

ORDINANCE NO. 2 of 2009

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF DECATUR TOWNSHIP, VAN BUREN COUNTY, MICHIGAN, BY ADDING TO CHAPTER 16, ENTITLED "GENERAL PROVISIONS AND EXCEPTIONS", THE ITEMS SET FORTH IN THIS ORDINANCE.

THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: The Zoning Ordinance for Decatur Township, Van Buren County, Michigan is hereby amended by adding to Chapter 16 of said Ordinance the following provisions.

A. Section 16.24 - Accessory Building and Structure is hereby amended by adding thereto the following provision.

1. No travel trailer, motor home, mobile home or semi-trailer shall be used as an accessory building or structure in R-1 (Low Density Residential District) and in R-4 (Lake Residential District); provided however that semi-trailers may be temporarily used for storage purposes for a period not exceeding twenty days when the user thereof is in the process of moving to a new location; and provided further that office and storage trailers of Building Contractors are permissible under the provisions of Section 16.15 (B);

B. The following Sections are hereby added to Chapter 16 as follows:

1. Section 16.35 - INSTALLATION OF DRIVEWAY CULVERTS.

All driveway culverts, or tubes, which are required by the Michigan Department of Transportation or the Van Buren County Michigan Road Commission for driveway permits, shall be properly installed prior to the construction of the driveway serving said premises. A Certificate of Zoning Approval shall not be issued until any required culvert or tube has been properly installed.

2. Section 16.36 - UNLAWFUL OCCUPATION OF FLOODPLAINS, STREAMS AND RIVERS.

A person shall not occupy, or permit the occupation of the land for residential, commercial or industrial purposes, or fill or grade, or permit the filling or grading for a purpose other than agricultural of land in a floodplain, stream or river bed or channel of a stream or river, as ascertained and determined by the Michigan Department of Environmental Quality. No building or structure or addition thereto shall be constructed within a floodplain, stream or river bed or channel of a stream or river except as permitted by the Michigan Department of Environmental Quality as provided in MCL 324.3108.

3. **Section 16.37 - LOT ACCESSABILITY.**

No dwelling unit shall be built on a lot unless the lot abuts upon a public street, or existing private street, or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of twenty (20) feet, excepting where an access easement of record of less width existed prior to the adoption of this Ordinance. All persons using private streets and easements for access shall maintain and keep same in good repair to enable fire equipment, quick response vehicles and other emergency vehicles to have access to premises served by said private streets or easements without hazzard to emergency equipment vehicles or responders. All regulations contained in the Zoning Ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets.

4. **Section 16.38 - PERFORMANCE GUARANTEES**

A. **Purpose.** To ensure compliance with the Decatur Township Zoning Ordinance, and any amendments thereto and any conditions imposed under said Zoning Ordinance, the Decatur Township Board, Planning Commission and/or Zoning Board of Appeals may require performance guarantees deemed appropriate in accordance with The Michigan Zoning Enabling Act, Public Act 110 of 2006, Section 505 (MCL 125.3505). Performance Guarantees are described and set forth in Chapter 19 of the Decatur Township Zoning Ordinance at Section 19.02.

Section 2: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3: REPEAL. All other Ordinances or parts thereof of the Township of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4: DATE OF EFFECT. This Ordinance amending the Decatur Township Zoning Ordinance is subject to a referendum pursuant to MCL 125.3402, and therefore this Ordinance shall not take effect until the expiration of seven (7) days after the publication of this Ordinance, unless a Notice of Intent to file a Petition for Referendum is filed with the Decatur Township Clerk within the aforesaid seven (7) days.

In the event the aforesaid Notice of Intent is timely filed, this Ordinance shall not take effect until the expiration of thirty (30) days after publication of this Ordinance, if no Petition for a Referendum is filed with the Decatur Township Clerk within the aforesaid thirty (30) days, or the Clerk determines that said Petition is adequate.