.

Parking Space: An area of not less than ten (10) feet wide by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles

Person: Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties, and responsibilities.

Planning Commission: Planning Commission shall mean the Chippewa Township Planning Commission.

Predatory Animals: Any animal that is likely to bite without provocation or is likely to cause the death, maiming, or illness of a human. These animals include, but are not limited to alligators, dogs (wild family), bears, dog wolves, ferrets, skunks (if not descended), cats (wild family), spiders (poisonous). Predatory animal also means any animals that a person is prohibited from possessing by law.

Public Utility: Any person, firm corporation, municipal department, board, or

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commission duly authorized to furnish and furnishing, under Federal, State, County or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, water, or sewer services.

Secondary Thoroughfare: A thoroughfare designated as such in the Township Master Plan or Land Use Plan.

Setback: The minimum horizontal distance between the building or structure, excluding steps and unroofed porches, and the adjacent property line or building site boundaries in the case of a site condominium, future right-of-way as shown on the Township Master Plan, or easement, if or ingress and egress.

Sign: Is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs or trademark by which anything is made known and visible to the general public such as are used to show an individual firm, profession, or business and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. The following definitions shall apply to specific types and surface areas of signs;

- 1. Billboards:** Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign.
- 2. Decorative Display:** A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- 3. Ground Sign:** A sign supported by uprights or braces in or upon the ground surface, having one, and not more than two, faces or surfaces upon which announcements, declarations, displays, etc., may be placed. In the case of a two face or surface sign, the faces or surfaces shall be constructed back-to-back.
- 4. Marquee Sign:** A sign attached to or hung from a marquee, canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
- 5. Projecting Sign:** A sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
- 6. Roof Sign:** A sign which is erected, constructed and maintained above any portion of the roof or exterior wall of a building or structure.
- 7. Temporary Sign:** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
- 8. Wall Sign:** A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
- 9. Directional Sign-Non-Municipal:** An off premises sign offering direction to a business located in Chippewa Township.

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10. Structural Trim: The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

11. Surface: That part of the sign upon, against, or through which the message is displayed or illustrated.

12. Total Surface Area of Sign: The sum total of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers, or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two (2) furthestmost letters. In all other cases, the total surface area of the sign shall be computed by measuring the sign at its highest point and at its widest point for the purpose of determining a rectangle or triangle within which the entire sign area may be contained, and then multiplying said height and width dimensions with the resultant product being the total surface area where the rectangle is used for computation, and the said resultant product multiplied by one-half (1/2) being the total surface area where the triangle is used for computation; in the alternate, total surface area of the sign shall be computed by measuring the diameter of a circle by said diameter 3.14 , with the resultant product being the total surface area of said sign. In every instance where this Ordinance contains a square footage requirement concerning signs, said square footage requirement shall be deemed to include the total sign, unless otherwise stated, and should said total sign have two or more faces or surfaces, the square footage requirement shall be divided by the number of faces or surfaces exposed and no surface area shall be larger than its pro rata share of the total as reflected by said division.

Amended Ordinance 2000-05.

Site Condominium: The common ownership of a parcel of land for use as a condominium development.

Soil Removal: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, except common household gardening and general farm care.

Special Land Use: Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands in particular, and the overall Township in general, requires approval by the Chippewa Township Board of Trustees according to the standards as provided in this Ordinance.

State Equalized Valuation: The value shown on the Township Assessment Roll as equalized through the process of State and County Equalization.

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Story: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

1. A "mezzanine" shall be deemed a full story when it covers more than thirty-three and one third (33 1/3%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

2. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50%) percent of its height is above the grade level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

Story, Half: Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75%) percent of the floor area of the story immediately below it, and not used or designed, arranged or intended to be used in whole or in part, as an independent housekeeping unit or dwelling.

Street: A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except an alley.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Swimming Pool: An artificially constructed portable or non-portable pool or container capable of being used for swimming, wading or bathing, or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold two thousand five hundred (2,500) gallons or more of water or a depth of two (2) feet or more at any point.

Temporary Building And Use: A temporary building and use is a structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events.

Tents: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cord or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Topless: Wearing no clothing on the upper body.

Township Board: Whenever in this Ordinance appear the words "Township Board", it shall mean the Township Board of the Township of Chippewa, Isabella County, Michigan.

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Use: The term "use" means the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

Variance: A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulties, unique circumstances and exceptional and unusual elements are present which would preclude the same type of development permitted in a zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. A variance may be granted by the Board of Appeals, only. The term variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning district. Amended Ordinance 2007-01

a. Practical difficulties: Shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district. Amended Ordinance 2007-01

b. Unnecessary hardship: shall mean that the permitted zoning district uses are so limiting as to result in the impossibility of developing a lot or parcel for any such permitted use or purpose because of unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district or that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

Yard: A yard is an open space of uniform width or depth on the same land with a building or group of buildings, which open space lies between the buildings or group of buildings, and the nearest lot line or building site boundary in the case of a site condominium and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves unless an eight (8) foot height clearance is provided above the adjacent ground level.

Zoning District: A zoning district is a portion of Chippewa Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

CHIPPEWA TOWNSHIP ZONING ORDINANCE

Article IV Mapped Districts

Section 4.01

Districts

The Township is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following:

- R-1 Single-Family Residential
- R-2 Multiple-Family Residential
- R-3 Mobile Home Park
- R-4 Low Density Lake Residential
- AG Agricultural
- CA Casino
- C Commercial
- LO/R Limited Office/Research
- I Industrial

Section 4.02

Map

The boundaries of these districts are shown upon the map designated as the Official Zoning Map of Chippewa Township. The Zoning Map shall be maintained and kept on file with the Township Clerk and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein

Section 4.03

Interpretation of District Boundaries

Except where reference on the Official Zoning Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets, alleys, railroads, or such lines extended and the corporate limits of the Township as they existed at the time of the adoption of this Ordinance.

Where a district boundary line, as established in this Section or as shown on said Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, or any amendment thereto, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals. The Board of Appeals may request recommendations from the Planning Commission.

CHIPPEWA TOWNSHIP ZONING ORDINANCE

Article V General Provisions

Except as hereinafter specifically provided, the following general regulations shall apply:

Section 5.01

Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other ordinance shall govern.

Section 5.02

Scope

No building or structure, or part thereof, shall hereinafter be erected, constructed reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by, and in conformity with, the provisions of this Ordinance.

Section 5.03

Accessory Buildings In Residential Districts

Unless otherwise specified in this Ordinance, the total first floor area of all accessory buildings on a parcel of land shall not exceed three (3) percent of the total parcel area. **0**

Section 5.04

Signs

Requirements and standards. The following conditions and standards shall apply to all permitted signs regardless of use district.

1. There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any Zoning District.
2. Signs advertising real estate for sale or lease or directing the public to such real estate, are permitted in all districts provided that they are used ONLY during the construction of a building or buildings or the offering for sale or lease of real estate and providing that they are not larger than five (5) square feet in area. Temporary signs not exceeding thirty-two (32) square feet in area may also be permitted where buildings are under construction, subject to their approval by the Building Inspector as to their conformity with the provisions of this Ordinance; permission may be granted for said temporary signs for a period not to exceed six (6) months.
3. All directional signs required for the purpose of orientation, when established by the Township, County, or State governments, shall be permitted in all use districts.
4. No signs shall be located on any street corner or street which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any street.

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5. No sign shall be erected or constructed on a public right-of-way, nor shall any sign overhang a public right-of-way.
6. In all cases where wiring is to be used in connection to the signs, an electrical permit is required and inspection shall be done by the electrical inspector.
7. For the purposes of this Ordinance, a sign shall be considered a structure, and must conform to all provisions relating to structures.
8. No cloth pennants, banners, or advertising devices of a similar nature may be erected in any district without approval of the Building Official who shall deny said approval where such banners are not safely anchored, said approval shall be valid for a period not to exceed thirty (30) days. No cloth signs are allowed over any public right-of-way.
9. Illumination on all signs shall be so oriented that they do not shine on abutting properties or onto public right-of-way.
10. Above the roof signs are prohibited in all districts.
11. Temporary window signs with or without letters and numerals, cardboard, cloth, plastic, or paper materials, and intended for display for special events, sales and notices are exempt from the permit requirements. Such signs shall not have a useful life of more than thirty (30) days and shall not exceed twenty-five (25) percent of the total front exterior wall area of a building, and further such signs shall be limited to window space only and not be permitted on any exterior wall consisting of any non-window material. All such temporary signs shall be removed by the owner and/or tenant at the end of the time period at his own expense.
12. Temporary outdoor signs for new businesses for a period not to exceed thirty (30) days and existing businesses which schedule special events for not more than two such events per year and for a period of not more than seven (7) consecutive days for each event, are permitted with an approved permit application. All such temporary signs shall be removed at the end of the event at the owner's expense. Temporary outdoor signs for this section shall not exceed thirty-two square feet in area.
13. Any nonresidential property which immediately abuts occupied residential property shall extinguish any sign illumination by eleven (11) pm. each night and such sign illumination shall not be resumed until day-light, or such nonresidential use shall extinguish such sign within one-half hour after the closing of regular business if such closing occurs after eleven (11) pm.
14. Vehicle Business Signs are prohibited.
15. Remote signs are prohibited except to the extent that they are allowed by the requirements of Section 5.04 A regarding billboards. Amended Ordinance 2000-05.
16. A temporary political sign may be erected, without permit required, related to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body. Said signs to be removed from the premises within forty-eight (48) hours after the election.
17. Business signs are permitted on parcels of land in industrial, commercial, office and recreation districts which abut residentially zoned property provided such signs are located at least fifty (50) feet from the nearby residential property line, measured along the same side of the road right-of-way and, if lighted, all lighting shall be indirect. Business signs for home occupations shall be allowed in industrial, commercial and residentially zoned districts provided, a sign advertising a home occupation shall not exceed six square feet in surface area and shall not exceed six feet in height from the bottom of the sign. There shall be only one sign advertising a home occupation on a

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premises. Signs advertising home occupations in residentially zoned districts shall be applied for and approved by the Planning Commission which shall assure compliance with all provisions of the Township Zoning Ordinance prior to issuance of a permit.

18. Any nonconforming sign shall be subject to the standards and requirements of Article VI of the Zoning Ordinance.

19. No Ground Sign shall exceed one hundred (100) square feet in area, or a total of fifty (50) square feet each side.

20. Where two (2) or more businesses are located on one site and a monument sign is constructed each business shall be permitted one (1) wall sign not to exceed thirty-two (32) square feet.

21. Directional signs-non-municipal are permitted in commercial or industrial zoned districts. The maximum size per sign surface shall be 50 square feet. Each business shall be limited to one double-faced sign or two single faced signs. The design of the sign supporting structures will be subject to a site plan review. Only one business may be referenced per sign. The referenced business of a directional sign-non-municipal must be located within Chippewa Township. Amended Ordinance 2000-05.

Section 5.04 A

Billboards

Regulation of Billboards:

Billboards may be established in the Industrial and Commercial zoning district classifications provided that they meet the conditions of sub section 5.04 and the following conditions: (Amended Ordinance 2006-02)

1. Not more than two billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Chippewa, where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back to back billboard faces) and V-type billboard structures having only one face visible to traffic shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side on another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. (Amended Ordinance 2006-02) - Amended Ordinance 1999-03

2. No billboard shall be located within 1500 feet of another billboard abutting either side of the same street or highway. Measurements shall not be limited to the boundaries of the Township of Chippewa, where the particular street or highway extends beyond such boundaries. (Amended Ordinance 2006-02) Amended Ordinance 1999-03.

3. (Deleted Ordinance 1996-2)

4. No billboard shall be located closer than 50 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located. Amended Ordinance 1999-03.

5. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.

6. The height of a billboard shall not exceed 30 feet above (1) the grade of the ground

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on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.

7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.

8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

10. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

11. No person, firm, or corporation shall erect a billboard within Chippewa Township without first obtaining a permit therefore from the Chippewa Township Planning Commission, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee therefore. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Chippewa Township Zoning Official confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Chippewa Township Board and bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

Section 5.05

Fences, Walls, and Other Protective Barriers

All fences of any nature, type, or description located in the Township of Chippewa shall conform to the following regulations:

a. The erection, construction, or alteration of any fence, wall, or other type of protective barrier shall be approved by the Zoning Official Amended Ordinance 2006-03 as to their conforming to the requirements of the zoning district wherein they are located and to the requirements of this section.

b. Fences in Residential use areas conform to the following requirements:

1. No fence shall be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land.

2. No fence shall hereafter be located in the front yard or on the side of a front yard of the lots or parcels in question, more than four (4) feet in height. Update 2009-02

2 All fences hereafter shall be of an ornamental nature. Spikes, nails or any other sharp pointed instrument of any kind, other than barbed wire is prohibited

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on the top of or on the sides of any fence, provided however, that notwithstanding anything to the contrary herein contained, barbed wire cradles may be placed on the top of fences enclosed public utility buildings in any use district. Barb wire fences are subject to Zoning Official approval.

Amended Ordinance 2006-03

c. Fences in Commercial (C), Industrial (I) and any major highway or thoroughfares are subject to Chippewa Township Planning Commission approval. Update 2009-02

d. All fences on any corner lots must maintain a front yard height of 4' or obtain special approval of the Chippewa Township Planning Commission. Update 2009-02

e. All fences must maintain a 5' setback from all front yard right of way areas. Update 2009-02

One Lot, One Building

In all districts, only one (1) principal building shall be placed on a single lot of record.

Section 5.07

Required Street Frontage

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage equal to or greater than the minimum width requirements for each zoning district as shown and required in Article XIV Schedule of Regulations and shall have frontage on, and have direct access to, a public street or private road which meets one of the following conditions:

1. A public street which has been accepted for maintenance by the county road commission: or
2. A permanent and unobstructed existing private road of record of the County Register of Deeds and having width of at least sixty (60) feet, and build in accordance with County or Township standards, whichever is most restrictive.
3. All street or roadway names shall be approved by the Township Building Department to avoid duplication.

Section 5.08:

Television, Radio, and Microwave Towers

Radio, television, microwave, and other power and communication transmission towers, and their attendant facilities, where permitted, shall be subject further to the following regulations:

1. Said use shall be located centrally on a continuous parcel having a dimension at least equal to the height plus one half of the height of the tower measured from the base of said tower to all points on each property line.
2. The proposed site plan shall also receive approval from the Township Building Official as to adequacy of drainage, lighting, general safety, and other technical aspects.
3. Towers for municipal non-commercial purposes only are permitted in any zoning

class. Amended Ordinance 2006-1

Section 5.09

Site Plan Review

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Site plan approval is required for all new principal uses other than detached single-family dwelling units within recorded plats or on individual lots of record however, if more than one principal or non-accessory building or structure is to be erected on a lot for detached single-family dwellings, site plan review and approval is required. Site plan review and approval is required for all condominiums or condominium developments including site condominiums. An application for site plan review shall be scheduled for a public hearing. That public hearing shall be scheduled such that the Township will be able to comply with the notice requirements of MCL 125.3101 et. seq. or any amendments thereto. Amended Ordinance 2007-01 A fee shall be established by the Township Board to cover the processing of such site plans.

Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" X 36" with plan view drawn to a scale of 1" = 50' for property less than three (3) acres, or 1" = 100' for property three (3) or more acres. Included on the site plan will be the following:

a. All site plans:

1. Proprietor's name, address, and telephone number.
2. Name of the Township, City, or Village where residing.
3. Date (month, day, year, including revisions).
4. Title block.
5. Scale.
6. North-point.
7. Location map drawn at a scale of 1" = 2,000' with north-point indicated.
8. Registered Architect, Registered Civil Engineer, Registered Land Surveyor, Registered Landscape Architect, or Registered Planners seal.
9. On parcels of more than one (1) acre, existing and proposed, topography on site and Fifty (50) feet beyond site at 2-foot intervals.
10. Existing lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.
11. Proposed lot lines, property lines, and all structures, parking areas, etc., within the site and within one hundred (100) feet of the site.
12. Center line and existing and proposed right-of-way lines.
13. Acceleration, deceleration, and passing lane, where required.
14. Proposed location of access drives, street intersections, and driveway locations.
15. Zoning classification of applicant's parcel and all abutting parcels.
16. Location of existing drainage course, floodplains, and lake or stream, and all elevations.
17. Proximity to major thoroughfares and/or section corner.
18. General location of sanitary sewers or septic field, existing and proposed.
19. A general indication of the following:
 - a) Location of well sites in proposed development, existing and proposed.
 - b) Water mains, hydrants, and building services and sizes.
 - c) Storm sewers, site grading, drainage, retention basin and/or other pertinent facilities.
 - d) Storm-water runoff calculations and arrows indicating direction of flows.
20. All buildings with floor plans, elevation drawings, and setback and yard dimensions.

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21. Location of all outside storage receptacles and method of screening.
22. Location and specifications for all exterior lighting including design and heights of fixtures.
23. Signs in accordance with Section 5.04.
24. Landscape plan.
25. Gross and net acreage of site and density calculations, if multiple family.
26. Trash receptacle location and method of screening.

b. Condominium Developments

1. The following regulations shall apply to all condominium developments within the Township of Chippewa.
2. Initial Information: Concurrently with notice required to be given the Township of Chippewa pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm, or corporation intending to develop a condominium development shall provide the following information with respect to the development:
 - a. The name, address, and telephone number of:
 - 1) All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium development.
 - b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium development will be developed.
 - d. The purpose of the development (for example, residential, commercial, industrial, etc.).
 - e. Approximate number of condominium units to be developed on the subject parcel.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community septic system is contemplated.
3. Information to be kept current: the information shall be furnished to the Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 17.04 hereof.
4. Site Plans-New Projects-Master Deed, and Engineering and Inspections: Prior to recording of the Master deed required by Section 72 of Public Act 59 of 1978, as amended, (MCL 559.108) the condominium development shall undergo site plan review and approval pursuant to Section 5.09 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
5. Site Plans-Expandable or Convertible Projects: prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 5.09 of this Ordinance.
6. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished: the condominium development developer or proprietor shall furnish the Zoning Administrator with the following: one (1) copy of the recorded Master Deed, one (1)

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copy of all restrictive covenants and two (2) copies of an "as built survey." The "as built survey" shall be reviewed by the Township Engineer for compliance with the Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

7. Monuments required-Site Condominium Developments: all condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this sub-section.

a) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

b) All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

c) Monument shall be located in the ground at all angles in the boundaries of the condominium development: at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angel points in the side lines of streets and alleys: at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

d) If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

e) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

f) All required monuments shall be placed flush with the ground where practicable.

g) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter, or other approved markers.

h) The Township Board of the Township of Chippewa may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township of Chippewa, whichever the proprietor selects, in an amount not less than twenty-five (\$25.00) dollars per monument and not less than one hundred (\$100.00) in total. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

8. Monuments Required-All Condominium Developments: all condominium

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developments shall be marked at their boundaries with monuments meeting the requirements of Section 7.b. above.

9. Compliance with Federal, State, and Local Law: all condominium developments shall comply with federal and state statutes and local ordinances.

10. State and County Approval: The developer or proprietor of the condominium development shall establish that appropriate state and county approvals have been received with regard to the fresh water system, waste-water disposal system, and surface water drainage or removal for the proposed project.

11. Temporary Occupancy: the Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township

12. Single-Family Detached Condominiums: single-family detached condominiums shall be subject to all requirements and standards of the applicable Ag, R-1, and R-2 Districts and shall be located only in Ag, R-1, and R-2 Districts.

13. All streets shall be installed in accordance with Isabella County Road Commission standards for paved subdivisions. If streets within the condominium project are not dedicated to the public all maintenance, repair, and snow removal shall be the responsibility of the association of co-owners as such is defined by Section 3 of Public Acts 59 of 1978, as amended (MCL559.108).

14. After submittal of the condominium plan and by-laws as part of the Master deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 X 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 X 14) inches.

Section 5.10

Churches, Synagogues, And Halls of Worship

Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of one hundred fifty (150) feet.
2. Minimum site size of three (3) acres.
3. All front, side, and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.
4. Must have frontage on a secondary thoroughfare, or greater, as designated on the Township Master Plan.

Section 5.11

Special Land Uses, Procedures For Approval

Special land uses vary from permitted land uses, in that uses provided for in this section are not permitted as a matter of right in a zoning classification. Permitted land uses are allowed as a matter of right when site controls governing each use are met.

1. The uses identified as special land uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities' needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
2. The Township Board, as provided herein, shall have the authority to grant special

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land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special condition use included in the various provisions of this Zoning Ordinance.

3. Application for any special land use permit, as provided under the provisions of this Ordinance, shall be made to the Township Building Official by filing an official special land use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.

4. An application for a special land use permit shall contain the following:

- a. Applicant's name, address, and telephone number.
- b. Address and tax description number of the subject parcel.
- c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
- d. A certified survey drawing of the subject parcel.
- e. A complete site plan containing all of the applicable data outlined in Section 5.09, Site Plan Review.
- f. Supporting statements, evidence, data, information, and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 5.11,6, below.

5. Upon receipt of an application for a use requiring special land use approval, the Planning Commission shall hold a public hearing, notice of which shall be given in a manner consistent with MCL 125.3101 et. seq. and any amendments thereto. Amended Ordinance 2007-01

6. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements, and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:

- a. Will be consistent with, and in accordance with, the general objectives, intent, and purposes of this Zoning Ordinance.
- b. Will be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses, and appropriate in appearance with the existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services including, but not limited to, highways, streets, police and fire protection, drainage responsible for the establishment of the proposed use shall be able to economically provide and such required service.
- d. Will be consistent in assuring that the general public health, safety, and welfare will not be infringed upon.
- e. Will be in complete compliance with all general and specific standards and conditions imposed pursuant to this Zoning Ordinance, other applicable local ordinances, and other applicable state and federal requirements.

7. If the facts regarding the special condition use being reviewed do not establish, by a preponderance of the evidence, that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special land use approval to the Township Board.

In recommending approval of a special land use permit to the Township Board, the

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Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance, and to assure that the general public health, safety and welfare will not be infringed upon. The Planning Commission may recommend denial, approval, or approval with conditions, a request for special land use approval. The recommendation on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions recommended.

8. Upon holding a public hearing and review of the special land use request, the Planning Commission shall, within thirty (30) days, forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special land use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings thereunder shall be kept and made available to the public. A special land use permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he has received a copy of the special land use permit approved by the Township Board.

9. Any special land use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said special land use permit, except that the Township Board may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions. A violation of any requirement, condition, or safeguard imposed thereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special land use permit.

10. The special land use review and site plan review may occur concurrently with the mutual consent of the landowner and the Planning Commission.

Section 5.12

Outdoor Storage of Goods and Materials

(a) The outdoor storage of useable goods and materials commonly owned by Chipped Township residents is allowed in the Township provided such storage does not pose a health or safety hazard to the residents and stored goods and materials are kept in a neat and orderly fashion. Useable items not commonly owned by Township residents must be enclosed so as not to be visible to other residents.

(b) The accumulation of waste, rubbish, garbage, refuse, trash, abandoned, discarded or unused objects, machinery or equipment such as furniture, stoves, refrigerators, freezers, cans or containers, or other deleterious substance on the premises of private residences or farms, commercial institutions and in the streets and alleys greatly increases the danger of fire and spread of infections, and diseases and is expressly prohibited by this

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Ordinance, unless placed within a completely enclosed structure.

Section 5.13

Mineral and Soil Removal

(See Section 5.18)

Section 5.14

Performance Standards For Sound Vibration, Odor, and Smoke

It shall be unlawful to carry on, or permit to be carried on, any activity or operation or use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or human activities. Such measures may be supplemented by other measures which are duly determined to be maximum permissible hazards to humans or to human activity.

Section 5.15

Home Occupations

Home occupations shall not be visible or audible from outside the dwelling, shall not generate traffic, parking, or utility usage in excess of what is normal for the residential neighborhood, and does not result in the outside storage or display of any product.

If an accessory structure, as defined in this Ordinance is intended to be used to house a Home Occupation, special land use approval must first be granted in accordance with Section 5.11 of this Ordinance. Home Occupations where permitted in agricultural districts to occur in an accessory building shall be on parcels of land 10 acres or greater.

Section 5.16

Tenant Dwellings

- a. Districts Requiring Administrative Permit: tenant dwellings shall be allowed in the Agricultural District (AG) upon receiving approval under Section 5.11.
- b. Additional Information Requirements:
 - I. A floor plan showing the size and dimension of all rooms.
 - II. Proof that the facilities are being inhabited solely by the individuals or families who work on the farm.
 - III. Proof that the land upon which the tenant dwellings shall be located is classified as agricultural land for purposes of ad Valero tax assessment.
 - IV. A site plan meeting all of the requirements of Section 5.09, except a, (8) and that plans must conform to all applicable local and state building codes.
- c. Criteria for Tenant Dwellings:
 - I. Such use shall be accessory to productive agricultural operations, having a minimum of forty (40) acres of land.
 - II. The number of tenant dwelling units shall not exceed the density limitations, open space and lot coverage requirements of the zoning district.
 - III. To protect adjacent land uses, all tenant dwellings shall be located at least two hundred (200) feet from all property lines.
 - IV. Housing shall be inhabited solely by persons who work on the farm and the

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facilities shall satisfy all provisions of the Building code in effect for Chippewa Township.

V. Such facilities shall provide a minimum of four hundred (400) square feet of living area per family unit.

Section 5.17

Prohibited Storage and Parking

The storage or temporary parking of motor vehicles shall comply with the following regulations:

- (1) Storage or parking of two or more inoperable or unlicensed vehicles, boats, trailers or motorcycles (except operable farm equipment) in any district is expressly prohibited unless enclosed so as to not be visible to other residents.
- (2) The regular or permanent parking or storage of trucks over two tons in rated capacity or of un-garaged unlicensed vehicles in any residential district shall be discontinued within six months after effective date of this Ordinance.
- (3) Storage of recreational vehicles is permitted in agricultural and residential districts, if stored in the rear yard or side yard and locked so as to prevent access by children and to prevent any use except as permitted in this Zoning Ordinance
- (4) In commercial zones storage of repaired vehicles is permitted for a period of not more than seven (7) days. (Amended Ordinance 1996-2)

Section 5.18

Soil Removal, Excavation, Filling

1. Prohibition, Permits Required:

- a. It shall be unlawful for any person, firm, corporation, partnership or other organization or entity, to engage in or conduct any soil removal, excavation or filling of land with any type of material within the unincorporated areas of the Township without first procuring a permit therefore from the Township Board. This provision shall not apply to temporary excavations for building construction purposes, pursuant to a duly issued building permit under the Township Building Code.
- b. The filing of land with garbage or rubbish or any other waste matter is hereby prohibited in all unincorporated areas of the Township, EXCEPT that, pursuant to the terms and conditions of a permit that may be granted in a proper case by the Township Board, this prohibition shall not apply to areas designated as, Industrial in this Township Zoning Ordinance, as amended, PROVIDED that in no case shall any permit be issued nor filling be permitted unless at least fifty-one (51) percent of the owners of property within two thousand five hundred (2,500) feet of the proposed site waive this prohibition.

2. Application for permits: Contents

- a. Applications for permits hereunder shall be made to the Township Board and shall be filed with the Township Clerk. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be conducted, and a description of the extent and nature of the proposed operation (including in the case of filling, the approximate amount of the fill and the exact nature thereof), the name of the owner of the land

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described therein, and if the applicant is not the owner, shall contain, or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and regulations adopted by the Township Board.

b. The original of each application shall be signed by the applicant, and sworn to, before a Notary Public. Two (2) confirmed copies shall be filed with said original.

c. The application shall contain a plan for the final use of the property being applied for. Said plan shall contain all information and data as required for site plans in Section 5.09 of this Ordinance, including a final grading plan, as well as the means of providing sewage disposal.

3. Reference of Applications to Zoning Inspector; Investigation and Report; Standards: One (1) copy of each application shall be referred to the Building Official, or his duly authorized agent, who shall investigate the premises described in said application, including the surrounding area, and within a reasonable time make recommendations to the said Township Board as to whether the said application shall be granted subject to this Ordinance, and the said rules and regulations of the Township Board promulgated thereunder, or whether said application shall be denied. Said recommendations shall include a report on the following matters, which shall serve as the standards to be used by the Building Official in making its findings and rendering its decision in the matter. The report shall address:

a. The full and complete affect of the public health, safety, morals, and welfare of granting the application without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, morals, and welfare by the clear and substantial weight of the facts presented.

b. The necessity of special terms and conditions; e.g., grading, or filling and grading, in the case of soil removal or excavation, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, morals, and welfare by the clear and substantial weight of the facts presented.

c. In connection with items a. and b. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, morals, and welfare. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, morals or welfare, or make worse an already unsatisfactory situation. The Building Official, or his duly authorized agent, shall include on his report whether the granting of the permit would tend to leave in an unstable, wasted, or unfit condition for the growing of turf or other

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land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, or create a drowning or other attractive hazard, or a disease problem or other unhealthful condition, because of the nature of the fill that might be involved.

4. Permit Fee: Receipt; Disposition; Exception: A fee shall be paid to the Township Clerk at the time of filing any application; such fee to be determined by resolution of the Township Board. A receipt shall be issued to the applicant showing the payment of said fee. Upon the issuance of any permit, the fee, therefore, shall be paid into the General Fund of the Township. However, no permit fee for soil removal shall be required for the removal of fifty (50) cubic yards or less per year, or for excavation where the total excavation is less than fifty (50) cubic yards per year.

5. Bond Requirement:

a. Before any permit under this Section may be granted, the applicant shall deposit with the Township Clerk, a bond running to the Township with good and sufficient sureties in an amount acceptable to the Township Board.

6. Opportunity for Hearing; Findings and Decision; Expiration of Permit: The Township Board upon receipt of the application and report from the Building Official or his duly authorized agent, shall apprise the applicant of the report of the Building Official and afford the applicant opportunity of a hearing on the application, at which time the applicant shall be afforded an opportunity to present his case and offer any evidence of argument that he might have as to the report of the Zoning Inspector, or his duly authorized agent. In due course, the Township Board shall make findings as to the matters involved in Section 1915.3 and, exercising its discretion, render its decision in the case. No permit shall issue for a period longer than one (1) year, and the township Board may issue the permit for a shorter period.

7. Permittees; Rules and Regulations: Each permittee is required, in addition to the aforementioned rules and regulations of the Township Board, to any special condition or conditions in his permit, and to any and all applicable provisions of law, to comply with the following regulations:

a. No topsoil, earth or sand shall be removed, and no excavation shall be conducted within ten (10) feet of any public street or alley, or within a distance of four (4) feet plus the measurement of the depth of the cut, of any adjoining private property line.

b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during the conduct of the permit operation.

c. Any excavation in excess of four (4) feet in depth with bank slopes in excess of three (3) feet horizontal to one (1) feet vertical shall be barricaded with a fence at least five (5) feet in height, constructed of wire mesh or other suitable material to afford protection to persons or property, with warning signs. Fence barricades shall remain in place until the three (3) to one (1) slope is obtained. The banks of all excavations shall be sloped to the three (3) to one (1) ratio to the floor in a dry excavation and to a point of six (6) feet below water surface in a wet excavation.

.Amended Ordinance 2004-02

d. Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence

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and complete with all due dispatch the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf, or for other land uses permitted under this Ordinance, except that no permittee shall be required to fill the land to an average grade higher than that which existed prior to the removal of the topsoil, earth, or sand from said land. In the case of low-lying land, adjoining river or stream beds, where it clearly appears that the lowering of the level of such land will not be injurious to adjacent lands or property, or to the property from which the soil, earth, or sand is being removed, the Township Board may waive the refilling of said land entirely.

e. In the case of a permit for filling:

(1) No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation.

(2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area without delay, it being the duty of the permittee to keep the area in a reasonably clean and neat condition;

(3) All rubbish and garbage fill when deposited must be thoroughly compacted with heavy equipment weighing not less than ten (10) tons;

(4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district and a final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf or for other suitable land uses permitted within the district which shall be placed within one (1) week following the completion of the placing of refuse in that area; if the nature of the permitted operation is such that the operation, when completed, is designed to place or restore the land to the elevation of the established building grade then a compacted twenty-four (24) inch layer of soil matter shall be graded and shall be so deposited with relation to the compacted rubbish or garbage fill that the land when graded, will be at an elevation that conforms with the established building grade as determined by the Township Building Department. Applying the standards of public health, sanitation, and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is satisfactory under the circumstances;

(5) Conveyance vehicles for rubbish or garbage shall not be open lid and,

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while in transit, shall be closed and covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.

(6) The Township through its duly authorized agents shall have the right to enter upon any land designated in any permit, for the purpose of making in the event the applicant shall fail to do so. It shall be the duty of the Inspector, or his duly authorized agents, to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

(7) Violations Declared a Nuisance: Any use of land in violation of the terms hereof, is hereby declared to be a nuisance per se and, upon receipt of a report of any such violation, the Township Board shall have the right within ten (10) days after giving written notice of such violation to the permit holder, and his bondsman either personally or by registered mail, to proceed forthwith to abate such nuisance and to charge the cost of same to the permittee or his bondsman. In the event the permittee or his bondsman cannot be located, the notice provided for herein shall be posted upon the land when such nuisance exists.

(8) Permits; Suspensions; Revocation: In the event a permit holder violates the terms of this Ordinance, the Building Official shall have the power to suspend said permit issued in pursuance to this Ordinance provided that written notice of such suspension stating the reasons therefore shall be served upon the permit holder either personally or by registered mail and, provided further, that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear from the testimony that the permit holder has been committing the violation charged, then the Township Board shall revoke said permit. In the event of the revocation of a permit for cause, the bond shall not be canceled until said premises are restored to a condition deemed satisfactory to the Building Official based on the standards of this Ordinance.

(9) Dangerous Excavations or Holes Prohibited: The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, or pits which constitute, or are reasonable likely to constitute, a menace to the public health, safety, or welfare, is hereby prohibited. This section shall not apply to excavations under a permit issued pursuant to this Ordinance or the Building Code of the Township where such excavations are barricaded and warning signs posted in such manner as may be approved by the Building Department, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created, or

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existing, by authority of the State of Michigan, County of Isabella, Township of Chippewa, or other governmental agencies.

(10) Violations; Abatement: The Building Official shall institute any appropriate action or proceeding in law or equity to prevent, restrain, correct, or abate any violation of this Section.

(11) Rights and Remedies Cumulative: The rights and remedies provided herein are hereby declared to be cumulative and in addition to all other remedies provided by law.

Section 5.19

Yard Sales

In single-family residential and agricultural zones, on site sales such as garage sales, rummage sales, moving sales, benefit sales, yard sales, and similar activities may be conducted on a lot or parcel containing an occupied dwelling unit for no longer than three (3) days and no more than five (5) times per calendar year on the same property.

Section 5.20

Keeping of Animals

1. No livestock, animals, or fowl, other than customary household pets, may be housed in the Single Family Residential (R-1) or Agricultural Zoning Districts unless the size of the lot in question is at least three acres. No livestock, animals, or fowl, other than customary household pets are allowed in the Multiple Family Residential (R-2) or Mobile Home Park (R-3) Zoning Districts. Any building housing livestock, animals, or fowl, other than customary household pets shall be at least one hundred feet from any lot line.

2. The keeping of more than four dogs, six months or older, may be permitted on any lot provided that all of the following conditions are met:

- a. The size of the lot in question is at least three acres;
- b. The animals are housed at least 100 feet from any adjoining property line;
- c. A kennel permit is obtained from the office of the Isabella County Animal Control Department; and
- d. The keeping of dogs must be for personal use only and not for commercial purposes.

3. Predatory animals shall not be kept as pets in any district in the Township

Section 5.21

Gun Clubs and Recreation Clubs

Where gun and recreational clubs are permitted, they shall meet the following requirements:

1. Minimum lot size of forty (40) acres.
2. All structures and active areas shall be setback from adjacent property lines not less than one hundred fifty (150) feet.

Section 5.22

Ponds

Ponds are to be located within a lot or parcel according to the following requirements:

1. All ponds will be constructed in accordance with Section 5.18

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2. No pond shall be located closer than fifty (50) feet to any side or rear lot line.
3. No pond shall be located closer than fifty (50) feet from any front lot line as measured from the future right-of-way line as adopted by the County of Isabella, or State of Michigan.
4. The slope of a pond shall be not less than a three to one (3:1) ratio.

Section 5.23

Construction standards for private driveways

The purpose of this section is to ensure adequate access to residences and buildings for police and fire protection, and safe ingress and egress to public roads. Any driveway exceeding one hundred (100) feet in depth shall be constructed, at a minimum standard as determined by the Isabella County Road Commission for emergency vehicular access.

Section 5.24

Residential and recreational developments in the casino district.

Said developments shall contain a minimum of twenty acres in size and shall have a minimum of two hundred (200) feet of direct frontage on a section line road, and shall have direct access to public sewer or water facilities prior to issuance of a building permit.

Section 5.26

Mobile Homes:

All mobile homes brought into the township shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended. Additionally, mobile homes shall comply with the standard township building code. Where there are conflicting applicable regulations, the more stringent shall apply.

The following general regulations shall apply to all mobile homes.

1. Each mobile home shall be provided with a permanent concrete pad or foundation and skirting as required by the County Building Department. Each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
3. A permit for temporary occupancy or use of a mobile home outside of an approved and licensed mobile home park for use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm may be granted by the Zoning Administrator. The mobile home shall not be located within the front setback area and shall be located at least ten feet from all side and rear lot lines. The temporary mobile home shall be located on the same lot as the damaged dwelling. The period of time allowed by the temporary permit shall not exceed one year. A temporary permit shall not be renewed for the same unit or location without the approval of the Zoning administrator for a maximum of one additional one year period provided that the permanent dwelling is in the process of construction on the same lot as the temporary mobile home. The temporary mobile home shall be removed within 30 days of the date of issuance of an occupancy permit for the permanent dwelling.

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5. No mobile home shall be converted to or used for commercial, office, industrial, storage or any other non residential purpose.

New section 2008-03

Article VI

Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures Nonconforming Uses of Structures and Premises, And Nonconforming Characteristics of Use

Section 6.01

Within the districts established by this Ordinance there exist:

1. Lots
2. Structures
3. Uses of land and structures, and
4. Characteristics of use, which were lawful prior to adoption of this Ordinance or any amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

Section 6.02

Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of this Ordinance or any amendment thereto that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, it's location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than one hundred (100) percent of the State Equalized Valuation at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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Section 6.03

Nonconforming Uses of Land

Where at the time of passage of this Ordinance or amendments thereto lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance or such amendment, and where such use involves no individual structure with a State Equalized Valuation exceeding \$500, the use may be continued so long as it remains otherwise lawful provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year thereafter such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
5. The Township shall provide for classes of nonconforming uses.

Section 6.04

Nonconforming Uses of Structures

If lawful use involving individual structures with a State Equalized Valuation of \$500 or more or of structure and premises in combination exists at the effective date of adoption of this Ordinance or amendment thereto that would not be allowed in the district under the terms of this Ordinance or such amendment, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not hereafter be changed to a nonconforming use.
4. Any nonconforming detached single-family residential structure may be expanded or increased in floor area up to fifty (50) percent of the size of the structure at the time of adoption of this Ordinance, or amendment thereto.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the

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district in which it is located.

6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Section is defined as damage to an extent of more than 100 percent of the State Equalized Valuation at time of destruction.

Section 6.05

Nonconforming Lots of Record

This Section applies to those districts in which single-family residential is the principal permitted use and is intended to provide relief for the owners of nonconforming lots of record where said lot or lots in combination do not meet the minimum standards of this Ordinance. It is not intended that this Section be used to permit construction of a dwelling on all nonconforming lots of record; it recognized that some such lots are simply too small to permit the construction of an adequate dwelling, the storage of family automobiles, (in recognition of the fact that on street parking is not desirable) the maintenance of sufficient open space to permit fire protection and reasonable light and air, as well as room and view to permit and encourage property maintenance.

1. No permit shall issue hereunder except as provided in subparagraph 3 below, except with approval of the Board of Appeals after public hearing in accordance with Section 18.04 of this Ordinance. The application to the Board of Appeals shall simply state, "Nonconforming Lot of Record", and the Board of Appeals shall permit the use of such nonconforming lot or lots if it finds that the following standards have been met:

- a. Permits shall not issue hereunder unless the construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place.
 - b. The proposed use will not have an adverse effect on adjoining and nearby property owners.
 - c. Subject to the above, where the owner of a nonconforming lot of record cannot reasonably acquire sufficient land to enable him to conform to the requirements of this Ordinance relating to lot area, lot width, or both, such nonconforming lot of record may be used by such owner as a building site, provided that such owner meet such conditions, as required by the Board of Appeals.
 - d. The nonconforming lot of record shall meet all other requirements of this Ordinance, which requirements for the purpose of this Section shall be deemed to include reasonable provisions for automobile parking.
2. For the purpose of maintaining building sites in compliance or near compliance with this Ordinance in those instances where the same owner has adjoining nonconforming lots of record, the following regulations shall apply:
- a. Where two (2) abutting lots of record or portions thereof are held under one (1) ownership and where one or both of these lots or portions thereof are nonconforming, they together shall be considered as a single lot of record and are subject to the provisions of Section 6.05.3 of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
 - b. Where three (3) or more abutting lots of record are held under one (1) ownership, and where one or more of these lots are nonconforming, the lots shall

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be held and maintained in such a manner as to comply with the area and width provisions of this Ordinance, and the provisions of this Chapter relating to lot area and lot width shall not be avoided by the sale or conveyance of any of or any portion of such lots of record.

3. Notwithstanding the above provisions, the Building Department may issue a building permit in those instances where a nonconforming lot or combination of lots of record meets eighty (80) percent of the minimum frontage, setback, or area requirements of this Ordinance upon a determination that said eighty (80) percent is in conformance with the general standard of the neighborhood.
4. In no event shall the side yards be less than five (5) feet to permit fire equipment reasonable access and further to prevent the spreading of fire; the Board of Appeals shall not have the right to vary this provision.

Section 6.06

Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the State Equalized Valuation of the non-conforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the building Inspector to be unsafe or unlawful by reason of physical condition, it may be enlarged or structurally altered to make it comply with the health and safety laws or ordinances; provided further that the cost of such work does not exceed fifty (50) percent of the State Equalized Valuation of such building or structure at the time such work is done.

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Section 6.07

Nonconforming Validation Certificate

1. At any time after the adoption of this Ordinance should the Township Building Inspector become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the building Inspector of the provisions of this Section that his property constitutes a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Validation Certificate for the nonconforming use. The application of such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the Building Inspector shall find, upon reviewing the application for a Validation Certificate, that the existing use is illegal or in violation of any other ordinance or law or if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Validation Certificate but shall declare such use in violation of this Ordinance.
3. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such adoption or amendment. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Clerk. However, any failure to prepare such record, or any failure on the part of any official to list any land, building, structure or use on any such record, shall in no way mitigate against the application of the rules and regulations controlling and eliminating said nonconforming buildings, structures, lands or uses as contained in this Ordinance, said record being intended for use by the Township officials only, and not being intended as notice to any owner or person that has any such building, structure, property, or use within the Township.

Article VII

Off-Street Parking and Loading Requirements

Section 7.01

Off-Street Parking Requirements

There shall be provided in all districts off street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, as hereinafter prescribed:

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1. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this ordinance. Amended Ordinance 1999-05
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of Section 3.01, "Accessory Building" of this Ordinance.
4. Any area once designated as required off-street parking shall not be changed to any other use unless, and until, equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of any existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
10. For the purpose of computing the number of parking spaces required, the definition of "Floor Area, Usable" in Article III, "Definitions," Section 3.01 shall govern.
11. Mixed uses must comply with the provisions in this article.
12. The minimum number of off-street parking spaces, by type of use, shall be determined in accordance with the following schedule:

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
a. Residential	
(1) Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
(2) Residential,	Two (2) for each dwelling unit.

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Multiple-Family

- (3) Housing for the Elderly One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy; then two(2) spaces per unit shall be provided.

- (4) Mobile Home Parks Two (2) for each trailer site and one (1) for each employee of the trailer court.

b. **Institutions**

- (1) Churches or Temples One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.

- (2) Hospitals One (1) for each one (1) bed.

- (3) Homes for the Aged and Convalescent homes One (1) for each two (2) beds.

NUMBER OF MINIMUM
PARKING SPACES PER
UNIT OF MEASURE

USE

- (4) Elementary and Junior High Schools One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.

- (5) Senior High Schools One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.

- (6) Private Clubs or Lodge Halls. One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.

c. **Recreational**

- (7) Private Golf Clubs, Swimming Pool One (1) for each two (2) member

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Clubs, Tennis Clubs, or other Similar Uses	families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
(8) Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar
(9) Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, Sports Arena, or Similar Place of Out-door Assembly.	One (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.

USE

NUMBER OF MINIMUM
PARKING SPACES PER
UNIT OF MEASURE

d. **Business and Commercial**

(1) Planned Commercial or Shopping Center	One (1) for each one hundred (100) square feet of usable floor area.
(2) Auto Wash (Automatic)	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the

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length in feet of each wash line by twenty (20).

(3) Auto Wash (Self-service or Coin Operated).

Five (5) for each washing stall in addition to the stall itself.

(4) Beauty Parlor or Barber Shop.

Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.

(5) Bowling Alleys.

Five (5) for each one (1) bowling lane plus accessory uses.

(6) Dance Halls, Pool or Billiard Parlors, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls without fixed seats.

One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

(7) Establishment for Sale and Consumption on the Premises, of Beverages, Food, or Refreshments.

One (1) for each thirty-three (33) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.

(8) Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair, and other Similar Uses.

One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)

(9) (a) Gasoline Station Convenience Stores, Full Service-Mixed Use

Two (2) for each lubrication stall, rack, or pit: and one (1) for each gasoline pump.

(9) (b) Gasoline Station Convenience Stores, One (1) space for each employee

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Self-Serve.	per shift plus one and one-half (1-1/2) for each pump.
(10) Laundromats and Coin-Operated Dry Cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
(11) Marina	One (1) for each boat berth, not to include area require for winter boat storage and, in addition, those spaces required under this Section for permitted uses such as restaurants, retail stores, etc.
(12) Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
(13) Mortuary Establishments	One (1) for each fifty (50) square feet of usable floor space.
(14) Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

(15) Motor Vehicle Sales and Service Establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
(16) Nursery School, Day Nurseries, or Child Care Centers.	One (1) for each three hundred fifty (350) square feet of usable floor space.
(17) Retail Stores Except as Otherwise Specified Herein	One (1) for each one hundred fifty (150) square feet of usable floor space.

e. **Offices**

(1) Banks	One (1) for each one hundred (100) square feet of usable floor space.
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(2) Business Offices or Professional Offices One (1) for each two hundred (200) Except as indicated in the following item (3) square feet of usable floor space.

(3) Professional Offices of Doctors, Dentists, One (1) for each fifty (50) square feet of usable floor area in or Similar Professions waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

f. **Industrial**

(1) Industrial or Research Establishments, and Related Accessory Uses Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.

(2) Warehouses and Wholesale Establishments and Related Accessory Uses Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Section 7.02

Off-Street Parking Space Layout, Standards, Construction and Maintenance

Whenever the off-street parking requirements in Section 7.01, above, require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Official. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Official and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering	Parking Space	Parking
Space			
<u>(in degrees)</u>	<u>Lane Width</u>	<u>Width</u>	<u>Length</u>
0 (parallel parking)	12 ft.	8 ft.	28 ft.

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30 to 53	18 ft.	9 ft	20 ft.
54 to 74	20 ft.	9 ft.	20 ft.
75 to 90	24 ft.	10 ft	20 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
 5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety-degree (90) pattern may permit two-way movement.
 6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. All lighting used to illuminate any off-street parking area shall be installed so as to be confined within, and directed onto the parking area only.

The following shall apply to all uses except, one (1) family and (2) family residential.

1. The off-street parking area shall be provided with a continuous and obscuring wall or greenbelt not less than four feet six inches (4'6") in height as measured from the surface of the parking area. This wall or greenbelt shall be provided on all sides where the adjacent zoning district is designated as residential. When a front yard setback is required, all land between said wall and the front property line or street right-of-way shall be kept free from refuse and debris, and may be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
2. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Township, except that individual areas shall be excluded and must provide six inches of crushed rock plus six inches of sand base. The parking area shall be surfaced prior to the issuance of the certificate of occupancy. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings, or into the adjacent right-of-way. Amended Ordinance 1999-05.

Section 7.03

Off-street Loading and Unloading

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order

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to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in Article XVI, "Schedule of Regulations," under "Minimum Rear Yards" as hereinafter provided for Industrial Districts.
- 2.

2. Within an Industrial District, all spaces shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface. All spaces in Industrial Districts shall be provided in the following ratio of space to floor area.

Gross Floor Area (In Square Feet) Loading and Unloading (Space Required)

0-1,400	-None
1,401-20,000	-One (1) space
20,001-100,000	-One (1) space plus one (1) space for each twenty thousand (20,000) sq. ft in excess of twenty thousand one (20,001) sq. ft.
100,001 and over	-Five (5) spaces

Article VIII Single-Family Residential

Section 8.01

Single-Family Residential

The intent of this district is to encourage a suitable environment for families. To this end, uses permitted in this zone are limited to single-family dwellings, together with certain other uses such as schools, parks, and playgrounds which are compatible with a neighborhood environment.

Section 8.02

Permitted Principal Uses

1. Single-Family residence.
2. Any Use customarily incidental to the permitted principal use.
3. Public Schools, parks, and playgrounds.
4. Home occupations.

Section 8.03

Special Land Uses Permitted in Accordance with Section 5.11

1. Churches, parish houses, and convents.
2. Private schools.
3. Municipal, state, or federal uses, public utility buildings, telephone exchange buildings, transformer stations, and gas regulator stations.
4. Hospitals.

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5. Golf courses.
6. Day Nurseries.

Section 8.04

Area, height, bulk, and placement requirements in accordance with Article XVI, **Schedule of Regulations.**

Article IX Multiple-Family Residential

Section 9.01

Multiple-Family Residential

The intent of this district is to permit a more intensive residential use of land with various types of multiple-family dwellings, two-family dwellings, boarding houses, and convalescent or nursing homes. These districts are intended to be located adjacent to major thoroughfares for good accessibility, and to allow various types and sizes of residential uses in order to meet the needs of the different age and family groups in the Township.

Section 9.02

Permitted Principal Uses

1. Multiple-family dwellings, such as garden-type apartments and townhouses.
2. Two-family dwellings.
3. Single-family Dwellings
4. Accessory buildings and uses customarily incidental to the above permitted principal uses.

Section 9.03

Special Land Uses Permitted in Accordance with Section 5.11

1. Convalescent or nursing homes
2. Churches.
3. Boarding and lodging homes.

Section 9.04

Site Plan Review

For all uses permitted in an R-2 District, all structures and uses must have site plan review as required in Section 5.09

Section 9.05

Area, height, bulk, and placement requirements in accordance with Article XVI, **Schedule of Regulations.**

Article X

CHIPPEWA TOWNSHIP ZONING ORDINANCE

Agricultural

Section 10.01

Agricultural

The intent of this district is to provide areas whereby farming and related farming pursuits may be preserved and encouraged.

Section 10.02

Permitted Principal Uses

1. Farm dwellings.
2. Single-family dwellings.
3. Bona fide farming or agricultural enterprises, excluding rendering plants, commercial fertilizer production, or garbage feeding or disposal activities and concentrated animal feeding operations: Concentrated animal feeding operations have confined more than 300 slaughter and feeder cattle, 200 mature dairy cattle, 750 swine over 55 pounds, 150 horses, 3000 sheep or lambs, 16,500 turkeys, 30,000 laying hens, or broilers (with continuous overflow watering), 9000 laying hens or broilers (with a liquid manure system), and 1500 ducks or 300 animal units. Amended Ordinance 2000-01.
4. Greenhouses or nurseries.
5. Roadside stands for the sale of products grown or produced on the premises.
6. Home occupations.
7. Any use customarily incidental to the permitted principal use.

Section 10.03

Special Land Uses Permitted In Accordance with Section 5.11

1. Churches
2. Community buildings
3. Cemeteries
4. Golf courses
5. Private landing fields
6. Nursing or convalescent homes
7. Hospitals
8. Home occupations if not conducted within the principal dwelling
9. Gravel mining
10. Tenant dwellings
11. Recreational uses
12. Radio, television, microwave, and other power and communication transmission and receiving towers, and their attendant facilities.
13. Natural gas transfer and meter stations.
14. Concentrated animal feeding operations. Amended Ordinance 2000-01.
15. Residential Golf Course Developments- Single family and duplex residence are permitted as a special land use under the following terms:
 - a) The development is permitted only in conjunction with an existing golf course area owned by the applicant seeking approval of the special land use authorized hereby.
 - b) An existing golf course must consist of 18 completed holes in consecutive configuration totaling not less than 6000 yards from beginning to end.
 - c) An existing golf course area is defined as consisting of the existing golf course and

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the area adjoining which may be authorized by application under this section 15 for residential development pursuant to special land use permission, and the area for residential development shall be determined as follows:

Step One: Describe entire golf course land area owned by applicant consisting of the existing golf course and adjacent land for which special use is applied for.

Step Two: Describe land area in use for the completed 18-hole course layout.

Step Three: Subtract Step Two area from Step One area with the results being the area for which a special land use is sought. (herein special use area)

- d) The term owner shall mean the party to whom the golf course area is assessed for ad valorem taxes.
- e) The overall density of residence in the Special Use Area shall not exceed one residence per two and one half (2 ½) acres based on the entire golf course area.
- f) The Township Board may authorize construction of residence on one side lot line, provided the other yard setback is a minimum of 20 feet.
- g) The Township Board may authorize a front yard setback of 35 feet.
- h) The Township Board may authorize a lot area of not less than 20,000 square feet, provided that, as to each lot applicant furnishes verification from the Isabella County Health department that the lot can support individual septic systems and the soil types are a sand/gravel, and further provided that the septic fields shall not be raised above the adjacent finished grade. Amended Ordinance 2002-1

Section 10.04

Area, height, bulk, and placement requirements in accordance with **Article XVI, Schedule of Regulations.**

Section 10.05

Concentrated animal feeding operations special use permits will only be granted when a comprehensive generally accepted agricultural management plan is presented for the proposed site. Amended Ordinance 2000-01.

Article XI Commercial

Section 11.01

Commercial

The intent of the Commercial District is to provide areas for retail business and service uses which are needed to serve nearby residential areas and certain transient consumers. Further, the intent of this district is to encourage the concentration of businesses in locations which contribute to the mutual advantage of both the consumers and merchants and, thereby, promote the best use of land at certain strategic locations and discourage marginal strip-business development.

Section 11.02

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Permitted Principal Uses

1. Retail sales businesses including shops for the sale of baked goods, beverages, meats, hardware, jewelry, notions, and foodstuffs.
2. Retail service businesses including barber shops, beauty parlors, dry cleaning, and coin operated laundry facilities, shoe repair shops, auto repair facilities, not to include auto body and painting establishments, and similar establishments.
3. General Office uses including professional offices of doctors, lawyers, and similar professions.

Section 11.03

Special Land Uses Permitted in Accordance with Section 5.11

1. Hotels and motels, restaurants, drive-in restaurants, and gas stations.
2. Veterinary hospitals.
3. Kennel and pet shops.
4. Outdoor uses such as auto sales, drive-in theaters, and commercial recreation facilities.
5. Lumber yards.

Section 11.04

Area, height, bulk, and placement requirements in accordance with Article XVI,
Schedule of Regulations.

Section 11.05

(A) Purpose.

The need for special regulation of certain business uses which, by their very nature are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective of zoning. Special regulation is needed to ensure these uses are not concentrated in any one area, thus preventing adverse effects upon the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and thus ensuring disbursement of these uses throughout the community.

(B) Uses Subject To Special Regulation.

The following uses are subject to these controls as follows:

Group "AS" Special Regulated Uses

1. Adult bookstore.
2. Adult motion picture theaters.
3. Adult mini motion picture theaters.
4. Massage establishments.
5. Establishments for the consumption of beer or intoxicating liquor on the premises which also have adult entertainment.
6. Steam baths.
7. Health clubs.

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8. Taxi dance halls.
9. Other uses which provide goods or services which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical area", or which are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 10.

(C) An application to locate or establish a special regulated use.

An application to locate or establish any specified use as enumerated in this section shall be made to the Township Zoning Official who shall not approve any request unless the standards contained in the following sub-sections for location of the use are fully complied with, and all other required conditions for uses in the district are complied with.

(D) Locational Standards-Relationship To Similar Uses

1. Group "AS" Special Regulated Uses. An application to establish a group "AS" special regulated use shall not be approved if there is already in existence one or more group "AS" special regulated use within one thousand five hundred (1,500) feet of the boundaries of the site of the proposed regulated use, excepting as provided in subsection (E)-Waiver of Location Standards.

2. Group "AS" Special Regulated Uses. An application to establish a group "AS" special regulated use shall not be approved if the proposed location is within four hundred (400) feet from any residentially zoned district, and one thousand five hundred (1,500) feet from any trailer park, park, or church, and shall not be approved if the proposed location is within two thousand six hundred fifty (2,650) feet from any K through 12 school, excepting as provided for in sub-section (E) below.

(E) Waiver of Location Standards.

(1) Relationship to similar uses. The Planning Commission may waive the locational standards of sub-section (D), limiting the location of group "AS" uses as they relate to similar uses if the following findings are made:

(a) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Article will be observed.

(b) The proposed use will not enlarge or encourage the development of a "skid row" area.

(c) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal within the district.

(d) All applicable regulations of this Article will be observed.

(2) Relationship to Residential Areas.

The Planning Commission may waive the locational standard of sub-section (D), limiting the location of group "AS" uses as they relate to residentially zoned districts, trailer parks, parks, or churches, provided a validated petition requesting such a waiver is

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presented to the Planning Commission, signed by the owners or purchasers of at least 51% of the parcels of land within five hundred (500) feet of the proposed location is presented to the Board. In addition to this requirement, the Planning Commission may waive the requirement that any group "AS" use be located no closer than two thousand six hundred fifty (2,650) feet from schools only if the proponent also demonstrates that school children are not required to pass by the location while walking to or from school. Any petition presented to the Board shall contain, at a minimum, the following:

- (a) A statement in the form of an affidavit attested to by the circulator of the petition that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
- (b) A statement on the petition so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
- (c) For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the Township to all property within the said five hundred feet (500).

(F) Application To The Planning Commission

An applicant requesting a waiver of locational requirements shall file an application with the zoning official, however, the zoning official shall not accept an application for the waiver of locational requirements for group "AS" uses as they relate to residentially zoned districts, trailer parks, K through 12 schools, parks, or churches without a petition as required herein. Said petition shall be validated by the zoning official. The zoning official shall then notify the Planning Commission of the receipt of the requests and petition within fifteen (15) days of filing.

(G) Conditions On Waivers.

Prior to granting a waiver of locational requirements the Planning Commission may place any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated uses as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(H) Definitions For Purposes Of This Article.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein.

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Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein.

Adult Entertainment: Any conduct, within an establishment having as a substantial or significant portion of its income from material, services or matters distinguished or characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", which presents material by books, films, slides or the like or by live presentation which includes services to the patron of an establishment, which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Massage Establishment: Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor barbershop or beauty shop which massages are administered only to the scalp, the face, the neck or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area.

Residentially Zoned Area: For the purpose of this article shall mean any area designated as single-family residential, multiple-family residential, mobile home park, and P.U.D.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical Areas: Less than completely covered (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Trailer Park: For the purpose of this Article trailer park shall mean any area zoned as a mobile home park or P.U.D.

(I) Zoning District Requirements For Special Regulated Uses.

The special regulated uses itemized in this Article shall be limited to the following zoning districts:

- (1) Commercial

Also each special regulated use shall be subject to the specific requirements of each zoning district in all other applicable regulations.

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Article XI A Casino

Section 11A.01 Casino

The intent of the Casino District is to provide areas for retail service and residential uses that are related and supplemental and supportive to the Casino use itself.

Section 11A.02

Permitted Principal Uses

1. All permitted principal uses in Article 11, Commercial District.
2. Casinos.

Section 11A.03

Special Land Uses Permitted in Accordance with Section 5.11

1. Hotels, motels, restaurants, gas stations.
2. Residential developments.
3. Recreational developments.

Section 11A.04

Area, Height, Bulk, and Placement requirements in accordance with Article XVI,
Schedule of Regulations.

Article XII Industrial

Section 12.01

Industrial

The intent of the Industrial District is to provide suitable sites for such uses, while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district.

Section 12.02

Permitted Principal Uses

1. The manufacture, compounding, processing, packaging, or treatment of products such as baked goods, cosmetics, hardware, and service machinery.
2. The assembly of electrical components, appliances, machinery, and other end products.
3. Enclosed warehouses, wholesale sales operations, vehicle terminals, and building material storage yards.
4. Automobile body and paint shops.

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Section 12.03

Special Land Uses Permitted In Accordance With Section 5.11

1. Gasoline and petroleum storage.
2. Concrete and asphalt plants.
3. Animal slaughterhouses.
4. Kennels and Pet Shops.

Amended Ordinance 1998-2

Section 12.04

Area, height, bulk, and placement requirements in accordance with Article XVI, **Schedule of Regulations.**

Article XII A Limited Office Research

Section 12A.01

Limited Office Research

The intent of this district is to accommodate those uses that will be compatible with adjacent non-industrial districts. Uses in this district will be characterized by the absence of objectionable external affects and by attractive building architecture in a campus like setting.

Section 12A.02

Permitted Principle Uses

1. Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and non-retail sales.
2. Medical, dental or veterinary offices including clinics and medical laboratories except animal hospitals.
3. Banks, credit unions, savings and loan associations.
4. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
5. Business, private or public schools.
6. Photographic studios.
7. Research and technological facilities.
8. Accessory buildings and uses customarily incidental to any of the permitted uses.

Section 12A. 03

Special Land Uses Permitted in Accordance with Section 5.11

1. Pharmacy or apothecary shops, stores limited to corrective garments or bandages, optical company; restaurants may be permitted, provided that it is within the building to which it is accessory and does not have a direct outside entrance for customer use.

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Section 12A. 04

Area, height, bulk, and placement requirements in accordance with article XVI, Schedule of Regulations.

Article XIII Mobile Home Park

Section 13.01

Mobile Home Park

The intent of the Residential Mobile Home District is to encourage a suitable environment for persons and families, that by preference choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes low-density standards and permitted uses that reflect the needs of residents in the District. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreation facilities, churches, schools, and necessary public utility buildings.

Section 13.02

Permitted Principal Uses

1. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 419, of 1976, as may be amended.
2. Mobile home subdivisions, subject to the Subdivision Control Act, Act 288, PA 1967, as amended, and all other applicable acts, rules, and regulations.

Section 13.03

Site Plan Review

For all uses permitted in the Mobile Home Park District, all structures and uses must have site plan review as required in Section 5.09.

Section 13.04

Area, Height, bulk, and placement requirements in accordance with Article XVI, Schedule of Regulations.

Article XIV Low Density Lake Residential

Section 14.01

R-4 Low Density Lake Residential

The Low Density Lake Residential District is intended to provide for a stable and sound residential environment on lots of sufficient size to accommodate the safe and healthful use of on-site water and waste disposal systems. The intent of this district is to encourage the proper use of lands adjacent to the lakes in Chippewa Township.

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Section 14.02

Permitted Principal Uses

The following uses of land and structures are permitted in the lakes area residential district:

1. Single-family residence.
2. Any use customarily incidental to the permitted principal use.
3. Home occupations

Section 14.03

Permitted Uses After Special Land Use Approval in Accordance with Section 5.11

1. Country Clubs and golf courses.
2. Marinas, yacht and boat clubs.
3. Recreational uses.

Section 14.04

Area, Height, Bulk, and Placement Requirements in Accordance With Article XVI,
Schedule of Regulations

Article XV RESERVED FOR FUTURE USE

CHIPPEWA TOWNSHIP ZONING ORDINANCE

ARTICLE XVI SCHEDULE OF REGULATIONS

ZONING DISTRICT	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM YARD SETBACK IN FEET(g) (I)</u>				<u>MINIMUM WIDTH OF LOT</u>	<u>MAXIMUM BUILDING HEIGHT</u>	
	AREA	FRONT YARD	SIDE YARDS LEAST TOTAL		REAR YD	WIDTH IN FEET	IN FEET	IN STORIES
R-1 SINGLE FAMILY RESIDENTIAL	1 ACRE	50	10	20	10	100	28	2
R-2 MULTIPLE FAMILY RESIDENTIAL (h)	5 ACRES	50 40	20	40	40 10	250	35	2 1/2
R-3 MOBILE HOME PARK	10 ACRES	50 30	20	40	20 10	250	25	1 1/2
R-4 LOW DENSITY LAKE RESIDENTIAL	5 ACRES	50	10	20	10	100	28	2
AG AGRICULTURAL	1 ACRE	50	10	20	10	100	35(c)	2 1/2
C COMMERCIAL	NONE	50 75 (a)(b)	15	30	50 10	30	30	2
CA CASINO	20 ACRES(d)	50 75 (d)	20(d)	40(d)	50 (d) 10	200(d)	35(d)	2 1/2(d)
LO/R LIMITED OFFICE RESEARCH (f)	1 ACRE NONE	50 75	10(e)	20(e)	15 (e) 10	100	30	2
I INDUSTRIAL	NONE	50 75 (a)(b)	15	30	40 10	100	45	3 1/2

Amended Ordinance 1997-03 / Amended Ordinance 1999-03 / Amended Ordinance 2003-02

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ARTICLE XVI SCHEDULE OF REGULATIONS
(Continued)

The Minimum size of buildings shall be as follows:

<u>TYPE OF BUILDING</u>	<u>FEET WIDTH STANDARDS</u>	<u>SQUARE FEET USABLE FLOOR AREA FIRST STORY</u>	<u>SQUARE FEET TOTAL USABLE FLOOR AREA</u>	<u>SQUARE FEET ADDITIONAL FLOOR AREA FOR STORAGE AND OR UTILITY</u>
<u>Single Family</u>	14' Update 2009-01			
1 Story in Height			768	
1 1/2 Story in Height			1000	
2 Stories in Height			1200	
<u>Two Family Dwelling</u>	14' Update 2009-01			
Per Dwelling Unit			768	100
<u>Mutli-Family Dwelling</u>	14' Update 2009-01			
Efficiency Unit			450	100
1 Bedroom Unit			630	100
2 Bedroom Unit			720	100
3 Bedroom Unit			1050	100

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FOOTNOTES TO SCHEDULE OF REGULATIONS:

~~(a) No vehicles shall be parked within 25 feet of the front yard lot line.~~

(a) No vehicles shall be parked within 10 feet of the front yard lot line.

~~(b) No vehicles shall be stored within 75 feet of the front yard lot line.~~

(b) No vehicles shall be stored within 50 feet of the front yard lot line.

(c) Normal farm accessory buildings are excluded from this requirement.

(d) Single family land uses in this district shall comply with requirements in the R-1 District.

(e) None: except where abutting a residential use. In such case the setback shall be 50 feet and shall be landscaped and maintained as a buffer area.

(f) No lot shall be occupied by buildings or other structures exceeding a coverage of 50%.

(g) In determining the placement of a structure on a lot, the front building setback line shall be measured from the future right-of-way line in accordance with the Isabella County right-of-way plan as adopted. Section and quarter section line roads not identified in the plan will be deemed to have a minimum future right-of-way of 66 feet. Lots having frontage on more than one road or body of water shall maintain a front building setback line on each road or body of water.

(h) Where multiple family dwellings are permitted maximum density shall be limited to one dwelling unit per acre for the first five acres in the parcel and two units per acre allowed for each additional acre in the parcel.

(I) Accessory structures other than buildings shall have a minimum front, side and rear yard setback of 10 feet.

Amended Ordinance 1997-3 amended Ordinance 1998-2 amended Ordinance 1999-03 amended Ordinance 1999-05

CHIPPEWA TOWNSHIP ZONING ORDINANCE

Article XVII Administration and Enforcement

Section 17.01 Enforcement

The provisions of this Ordinance shall be administered and enforced by the Building Official or any other employees, inspectors, and officials as the Building Official may delegate to enforce the provisions of this Ordinance.

Section 17.02 Duties Of The Building Official

The Building Official shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following, in sufficient detail to enable the Building Official to ascertain whether the proposed work or use is in conformance with this Ordinance.

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land, as set forth in the application, are in conformity with the provisions of this Ordinance, and all other applicable ordinances, statutes and regulations, the Building Official shall issue a permit. The fact or allegation that a proposed use will effect a violation of a private contract, covenant, restriction, or other private agreement, shall not be a basis for a denial of a permit, where said use complies in all respects with the provisions of this Ordinance. If any application for such permit is not approved, the Building Official shall state, in writing, on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.

The Building Official is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance, to any person making application to excavate, construct, remove, alter, or use either buildings, structures, or land within the Township. The Building Official is under no circumstances permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Official.

CHIPPEWA TOWNSHIP ZONING ORDINANCE

Section 17.03

Permits

The following shall apply in the issuance of any permit.

1. Permits for Construction, Alteration, Remodeling, and Repair. It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, structural change, or repair in any existing building or structure, or move an existing building without first obtaining a permit from the Building Official. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance and all other applicable ordinances, statutes and regulations, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage, or other permit shall be issued until the Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

2. Permits for New Use of Land. A permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

3. Permits for New Use of Buildings or Structures. A permit shall also be obtained for any change in use of an existing building or structure.

Section 17.04

Certificates Of Occupancy

It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use, or permit to be used, any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Official shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. Certificate Validity. The Certificate of Occupancy, as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

2. Certificates for Existing Buildings. Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance and all other applicable ordinances, statutes, and regulations.

3. Temporary Certificates. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, if after inspection it is found that there has been compliance with all provisions of this Ordinance and all other applicable ordinances, statutes and regulations, and provided that such Certificate of Temporary Occupancy shall not remain in force more than ninety (90) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy.

4. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Building Official, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

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5. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

6. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Building Official co-incidentally with application for building permits and shall be issued within ten (10) days after written notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance, and all other applicable ordinances, statutes and regulations. If such certificate is refused for cause, the applicant shall be notified of such refusal and the reasons therefore within the aforesaid ten (10) day period.

Section 17.05

Final Inspection

The recipient of any building permit for the erection, construction, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 17.06

Fees

Fees for inspections, in an amount set from time to time by Township Board Resolution, and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township by the Township Treasurer in advance of the issuance of such permits or certificates.

Section 17.07

Amendments

The Township Board may, after recommendation from the Planning Commission, and, supplement, or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the owner in fee of the premises concerned or else the owner in fee also subscribe to his petition, and shall submit a petition for rezoning to the Township offices. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee as established by the Township Board with the Township Treasurer at the time that the petition is filed, to cover the publication and other miscellaneous costs for said change.

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Article XVIII Board Of Appeals

Section 18.01

Creation Of Board Of Appeals

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done. The Board of Appeals shall consist of five (5) members as follows:

1. One member shall be a member of the Planning Commission.
2. A second member may be a member of the Township Board, appointed by the Township Board, for the period of his term of office.
3. Other members shall be selected and appointed by the Township Board among the electors residing in the unincorporated area of the Township, and shall serve for a period of three (3) years. An elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third member or as an employee of the Township Board of Appeals.
4. The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred within the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
5. The Township Board may appoint up to two (2) alternate members of the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board Of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings or when a regular member has abstained for reasons of a conflict of interest. In either event the alternate member shall serve until a final decision is made. The alternate member has the same voting rights as a regular member. Amended Ordinance 2007-01

Section 18.02

Meetings

All special meetings of the Board of Appeals shall be held at the call of the Chairman, and regular meetings at such times as the Township Board may determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

Section 18.03

Appeals

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, department, board or bureau affected by a decision of the Building Official. Such appeals shall be taken within such time as shall be prescribed by the

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Township Board by resolution by filing with the Building Official and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Building Official shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Board of Appeals after the Notice of Appeal shall have been filed with the Building Official that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, provided, however, that, notwithstanding said certification by the Building Official, the Board of Appeals may grant a stay of proceedings. The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as it is provided by law.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 18.04

Notice Of Hearing

~~The Board of Appeals shall cause notice of each appeal which it has scheduled for hearing to be given to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within 300 feet. The Notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenants name is not known, the term "Occupant" may be used. If the Notice is delivered by mail, an Affidavit of Mailing shall be filed with the Board of Appeals prior to the hearing. The Notice shall be made at least eight (8) days prior to the hearing. Said Notice shall state the time, place, date, and purpose of the hearing. In addition, a Notice stating the time, place, date, and purpose of the hearing shall be published in a newspaper of general circulation in the Township at least once not less than ten (10) days prior to such hearing.~~

The Board of Appeals shall cause notice of each appeal which it has scheduled for hearing to be given in a manner designed to comply with the requirements of MCL 125.3101 et. seq. and amendments thereto. Amended Ordinance 2007-01

Section 18.05

Powers of Board Of Appeals Concerning Administrative Review And Variances

The Board of Appeals shall have the following powers and duties:

1. Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township Officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties ~~or unnecessary hardships~~ in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done. Amended Ordinance 2007-01
2. Authorization. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and

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intent of this Ordinance, so that public health, safety, and welfare are secured, and substantial justice done, including the following:

- a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Board of Appeals shall find such use, height, area, building, or structure reasonable necessary for the public convenience and service.
 - c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
 - d. Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
3. Conditions. The Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have all the powers of the Building Official from whom the appeal is taken.

Section 18.06 **Standards**

In consideration of all appeals for variances, the Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

1. Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-

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vehicle contacts in residential districts.

3. Will be designed as to the location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibrations, smoke or lights.

4. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value.

5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

6. Is necessary for the public convenience at that location.

7. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

8. Will not cause substantial diminution to the value of other property in the neighborhood in which it is to be located.

Section 18.07

Board Of Appeals Approval

The Board of Appeals may require the applicant to submit all necessary surveys, plans, or other information necessary for the Board of Appeals to investigate thoroughly the matter before it. The Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purpose of this Ordinance.

Section 18.08

Approval Periods

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Article XIX Interpretation And Application

Section 19.01

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to

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interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not to conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

Article XX Violations And Penalties

Section 20.01

~~Any person, persons, firm, or corporation, or anyone acting in behalf of said person, persons, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals, or the Township Board, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than five hundred (500) dollars and the costs of prosecution or, in default of the payment thereof, by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.~~

Any person, persons, firm, or corporation, or anyone acting in the behalf of said person, persons, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals, or the Township Board, adopted pursuant hereto, shall upon a finding of responsibility be deemed responsible for a civil infraction and subject to the authority of the court as established in MCL 600.8701 et. seq and fines and costs. Each day such violation continues shall be deemed a separate discretion of the court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Amended Ordinance 1999-06

Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, razed, or converted in violation of any provisions of this Ordinance, are hereby declared to be a nuisance per se. The court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty for maintaining a nuisance per se.

Article XXI Conflicting Provisions Repealed

Section 21.01

All other ordinances and parts of ordinances in conflict with this Ordinance to the extent

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of such conflict and no further, are hereby repealed. The Zoning Ordinance, for the Township of Chippewa, Isabella County, Michigan effective February 5, 1979, and as amended, is specifically repealed in its entirety; provided, however, that all provisions of said Ordinance pursuant to which ordinance violations have been issued prior to the effective date of this Ordinance, shall remain enforceable exclusively with respect to said ordinance violations, and shall remain so enforceable until final adjudication of the respective ordinance violation cases shall occur.

Article XXII Severability

Section 22.01

This Ordinance and the several articles, sections, paragraphs, provisions, and clauses of this Ordinance are hereby declared to be severable, and in the event that any article, section, paragraph, provisions, clause, phrase, or word of this Ordinance shall be held void, ineffectual, or unconstitutional, by court of competent jurisdiction, said holding shall not affect the validity and effectiveness of the remaining articles, sections, paragraphs, provisions, clauses, phrases, or words of this Ordinance.

Article XXIII Enactment And Effective Date

Section 23.01

Declaration Of Enactment And Date Of Adoption

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Chippewa, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication, as required by law.