

**CHESTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN  
(Ordinance No. \_\_\_\_\_)**

At a regular meeting of the Township Board for Chester Township held \_\_\_\_\_ on \_\_\_\_\_, 2022, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member \_\_\_\_\_ and was seconded by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND SUBSECTION 301A.2.b OF THE  
CHESTER TOWNSHIP ZONING ORDINANCE REGARDING  
LAWFUL NONCONFORMING STRUCTURES AND BUILDINGS  
AND ABANDONMENT MATTERS.**

**THE TOWNSHIP OF CHESTER (the “Township”) ORDAINS:**

Article 1. The following is hereby added to (and will become the second paragraph of) Subsection 301.A.2.b of the Chester Township Zoning Ordinance as follows:

A.2.b. If a lot has a house, cottage, or building thereon that is lawfully nonconforming (due to a failure to meet setback, height, size or other dimensional zoning requirements), it is destroyed to an extent of more than 60% of its replacement cost, the landowner desires to rebuild the building similar to its size and location before destruction, and where it is reasonably necessary for a new or rebuilt house, cottage, or building to be constructed on the lot that will violate the current setback requirements, then the Zoning Board of Appeals shall grant a reasonable setback variance. In determining whether such a variance shall be granted, the Zoning Board of Appeals shall apply all of the following in addition to those standards listed in Section 2002.D:

1. Whether rebuilding the prior building within or similar to the historical building footprint is practical in ensuring the health, safety, and welfare of the property owner involved and the owners of neighboring properties.
2. Whether the request is the minimum necessary to grant reasonable relief.
3. Whether the size of the proposed new or rebuilt building is reasonably proportionate to the size of the lot.

4. Whether the setbacks of the prior building could be improved to bring the new building closer into greater conformance with the current zoning requirements and allow greater distance between neighboring structures without causing practical difficulty to the landowner.
5. At no time shall the approved side yard setback be less than five feet.

[The balance of existing Subsection 301.A.2.b shall remain unchanged and in full force and effect]

Article 4. The Remainder of the Chester Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Chester Township Zoning Ordinance remains unchanged and in full force and effect.

Article 5. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 6. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: \_\_\_\_\_  
 \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Chester Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_  
 Helen Dietrich  
 Chester Township Clerk