

Niles Charter Township
Berrien County
Ordinance # _____

AN ORDINANCE TO AMEND SECTION 4.07, SUMMARY OF DISTRICT REGULATIONS; SECTION 12.04, LOCAL BUSINESS DISTRICT, DISTRICT REGULATIONS; SECTION 13.04, GENERAL BUSINESS DISTRICT, DISTRICT REGULATIONS; SECTION 14.04 HIGHWAY BUSINESS DISTRICT, DISTRICT REGULATIONS OF THE NILES CHARTER TOWNSHIP ZONING ORDINANCE

NILES CHARTER TOWNSHIP HEREBY ORDAINS:

1. Section 4.07.Summary of District Regulations is hereby amended to read as set forth on the following page:

SECTION 4.07 - SUMMARY OF DISTRICT REGULATIONS

DISTRICT	LOT AREA	LOT WIDTH (in feet)	YARD SETBACKS (in feet)				HEIGHT		LOT Coverage
			Front	Rear	One Side	Total	Feet	Stories	
AP, Agricultural Preservation	See sec. 5.04	220	50	50	25 ¹	50	35	2½	20%
RP, Rural Preservation	1.5 acres	150	50 ²	40	15	30	35	2½	10
R-1A, Low Density Single Family	12,000 sq. ft. ³	80	40 ⁴	40	10	20	35	2½	25
R-1B, Medium Density Single Family	7,500 sq. ft. ⁵	60	30 ⁶	30	6	12	35	2½	30
R-2, High Density Residential	7,500 sq. ft. ⁵	90	25 ⁷	25 ⁷	6 ⁸	12	35	2½	30
R-3, Manufactured Housing Community	See Chapter 10								
OS, Office Service	20,000 sq. ft.	100	25 ⁹	25 ¹⁰	11	22	40	3	25
LB, Local Business	20,000 sq. ft.	100	25 ⁹	25 ¹⁰	11	22	35	2½	25
GB, General Business	30,000 sq. ft.	150	50 ¹¹	40 ¹⁰	11	22	35 ¹³	N/A	25
HB, Highway Business	30,000 sq. ft.	200	50 ¹¹	40 ¹⁰	11	22	40 ¹³	N/A	25
I, Industrial	2 acres	250	100 ¹²	75 ¹⁰	20	40	40	N/A	40

1. 60 ft. each side for non-residential uses
2. 75 ft. from State or Federal highways
3. 20,000 Sq. Ft in area and 100 foot width if not served by public sewer or community sewer system or public water system
4. 60 ft. from State or Federal highways
5. Min. area for two-family dwellings is 7,500 sq. ft. per unit and width of 90 ft.; min. of 2 acres for non-residential uses and 200 ft. width
6. 50 ft. from State and Federal highways
7. All uses other than two-family require 50 ft.
8. All uses other than two-family require 35 ft. on each side
9. No parking within required front setback and must be landscaped
10. Rear and/or side yards abutting Residential District must be screened per sec. 3.12
11. No parking within first 25 ft. of front setback and must be landscaped
12. No parking within first 25 ft. of front setback and must be landscaped; no loading in front yard
13. Building heights of up to 45 feet may be allowed on parcels adjoining property zoned GB or HB on all sides. On parcels adjoining the RP, R-1A, R-1B, R-2 or R-3 districts, building heights of up to 45 feet may be allowed, if one foot of additional setback on the property line(s) is provided adjoining such districts for each foot the building height exceeds 35 feet in the GB district or 40 feet in the HB district.

2. Section 12.04,, C, LB District Regulations, is hereby amended to read as follows:

C. The following dimensional requirements shall be met for any use in this District, unless otherwise provided:

LB District Regulations		
Minimum lot area	20,000 sq. ft.	
Minimum lot width	100 feet	
Minimum front yard setback	25 feet	No parking area, except for entrance driveways, shall be located within the required front yard. The required front yard shall be landscaped
Minimum side yard setback	11 feet	Side or rear yards adjoining any lot in a Residential District shall be screened in accordance with the requirements of Section 3.12.
Minimum rear yard setback	25 feet	
Maximum building height	the lesser of 2 ½ stories or 35 feet	
Maximum lot coverage	25 percent	

3. Section 13.04,, C, GB District Regulations, is hereby amended to read as follows:

C. The following dimensional requirements shall be met for any use in this District, unless otherwise provided:

GB District Regulations		
Minimum lot area	30,000 sq. ft.	
Minimum lot width	150 feet	
Minimum front yard setback ¹	50 feet	No parking area, except for entrance driveways, shall be located within the first twenty-five (25) feet of the required setback abutting the right-of-way. This area shall be landscaped
Minimum side yard setback ¹	11 feet	Side or rear yards adjoining any lot in a Residential District shall be screened in accordance with the requirements of Section 3.12.
Minimum rear yard setback ¹	40 feet	
Maximum building height ¹	35 feet ¹	
Maximum lot coverage	25 percent	
<p>1. Building heights of up to 45 feet may be allowed on parcels adjoining property zoned GB or HB on all sides. On parcels adjoining the RP, R-1A, R-1B, R-2 or R-3 districts, building heights of up to 45 feet may be allowed, if one foot of additional setback is provided on the property line(s) adjoining such districts for each foot the building height exceeds 35 feet.</p>		

4. Section 14.04,, C, HB District Regulations, is hereby amended to read as follows:

C. The following dimensional requirements shall be met for any use in this District, unless otherwise provided:

HB District Regulations		
Minimum lot area	30,000 sq. ft.	
Minimum lot width	200 feet	
Minimum front yard setback ¹	50 feet	No parking area, except for entrance driveways, shall be located within the first twenty-five (25) feet of the required setback adjacent to the right-of-way. This area shall be landscaped
Minimum side yard setback ¹	11 feet	Side or rear yards adjoining any lot in a Residential District shall be screened in accordance with the requirements of Section 3.12.
Minimum rear yard setback ¹	40 feet	
Maximum building height ¹	40 feet ¹	
Maximum lot coverage	25 percent	
<p>1. Building heights of up to 45 feet may be allowed on parcels adjoining property zoned GB or HB on all sides. On parcels adjoining the RP, R-1A, R-1B, R-2 or R-3 districts, building heights of up to 45 feet may be allowed, if one foot of additional setback is provided on the property line(s) adjoining such districts for each foot the building height exceeds 40 feet.</p>		

5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

6. Effective Date.

This Ordinance shall become effective eight (8) days after publication.

NILES CHARTER TOWNSHIP

Date: _____

By: _____
Jim Kidwell, Supervisor

Date: _____

By: _____
Marge Durm-Hiatt, Clerk

Published Date: _____, 2010

Effective Date: _____, 2010