

ORONOKO CHARTER TOWNSHIP

BERRIEN COUNTY, MICHIGAN

ZONING ORDINANCE

ADOPTED: FEBRUARY 8, 2011

EFFECTIVE: MARCH 18, 2011

AS AMENDED THROUGH FEBRUARY 9, 2021

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ORDINANCE NO. 26**ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE****THE TOWNSHIP BOARD OF ORONOKO CHARTER TOWNSHIP
ORDAINS:**

An Ordinance to establish Zoning Districts and provisions governing the unincorporated portions of Oronoko Charter Township, Berrien County, Michigan, in accordance with the provisions of the Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended; to define certain terms used herein; to prescribe the powers and duties of certain officials; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.

ARTICLE I - INTENT AND PURPOSE

1.01 SHORT TITLE

This Ordinance shall be known as the "Oronoko Charter Township Zoning Ordinance" and will be referred hereinafter as "this Ordinance."

1.02 INTENT AND PURPOSE

A. This Ordinance is adopted for the following purposes:

1. To promote the public health, safety, and general welfare.
2. To implement the goals, objectives and future land use recommendations of the Oronoko Charter Township Master Plan and to regulate the intensity of land use in a manner compatible with said Plan;
3. To provide adequate natural light, air, and safety and to protect the public health;
4. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
5. To lessening or avoid congestion in the public streets and highways;
6. To conserve the value of land and buildings throughout the Township;
7. To preserve and enhance aesthetic values throughout the Township;
8. To facilitate the orderly growth in the undeveloped areas in Oronoko Charter Township of agriculture, residential, business, commercial, manufacturing and complementary developments;
9. To protect lands best suited for pursuit of agriculture from the encroachment of development;
10. To provide for the needs of recreation, residence, commerce, and industry in future growth;
11. To protect land, woodland, rivers, streams and underground deposits of mineral resources;
12. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;

13. To create a Zoning Board of Appeals and to define the powers and duties thereof;
14. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
15. To provide for the payment of fees for zoning permits and escrow accounts to support the expense of administration and proper review of applications for zoning permits;
16. To provide penalties for the violation of this Ordinance;
17. To provide safety in traffic and vehicular parking;
18. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

ARTICLE II - DEFINITIONS

2.01 RULES AND DEFINITIONS

The rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

2.02 RULES

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural singular; where the context requires.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece," "parcel," and "tract" and the phrase "used for" shall include the phrases arranged for, "designed for," "intended for," "maintained for" and "occupied for."
- E. All measured distances shall be the nearest integral foot ~ if a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.
- F. Any words not defined by this article shall be used with a meaning of common or standard utilization.
- G. The words and terms, set forth herein under "Definitions" wherever they occur in this Ordinance, shall be interpreted as herein defined.

2.03 DEFINITIONS

Abandonment. An action to give up one's rights or interests in property.

Abuts, Abutting. To have a common property line or district line.

Access. A way or means of approach to provide vehicular or physical entrance to or exit from a property or area.

Accessory Building. A building which is clearly subordinate or incidental to a principal building or principal use. Accessory buildings include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof.

Adjacent. Touching or contiguous, as distinguished from lying near.

Administrator or Zoning Administrator. The Oronoko Charter Township Zoning Administrator as established in Section 19.01 of this Ordinance.

Adult Family Day Care Home. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Group Day Care Home. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center

Adult Day Care Facility. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Foster Care Facility. An establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
- B. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- C. County infirmary operated by a County department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- D. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;

- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Foster Care Small Group Home. An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Large Group Home. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Family Home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Congregate Facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Agriculture. Land, or land and structures, the principal uses of which are the growing of farm or truck garden crops and one or more of the following: dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry activities, including the farm dwellings.

Airport. Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas' which are used or intended for use for airport buildings or other airport facilities located thereon.

Alley. A right-of-way that affords a secondary means of vehicular access to abutting properties and that is not meant for general traffic circulation.

Alteration. Any construction; modification; remodeling; repair; improvement; relocation; or, replacement of a building or structure that needs a permit under the provisions of Section 19.03 or under the provisions of the Building Code.

Animal Clinic or Veterinary Clinic. A facility used for providing medical care or treatment to domestic animals and the boarding of animals is limited to short term care incidental to the clinic use.

Apartment. A room or suite of rooms in a multiple-family dwelling, which is arranged, designed, used or intended to be used by one family.

Assembly Operation. Buildings, structures and premises used for the combining of parts into finished products and/or sub-assembly components for subsequent finishing on or off site and for the packaging, shipping and receiving of such products.

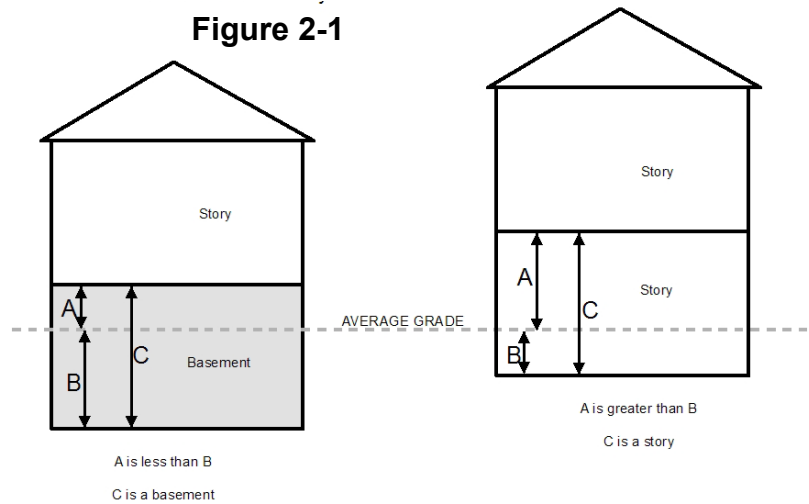
Auditorium. A room, hall or building made a part of a church, theater, school, recreation building or other buildings designed for the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Repair, Major. An establishment used or intended to be used for engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame or fender straightening or repair and painting of vehicles.

Automobile Repair, Minor. Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major."

Awning. A roof-like mechanism, retractable in operation, which projects from the wall of a building.

Basement. A portion of a building that is partially or wholly below average grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. Where more than one-half (1 / 2) of its height is above the average grade of the adjoining ground, a basement shall be counted as a story for purposes of height measurement. (See Figure 2-1)



Bed and Breakfast. An owner-occupied building wherein up to six (6) rooms or suites are offered, for compensation, as overnight lodging for transient guests and which may provide one or more meals per day for overnight guests only.

Bedroom. Any room used for sleeping purposes.

Billboard. See Sign, Advertising (Billboard)

Block. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

Boarding House. A building or portion thereof - other than a motel or hotel - containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods.

Buildable Area. The portion remaining on a lot after the minimum setback and open space requirements of this Ordinance have been complied with and excluding any wetland, 100-year flood plain, high risk erosion area, drainage way, lake or similar natural feature which poses an impediment or hazard to safe construction or use of property.

Building. Any covered structure, either temporary or permanent, built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land. Buildings shall include: decks and porches, including steps and trailers, whether mounted or on wheels and situated on private property and used for purposes of a building.

Building, Principal. A building or structure in which is conducted the principal use of the lot.

Building Area or Building Footprint. The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

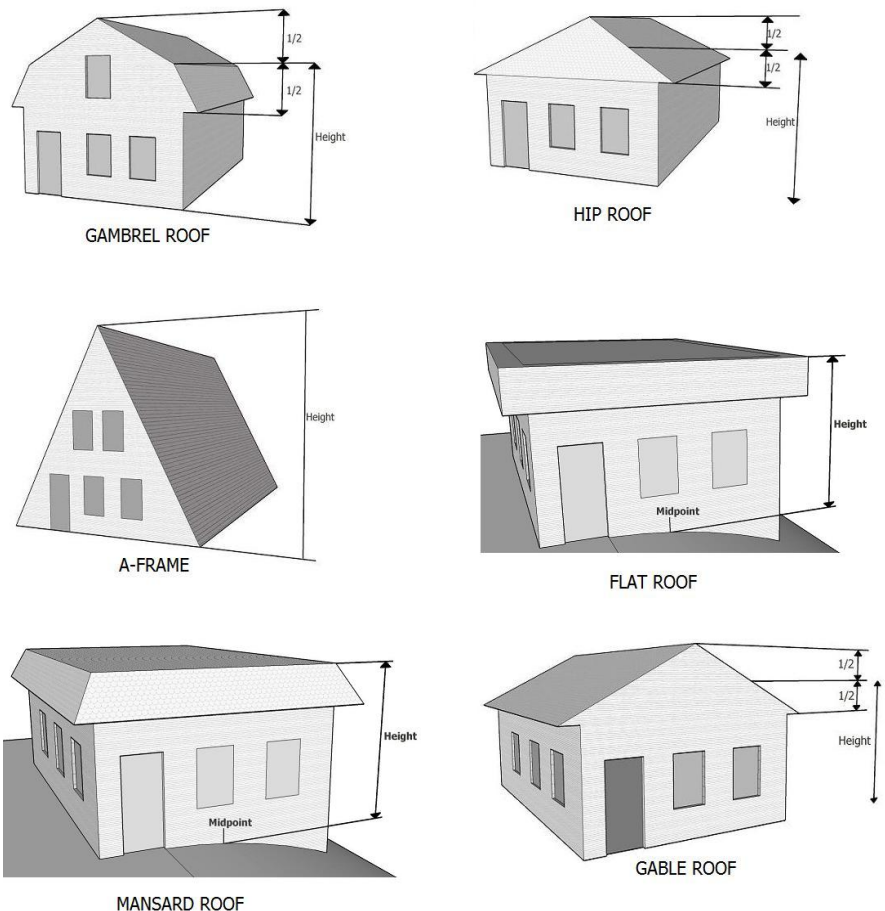
Building Code. The building or construction code in effect in Oronoko Charter Township, which generally regulates construction, housing, plumbing, electrical wiring and fire protection.

Building Coverage. See lot coverage.

Building Envelope. That portion of a parcel contained within the required front, rear, waterfront and side yards, as established by the setback dimensions for the zoning district.

Building, Detached. A building surrounded by open space on the same lot.

Figure 2-2



Building, Height of. The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height. (See Figure 2-2)

Building Line. The line nearest the front of and across a lot between the front line of a building or structure and the street right-of-way line. (See Figure 2-3)

Building Official. The Building Code Administrator of Oronoko Charter Township, Michigan or his/her duly authorized representative.

Building Permit. A certificate issued by the Building Official required before any construction is started.

Campground. See Tourist Park.

Car Wash. A facility where water and cleaning facilities are provided for customers including manual wash facilities, coin washes, and those with automatic and semiautomatic application of cleaner, brushes, rinse water, and forced air and/or heat for drying.

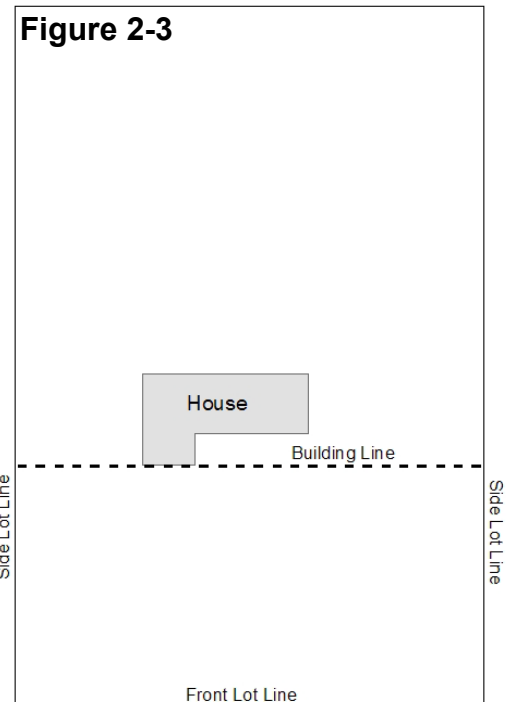
Cemetery. Any one or a combination of more than one of the following (as per MCL 456.522): a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human or pet remains; and a columbarium for the deposit of cremated remains.

Certificate of Occupancy: A certificate issued by the Township Building Official authorizing the occupancy and/or use of land and/or buildings or structures pursuant to the Township Building Code and the terms of this Ordinance. *(amended by ordinance 76 on May 13, 2014)*

Certificate of Completion: A certificate issued by the Township Zoning Administrator or Building Official certifying that all work pursuant to a zoning permit application or building permit application has been completed and is in compliance with the terms of this Ordinance and all other applicable local, state, and federal regulations. *(amended by ordinance 76 on May 13, 2014)*

Clinic, Medical or Dental. A facility for the practice of medicine or dentistry, and the diagnosis and treatment of humans, who are in need of medical, dental, or minor surgical care, but who are not kept on the premises for more than eight (8) hours.

Club or Lodge, Private. A nonprofit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.



Cluster Subdivision. A land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

Conditional Use. See Use, Special.

Condominium. A building, or group of buildings, or parcel of land in which individual portions thereof are owned by, or offered for sale to, separate entities with common elements owned jointly as prescribed in Act 59 of 1978, as amended.

Conforming Structure. A structure which complies with all the regulations of this Ordinance or of any amendment thereto governing bulk of the district in which said structure is located.

Contiguous. In actual contact.

Convalescent Home. See Nursing Home.

Convenience Store. Any retail establishment offering for sale goods such as but not limited to prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads and sandwiches, and beverages for on-site or off-site consumption, as well as motor vehicle fuels, lubricants and similar supplies.

Court. An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on three or more sides by such building or buildings.

Day Care Center. A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- B. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Day Care Family (6 Clients). A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group (7-12 Clients). A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Decibel. A unit of measurement of the intensity of loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

Density. The number of dwelling units per unit of land.

District or Zoning District. A section or part of the unincorporated portion of Oronoko Charter Township wherein certain zoning or development regulations apply.

Drive-Through Business. A principal or accessory use of an establishment that by design, physical facilities, services or by packaging procedures encourages or permits some or all customers to receive services, obtain goods or be entertained while remaining in their vehicles.

Driveway. A private vehicular roadway providing access to a street from a property.

Dwelling or Dwelling Unit. A building or portion thereof designed or used exclusively for human habitation purposes for one family.

Dwelling, Single-Family. A building containing not more than one dwelling unit that is not attached to other dwellings by a common wall.

Dwelling, Two-Family. A building containing two separate dwelling units designed for residential purposes.

Dwelling, Multiple-Family. A structure containing three or more dwelling units designed for residential purposes.

Earth Solids Removal. A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

Easement. A private irrevocable agreement of record between landowners, public utilities, and/or persons, for a specific purpose such as, but not limited to, utilities, driveways, pipelines, or pedestrian ways.

Eating and Drinking Establishment. A retail establishment selling food and drink for consumption on the premises, including, but not limited to, restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Educational Facility. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a preschool, elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets State requirements, where applicable.

Essential Services. The erection, construction, alteration, or maintenance of public utilities as regulated by Michigan Public Services Commission, or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, 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, but including buildings, 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. It does not include telecommunications, radio communication, cable television or satellite communications operations and facilities.

Family. A single individual or individuals, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, organization, school, boarding house or group of students or other individuals whose relationship is of a transitory or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time.

Farm. Land, plants, animals, buildings, structures, including ponds, used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products, including but not limited to; greenhouses, nurseries, orchards, apiaries, chicken hatcheries, vineyards and similar specialized agricultural enterprises. Establishments keeping or operating game, fish hatcheries, dog kennels, fur bearing animals, stock yards, slaughter houses, stone quarries shall not be considered farms in this Ordinance; nor shall premises operated as fertilizer works, bone yards or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm.

Farm Animals or Livestock. Animals customarily kept by humans for the purpose of providing food, clothing or work, and which are customarily raised for profit, including but not limited to, equine, bovine, ovine, caprine, porcine, fowl, and bees.

Farm Buildings. Any building or structure, other than a dwelling, used or maintained on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

Farm Operation. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products; as further defined in Act 93 of 1981.

Farm Product Processing Facility. A facility involved in the complete or partial conversion of any agricultural product into a commercial product of any kind, or in the processing of agricultural-related waste products. A Farm Product Processing Facility may include, but shall not be limited

to, ethanol processing plants, grain mills, slaughter operations, dairy operations, canning operations, methane processing, and refining plants, and similar facilities.

Farmhand Dwelling. A single-family dwelling, two-family dwelling or manufactured home located on the same parcel as a farm or farm operation used for residential purposes by a hired laborer on the farm.

Fence. An artificially constructed barrier used as a boundary or means of protection or confinement.

Fence, Solid. A fence including gates, which conceal from view from adjoining properties, streets or alleys, activities conducted behind it.

Filling Station. Buildings and premises where the retail sale, supply, and dispensing of fuels, lubricants and similar products for motor vehicles are supplied and dispensed at retail. A filling station is not a repair garage or a body shop.

Financial Guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Financial Institution. Commercial establishments such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

Flood or Flooding. A general and temporary condition of partial or completed inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface water from any source.

Flood Hazard Area or Floodplain. Land, which on the basis of available floodplain information, is subject to a 1% or greater chance of flooding in any given area and as determined from time to time by the Federal Emergency Management Agency, or any successor agency.

Floor Area, total. The sum of the horizontal areas of each story of a building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.

Freight Terminal (Motor). A building in which freight is brought to and from said building by motor truck.

Frequency. Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Frontage. That portion of a lot that abuts the street right-of-way.

Funeral Home or Mortuary. A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

Garage. An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on.

Garage, Public. A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, and fairways and that may include a clubhouse, driving range, pro shop, shelter, and/or related accessory uses.

Governmental Office. The offices of any department, commission, independent agency, or instrumentality of the United States, of a State, County, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

Grade. The average elevation of the finished surface of the ground adjoining the exterior walls of a building or at the base of a structure.

Greenhouse. Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Gross Density. The ratio between total number of dwelling units on a lot and total lot area in acres.

Guest House. Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises.

Guest Unit. An en-suite which shall consist of one or more bedrooms. *(amended by ordinance 91 on February 15, 2017)*

Guest, Permanent. A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, or motel accommodation as his domicile and place of permanent residence.

Home Occupation. An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

Home Occupation, Major. A Home Occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

Home Occupation, Minor. A Home Occupation as defined herein that, under normal circumstance, is not apparent to neighbors.

Hospital or Sanitarium. A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hotel or Motel. An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses.

Junk Yard. An open area of land and any accessory building or structure thereon, licensed by the State of Michigan which is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery, and equipment not in operable condition or parts thereof, and other metals, paper, plastics, rags, rubber tires, and bottles. A "junk yard" includes an automobile wrecking yard.

Kennel/Animal Day Care. Any premise or portion thereof on which more than three dogs, cats or other household domestic animals over six months of age are kept or in which more than two such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

Laboratory, Research. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Laundry and Dry Cleaning Establishment. A business that provides washing, drying, dry cleaning and ironing facilities for rental use to the general public for cleaning garments, bedclothes and other household and personal materials.

Library. A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Loading and Unloading Space, Off-Street. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public street and alleys.

Lodging House. See Boarding House.

Lodging Room. A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this Ordinance.

Lot (Zoning). A parcel of land separated from other parcels of land by description on a plat, condominium subdivision plan or by metes and bounds description, recorded in the Berrien County Office of the Register of deeds and may have a unique tax identification number, that meets the dimensional requirements of this Ordinance.

Lot Area. The horizontal area of a lot bounded by the front, side and rear lot lines.

Lot Coverage. The percent of a lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 2-4)

Lot Lines. The property lines bounding a lot.

Lot Line, Front. The boundary of a lot abutting a street.

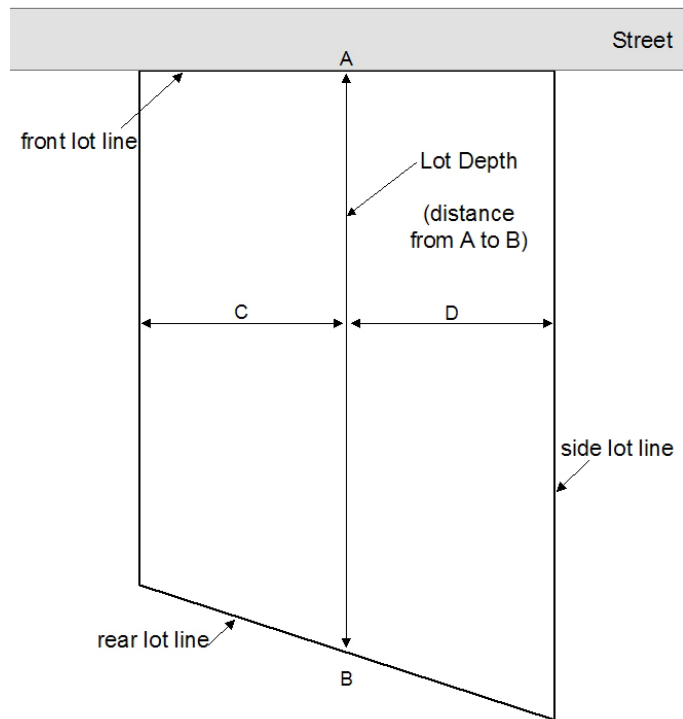
Lot Line, Interior. A lot line that does not abut a street.

Lot Line, Rear. An interior lot line which is most distant from the front lot line and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot which is parallel to and at maximum distance from the front lot line.

Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Figure 2-4

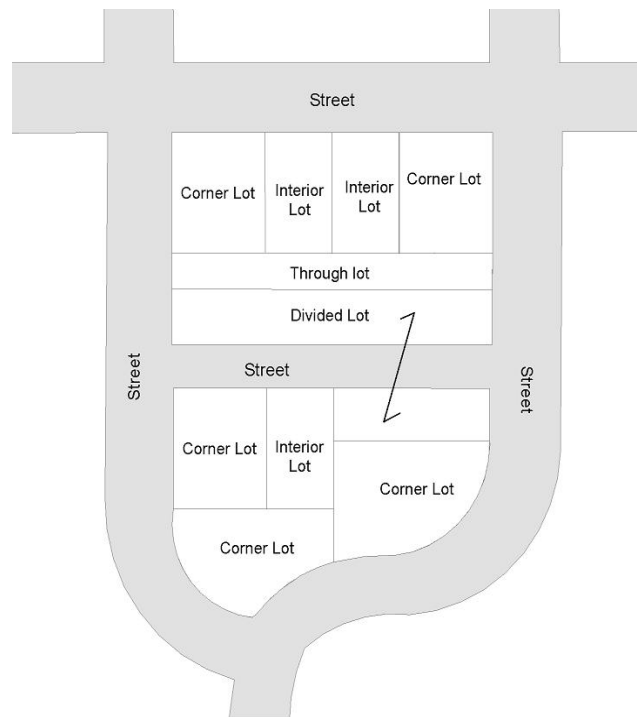


Lot Types. Figure 2-5 illustrates terminology used in this Ordinance with reference to corner lots, interior lots, and through lots: *(amended by ordinance 76 on May 13, 2014)*

In the figure,

- A. corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than one hundred thirty-five (135) degrees.
- B. Interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street. Interior lots on cul-de-sacs shall contain a minimum of 50 feet of frontage, on the turnaround section of the cul-de-sac.
- C. Through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D. Divided lot, defined as a lot that is bisected by any street.

Figure 2-5



Lot Width. The distance between the side lot lines, measured at the front property line.

Manufacturing. The fashioning of raw materials and or component parts into a change of form for use.

Manufacturing Establishment. An establishment, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing, or testing of materials, goods or products.

Maintenance. The routine upkeep of a structure or equipment including the replacement or modification of structural components or equipment in order to keep them unimpaired and in operable condition.

Manufactured Housing or Manufactured Home. A structure transportable in (1) one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning; and electrical systems contained in the structure. Manufactured home does not include a recreational vehicle.

Manufactured Housing Community. Any parcel or tract of land licensed and regulated under provisions of the State Mobile Home Park Act, being Act 419 of the Public Acts of 1976, as amended, under the control of any person, upon which 3 or more occupied manufactured homes are harbored on the continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the harboring or occupancy of manufactured homes.

Manufactured Housing Subdivision. A "subdivision" as defined by the State Land Division Act, as amended, which has been expressly established for the sole purpose of selling lots on which manufactured homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the aforementioned Act and of all other applicable State, County, and township regulations.

Marquee or Canopy. A roof-like structure of a permanent nature which projects from the wall of a building.

Master Deed. A legal instrument under which title to some or all rights of real estate ownership are conveyed and by which a condominium is created and established, including as exhibits and incorporated by reference in the approved bylaws and the condominium subdivision plan.

Master Plan. The comprehensive, long-range plan intended to guide growth, preservation and development in Oronoko Charter Township which includes recommendations on future land use, economic development, housing, recreation, transportation, open space, agriculture and community facilities.

Migrant Labor Housing. A building in a State of Michigan, Department of Health licensed migrant labor camp for human habitation of a temporary type to be used only by farm employees, commonly known as migrant workers.

Mini/Self Storage Facility. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mixed Use Development. A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

Motel. See Hotel.

Net Floor Area. That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee work space.

Nonconforming Lot. A lot of record which does not conform to the lot area, width or locational requirements of this Ordinance.

Nonconforming Structure. A structure, lawfully established, which does not comply with any of the requirements of this Ordinance or of any amendment hereto governing bulk of the district in which it is located.

Nonconforming Use. A use of land that does not conform with the regulations of this Ordinance or any amendment thereto governing use in the district in which it is located but conformed with all of the codes, Ordinances, and other legal requirements applicable at the time such use was established.

Nursing Home, Convalescent Home and Similar Institutions. A home for the aged, chronically ill, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, licensed in accord with Article 17 of Act 368 of 1978, as amended.

Occupancy Certificate. A certificate issued by the Building Official before the building is occupied, stating the occupancy and use of land or building or structure referred to therein complies with the provisions of this Ordinance.

Open Sales Lot. Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors prior to sale. (Such as automobiles, trucks, motor scooters, motorcycles, boats, trailers, garages, snow mobiles or other commodities.)

Open Air Business. The display and sales of products and services primarily outside of a building or structure, including, but not limited to, vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

Open Space. An area within a development designed and intended for the use or enjoyment of all residents or occupants of the development or for the use and enjoyment of the public in general.

Owner. Any individual, firm, partnership or corporation having a legal or equitable possessory interest entitled to exclusive possession in land.

Park. A tract of land, designated, maintained and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.

Parking Area, Private. An open, hard surfaced area, other than a street or public way designed, arranged and made available for the storage of motor vehicles only for occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public. An open hard surfaced area other than a street or public way, intended to be used for the storage of motor vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking Space, Motor Vehicle. One unit within a public or private parking area provided for the parking of one motor vehicle.

Party Wall. A common wall which extends from its footing below grade to the underside of the roof and divides the building.

Permit, Building. A permit issued by the Building Official as pursuant to the Oronoko Charter Township Building Code.

Personal Service Establishment. An establishment engaged in providing services involving the care of a person or his or her personal goods or apparel, including linen supply, beauty shops, barbershops, shoe repair, health clubs, and similar facilities, but not including a tattoo or piercing parlor.

Personal Storage Building. A building used or intended to be used only for storage, collection, stockpiling or keeping of personal property or vehicles located on a lot parcel with no other principal buildings or dwellings.

Place of Public Assembly. Buildings, structures and grounds, including theaters, churches, auditoriums, stadiums, sports arenas, concert halls, lecture or reception halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering 30 or more. A family gathering, reunion or similar event shall not be considered a place of public assembly.

Place of Public Assembly, Small. A place of public assembly shall be considered a small facility if it has either less than 2,000 square feet in gross floor area or total seating capacity of no more than 100 in the largest room or space intended for public assembly.

Place of Public Assembly, Large. A place of public assembly shall be considered a large facility if it has either 2,000 square feet or more in gross floor area, total seating capacity of more than 100 in the largest room or space intended for public assembly, or the capability to expand to meet these standards in the future.

Planned Unit Development. A special land use pursuant to Section 18.28 of this Ordinance intended to accommodate developments with mixed or varied uses, innovative design features, the preservation of natural features, and/or sites with unusual topography or unique settings.

Planning Commission. The Oronoko Charter Township Planning Commission.

Pole Building. A pole type building is a building erected on poles as the supporting foundation.

Professional Office. The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

Right-of-way. Land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, railway, electric transmission lines, pipeline, water line, sanitary storm sewer, and other similar essential services, whether public or private, for public purposes.

Recreational Facility. A place designed and equipped for the conduct of sports, exercise and leisure-time activities, which may or may not be open to the public for a fee, and including facilities for recreational activities such as tennis, bowling, billiards, platform games, swimming, exercise rooms, handball, court games and similar activities.

Recreational Vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Refuse. All waste products resulting from human habitation, except sewage.

Resort. A permanent building or group of permanent buildings, other than a boarding house, hotel, motel or campground, containing overnight accommodations for transient guests with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, or similar activities. *(amended by ordinance 91 on February 15, 2017)*

Retail Business. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Road, Private. A road which is not publicly-owned, and which has not been dedicated to the Township, County or other governmental entity.

Roadside Stand. A structure for the display and sale of farm products which are produced on the premises.

Setback. The required minimum horizontal distance between a lot line and the nearest wall of a building or side of a structure facing such lot line or edge of the area of operation of a principal use when no building or structure is involved.

Sexually Oriented Business. An establishment engaged in providing services, entertainment or products characterized by an emphasis on matters involving, depicting, describing or relating to specified sexual activities and/or specified anatomical areas, as defined.

Shared Driveway. A driveway connecting two or more contiguous properties to the street.

Shared Parking. Joint use of a parking area by more than one use or business.

Service Drive. A front or rear interconnection between parcels, and may include the maneuvering lane within a parking lot. A service drive is not a private street.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including the following sign types:

Sign, Advertising (Billboard). A structure including a billboard on which is portrayed information which directs attention to a business, commodity, service or entertainment or other activity not related to use on the lot upon which the sign structure is located.

Sign, Business. A sign which directs attention to a business, commodity, service, entertainment or other activity conducted on the lot upon which such sign is located.

Sign, Bulletin Board. A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it and general announcements that indicate the services or activities and times of the institution or organization.

Sign, Flashing. An illuminated sign on which the artificial light is not kept constant or stationary in intensity or color at all times when such sign is in use. Illuminated signs which indicate the time, temperature, date or similar public service information shall not be considered flashing signs.

Sign, Ground. Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.

Sign Area. The entire face of a sign including the advertising surface and framing trim or molding, but not including structural elements outside the sign surface. Each side of a double-faced sign structure shall be used in computing sign area.

Sign, Identification. A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Political. Any sign painted, posted or displayed in any way in behalf of any candidate, political party or ballot question.

Sign, Projecting. A sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure.

Sign, Roof. A sign erected, constructed, and maintained above the roof eaves line of any building.

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

Site Condominium. A method of subdivision where the sale and ownership of land is regulated by the Condominium Act (P.A. 59 of 1978), as amended, as opposed to the Land Division Act.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation and utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development and legal description pursuant to Article 19.10 of this Ordinance.

Smoke. The visible discharge from a chimney, stack, vent, exhaust, or combustion processes which is made up of particulate matter.

Specified Anatomical Areas. Specified anatomical areas shall include:

- A. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Any of the following:

- A. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or,
- D. Excretory functions as part of or in connection with any of the activities set forth in A-C above.

Stable. A building designed, arranged, used or intended to be used for housing equine for private use, remuneration, hire or sale.

Stacking Spaces. Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

Stacking Requirements. The number of motor vehicles that must be accommodated in a stacking space while awaiting ingress or egress to specified business or service establishments.

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

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite, exterior walls are not more than three (3) feet above the floor of such story.

Street, Road or Highway. A public right-of-way or easement which is designated as a permanent right-of-way or easement for common use as the primary means of vehicular access to abutting properties.

Street Frontage. All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

Street Line. The property line of a lot abutting the street right-of-way.

Street, Local. A street of limited continuity used primarily for access to abutting properties.

Street, Major. A street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond.

Structure. Anything constructed or created on site, a manufactured home, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Structural Alteration. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair or replacement as may be required for the safety of the building.

Studio for Performing and Graphic Arts. A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance and other similar pursuits.

Tasting Room. An establishment associated with a winery/brewery that allows patrons to sample the winery or brewery's products and a limited amount of prepared food products for on-site consumption. A tasting room may be located on the same parcel as the winery/brewery with which it is associated as an accessory use. For the purposes of this Ordinance, a tasting room shall not be considered an eating and drinking establishment. *(amended by ordinance 85 on October 13, 2015)*

Tattoo or Piercing Parlor. An establishment where persons are tattooed or where body piercing is undertaken, other than by a licensed medical practitioner or cosmetologist; whether in exchange for compensation or not.

Tavern or Lounge. See eating and drinking establishment.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tourist Park. A parcel or tract of land containing facilities for locating three or more travel trailers, camping tents, or other similar temporary sleeping facilities for use only by transients (tourists).

Tower. Any structure exceeding the permitted height limits of the district within which it is located and used as an antenna, or for the attaching of an antenna for the broadcasting or receiving of radio signals, (including all cellular telephone facilities). No tower shall permit or provide for human occupancy.

Township. Township shall mean Oronoko Charter Township, Berrien County Michigan.

Toxic Matter or Material. Those materials which are capable of causing injury to living organisms by chemical means.

Usable Open Space. Any parcel or area of land or water where the actual and intentional use is enjoyment of owners, occupants, and their guests of land adjoining such open space. Useable open space may include active recreational facilities such as swimming pools; play equipment; competitive sports fields and courts; and picnic tables.

Use. The purpose or activity for which the land or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory. An accessory use is one which is incidental to the principal use of the premises.

Use, Permitted. Any use which is or may be lawfully established in a particular district or districts.

Use, Principal. The primary use of land or structures as distinguished from a subordinate or accessory use.

Use, Special Land. A use permitted under specific conditions within a zoning district as regulated in Article XVIII of this Ordinance.

Variance. Permission to depart from the literal requirements of this Ordinance in accord with Section 19.08 G, 3.

Warehouse. A structure used for storage and/or repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life.

Wholesale Facility. An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Windmill (Wind Energy Conservation Systems). A windmill or a wind energy conversion system shall mean all, or any combination of the following:

- A. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
- B. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- C. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;

- D. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and,
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Windmill, Small (Wind Energy Conversion Systems). A Windmill (Wind Energy Conversion System), as defined herein, which has a rated capacity of not more than 100kW/1MW and which is intended primarily to reduce on-site consumption of utility power.

Windmill, Large (Wind Energy Conservation Systems). A Windmill (Wind Energy Conversion System), as defined herein, which has a rated capacity of more than 100kW/1MW and which is intended to generate utility power.

Winery/Brewery. A state-licensed facility where production of agricultural products used in the production of beer and/or wine is maintained and where the site and buildings are used principally for the production of wine or beer. A winery/brewery shall include buildings involved in the production of wine or beer. A winery/brewery may include tasting rooms conducted in association with and on the same property as the winery/brewery. *(amended by ordinance 85 on October 13, 2015)*

Wireless Communication Antenna. Any mounted device that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communication signals, optical, laser or other communication signals; including, but not limited to cellular, PCS, land mobile radio, marine, paging, AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

Wrecking Yard. (See Junk Yard)

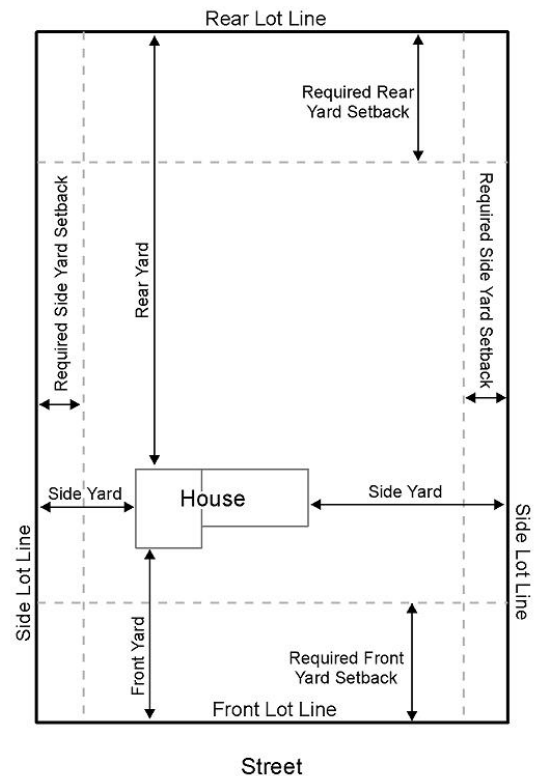
Yard. The open spaces that lie between the principal building or buildings and the nearest lot line.

Yard, Front. A yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line.

Yard, Rear. A yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line.

Yard, Side. The remaining yard(s) between the front and rear building lines and the side line (s) of the parcel.

Figure 2-7



Yard Line. A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard.

Yard, Transitional. The required rear or side yard between a business or manufacturing district and a residential district.

Zoning Administrator. The Oronoko Charter Township Zoning Administrator, as established pursuant to Section 19.01 herein.

Zoning Board of Appeals. The Oronoko Charter Township Zoning Board of Appeals as established pursuant to Section 19.08 herein.

Zoning District. The districts established pursuant to Article V herein, into which the unincorporated area of Oronoko Charter Township has been divided for zoning regulations and requirements as set forth on the Zoning Map.

Zoning Map. The map or maps incorporated into this Ordinance pursuant to Section 5.02 hereof.

ARTICLE III- GENERAL PROVISIONS

3.01 INTERPRETATION

- A. Minimum Requirements. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Relationship with Other Laws. Where the conditions imposed by any provision of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern. Uses that are contrary to or in violation of local, State, or federal law, ordinances, or other regulations are prohibited.
- C. Effect on Existing Agreements. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.

3.02 SCOPE OF REGULATIONS

- A. Changes in Structures or Use. Except as may otherwise be provided in Article IV, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning district in which such buildings, uses or land shall be located.
- B. Nonconforming Buildings, Structures, and Uses. Any building, structure, or use lawfully existing at the time of the enactment of this Ordinance may be continued, subject to the provisions of Article IV, Nonconforming Buildings and Uses.

3.03 ACCESS TO PUBLIC OR PRIVATE STREET

Except as otherwise provided for in this Ordinance, every principal building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public or private road.

3.04 ACCESSORY BUILDINGS, STRUCTURES, AND USES

(Amended by ordinance 111 on December 9, 2020)

Accessory buildings, structures, and uses shall be compatible with the principal use, and no accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory.

- A. Accessory buildings and structures shall be located in compliance with the setback requirements as stated in section B-3 below. Uses shall be in compliance with the applicable Zoning District.
- B. Except as otherwise required, accessory buildings shall comply with the following requirements:
 1. Accessory buildings shall not exceed twenty (20) feet in height and 1 ½ (1.5) stories. [see 2.03 Definitions Figure 2-2]
 2. Accessory buildings shall not occupy more than thirty (30) percent of the area of the yard in which it is located.
 3. Accessory buildings located in the R-1, R-2, R-3, U-C, B, M districts and on properties within the Place-Based Code overlay shall be located in the side yard or rear yard. Accessory buildings located in the A-R or E-1 districts outside of the Place-Based Code overlay may be located in the front yard only if the accessory building is located at least 100 feet from the adjacent street right of way.
 4. Accessory buildings shall be located not less than ten (10) feet from a side or rear lot line, except:
 - a. On corner lots, in which case the accessory building shall meet the required side yard setback.
 - b. On through lots that do not have a rear lot line adjoining a nonaccess strip, in which case the accessory building shall be meet the required front yard setback.
 5. Except as otherwise provided in this Ordinance, not more than three (3) accessory buildings are permitted on a lot in any district.
- C. Accessory buildings or structures containing livestock that are not regulated by Generally Accepted Agricultural Management Practices (GAAMPs) shall be setback at least 50 feet from any property line, unless modified by the Zoning Administrator or Planning Commission.
- D. Guest Houses may be permitted as a special land use subject to the requirements of Section 18.35 of this Ordinance.
- E. All accessory buildings or structures shall be secured to the premises by an anchoring system approved by the Building Official, sufficient to retain the building/structure in place during high wind conditions.

3.06 DUMPSTERS

Dumpsters or other refuse or recycling containers which serve multi-unit residential buildings, institutional, commercial, office, or industrial establishments shall be enclosed and such enclosures shall comply with the following requirements:

- A. Such enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure.
- B. The enclosure shall be four-sided with a lockable gate constructed of opaque materials; provided, the Zoning Administrator or Planning Commission may permit a three-sided where site configuration makes a four-sided enclosure impractical or where a three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.
- C. Walls of the enclosure shall be 6 feet in height.
- D. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.
- E. The Planning Commission may waive one or more of requirements of this subsection only where it is determined that adequate screening can be provided and maintained for the life of the use by natural vegetation or other means without negative impact on the aesthetics of the surrounding area.

3.07 LOT COVERAGE

- A. Maintenance of Yards, Courts, and Other Open Spaces. The maintenance of yards, courts and other open spaces and minimum lot area required for a building shall be a continuing obligation of the owner of such building of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
- B. Division of Lots. In no case shall division or combination of a lot or lots create a lot or parcel which does not meet the dimensional requirements of this Ordinance.
- C. Minimum Lot Width. Any lot hereafter created shall have a width that is at least equivalent to the minimum standards of the zoning district in which it is located.
- D. Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this Ordinance for equivalent new construction.

3.08 EXISTING SPECIAL LAND USES

When a use is classified as a special use under this Ordinance, and exists as a permitted use at the date of adoption of this Ordinance, it shall be considered a special use without further action of the Planning Commission.

3.09 FARM WORKER HOUSING

- A. Farmhand Dwellings. In the A-R district, the Planning Commission may approve the establishment of a single-family dwelling, two-family dwelling or manufactured home as a farmhand dwelling, subject to the following requirements.
1. A farmhand dwelling may be located on the same parcel with the principal farm and homestead, but shall be sited with sufficient separation from such other buildings as to permit its future establishment as a legal and conforming building and parcel in the A-R district.
 2. Farmhand dwellings shall only be permitted if farming is the principal use on the parcel on which it is located.
 3. Farmhand dwellings shall conform to all dimensional, structural and maintenance requirements of this Ordinance, the Berrien County Building Code and the Housing Code.
 4. Farmhand dwellings shall have a minimum floor area of 720 square feet, and not more than 1,500 square feet of living area.
 5. At least one off-street parking space shall be provided for a farmhand dwelling.
- B. Migrant Labor Housing. One or more dwellings proposed for use by itinerant or migrant labor may be permitted provided it meets the requirements of the Michigan Department of Public Health, Agricultural Labor Camp Rules and the following standards:
1. Migrant Labor Housing shall be located on a parcel with not less than 5 acres in area, and shall be confined to the interior portions of the active farm at least 200 feet from adjacent right-of-way lines and at least 100 feet from side and rear lot lines. The Planning Commission may require a berm or landscape plantings to screen the Seasonal Labor Housing.
 2. The number of Migrant Labor Housing units provided shall not exceed more than one (1) unit for each five (5) acres of land devoted to active farm operations.
 3. Migrant Labor Housing shall be occupied only by itinerant or migrant farm laborers and shall not be used for any other residential purpose. In no event shall Seasonal Labor Housing be used for more than 9 months in any calendar year.

4. Any structure utilized for temporary immigrant housing shall be subject to all applicable building permits and inspection requirements.
5. All migrant labor housing units shall comply with the Agricultural Labor Camp Rules of the Michigan Department of Public Health. Evidence of such compliance shall be provided to the Township. Failure to maintain compliance with such standards shall be grounds for revocation of a land use permit for Seasonal Labor Housing.

3.10 FENCES

- A. Construction of a fence shall require issuance of a zoning permit issued by the Zoning Administrator prior to construction or erection of the fence.
- B. Fences shall be constructed to present the finished outside fence appearance to adjacent property and public right-of-ways by either:
 1. Symmetrical construction having identical inside and outside face appearance including main anchor posts and frame members.
 2. Offset construction with main anchor posts and horizontal and vertical frame members visible on the inside face only and vertical and horizontal face members or materials mounted on the outside surface of the frame and anchor post members.
- C. Fences shall not exceed four (4) feet in height in the front yard and fences six (6) feet in height located in the side or rear yard.
- D. Solid fences shall be prohibited in a front yard.
- E. The alteration of the natural grade of the land to increase the functional height of a fence shall be prohibited.
- F. Barbed wire, barbwire, electrified wire or any form of single strand wire fence or barrier shall be prohibited except for the following:
 1. In the A-R Agriculture-Residential District
 2. The installation as cap wires on industrial grade cyclone type fence with a minimum height of six (6) feet.
- G. Any fence erected or maintained in violation of this Section shall be deemed a hazard to public health and welfare and shall constitute a violation of this Ordinance.

3.11 HOME OCCUPATION, MINOR

- A. A home occupation must be conducted within the dwelling of the residential lot.

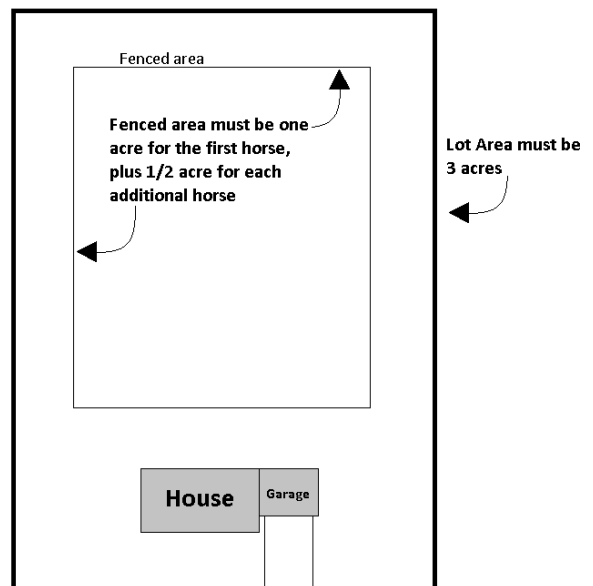
- B. No more than twenty (20) percent of the floor area of the dwelling unit may be used in connection with a home occupation including storage. For this determination, the floor area of a dwelling unit shall include all habitable areas within the dwelling unit, including basements and habitable attic space.
- C. All business activity and storage must be within the interior of the dwelling. There shall be no exterior storage allowed in conjunction with a home occupation. This shall apply to non-passenger commercial vehicles and limousines associated with a home occupation.
- D. Home Occupations shall be conducted solely by family members residing at the residence.
- E. No sale or rental of goods or products shall be allowed unless produced or fabricated on the premises as a result of a home occupation.
- F. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be allowed.
- G. The home occupation shall not generate pedestrian or vehicular traffic beyond that normally generated by homes in the residential area.
- H. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat and the activities of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. No exterior modification of the home shall be permitted in connection with such home occupation.
- I. All home occupations shall be subject to periodic inspections.
- J. Home occupations that do not meet the standards of this Section may be approved as special land uses subject to Section 18.19.
- K. Home occupations that meet the standards of this Section may be approved by the Zoning Administrator under the provisions of Section 19.03. *(amended by ordinance 76 on May 13, 2014)*
- L. Minor home occupations shall comply with all applicable local, state and federal regulations. *(amended by ordinance 76 on May 13, 2014)*

3.12 KEEPING OF ANIMALS *(Amended by ordinance 88 on September 13, 2016)*

- A. The keeping of customary household pets is permitted as an accessory use in all Zoning Districts provided that the provisions of this Ordinance and other Township and County regulations are met.

- B. Farm animals and livestock are permitted in the A-R and E-1 districts only and are permitted without restriction provided that Generally Accepted Agricultural Management Practices as defined by the Right to Farm Act are followed.
- C. This Section shall not prohibit the keeping of small domestic animals or livestock for supervised youth agricultural experiences sponsored by an organization that is exempt from taxation under Section 501(c)(3) of the IRS Code of 1986, or by any subsequent corresponding IRS code of the United States as from time to time amended, in any area which is zoned for residential use, on lots of one (1) or more acres.
- D. The keeping of horses on non-farm parcels shall be permitted in the A-R and E-1 districts only, provided that the parcel on which the horses are kept maintains a minimum lot area of 3 acres.

Further, the horses shall be kept within a fenced in area that provides a minimum of one acre for the first horse and an additional 1/2 acre for each additional horse. The fenced area shall be set back at least ten (10) feet from any property line and shall not be within fifty (50) feet of any domestic well. Horses shall be provided with an accessory structure for protection against the weather.



- E. The provisions of this section do not apply to farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with adopted Generally Accepted Agricultural Management Practices (GAAMPs).

3.13 KENNEL/ANIMAL DAY CARE

- A. Kennels/Animal Day Care facilities shall be subject to the following requirements:
 1. The minimum lot area shall be one (1) acre for the first three (3) animals, and an additional one-thousand (1,000) square feet for each animal in addition to the first three (3). The maximum number of animals that may be kept at the facility shall be established by the Animal Control Officer and shall be incorporated as a condition of approval.
 2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any E-1, R-1, R-2, or R-3 district.

3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.
5. Any dumpsters used by a kennel/animal day care shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with State and local requirements.
6. Any activities shall not generate a noise level of greater than 60 decibels for more than 4 hours in any 24 hour period at any property line.
7. A Basic Site Plan pursuant to Section 19.10, C, 4, shall be required, unless in the judgment of the Zoning Administrator, greater detail is required to document compliance with this section, in which case a Detailed Site Plan shall be provided, pursuant to Section 19.10. C, 5.

3.14 LANDSCAPING

Where the terms of this Ordinance require landscaping and/or buffering on a site plan or for a special land use, the standards of this section shall be followed:

- A. Required Standards. The following table shall be applied to determine the standards of this section that shall apply to proposed developments:

Project Description	Landscape Plan Requirements
Single-family dwellings with fewer than ten units	None
Single family dwelling with at least 10 units but not more than 20 units	Minor Landscape Plan, per paragraph B hereof
Single family dwellings with 21 or more units, regardless of phasing, and mixed use developments	Complete Landscape Plan, per paragraph C hereof
Two family or multiple family dwelling unit project of fewer than 20 units	Minor Landscape Plan, per paragraph B hereof
Two family or Multiple family dwelling unit project of 20 or more units	Complete Landscape Plan, per paragraph C hereof
Commercial, office or institutional development, including permitted uses and special land uses	Complete Landscape Plan, per paragraph C hereof, unless waived or modified pursuant to paragraph D hereof.

- B. Minor Landscape Plan. A minor landscape plan, shall include detail on any proposed entry feature, such as an identifying sign or boulevard, as well as any mechanism to preserve and protect any existing vegetation on the site. This may include limitations on tree removal, reforestation requirements, street trees and any specimen plantings. In addition, a minor landscape plan shall include a viable mechanism acceptable to the Planning Commission to assure that the landscape plan will be implemented and maintained. Nothing in this section shall prohibit an applicant from provided additional detail or information as described in sub paragraph C hereof.
- C. Complete Landscape Plan. A complete landscape plan shall be prepared in accordance with the following standards.
1. A landscape plan required under the terms of this section shall be prepared by a Registered Landscape Architect or by a qualified landscape designer with a minimum of 5 years experience in landscape design, planning, and construction. Such landscape plan shall provide, to the greatest extent possible, for the preservation and protection of existing natural features on the site. The landscape plan shall address at least the following items:
 - a. An inventory of existing trees, wood lots, streams, lakes, wetlands, view sheds and other natural features of the site and detail on the measures proposed to preserve and protect such features.
 - b. All proposed planting areas for grass, trees, shrubbery, and other green space intended to protect the natural features and character of the site shall be illustrated in the landscape plan. Such illustration shall include the species proposed, the number of plantings, the size of such plantings including the caliber and height, irrigation measures proposed and related information.
 - c. The location and nature of lighting, signs, utility fixtures, earth changes, street scape and any other matter that affect the appearance of the site.
 2. In all developments other than single-family developments, all lots shall have a minimum of twenty-five percent (25%) of total lot area devoted to landscaped open space, of which thirty percent (30%) of this area shall contain woody vegetation, consisting of trees and shrubbery. Landscaped open space shall not include driveways and parking areas. To the greatest extent possible, existing trees over five inches (5") diameter at breast height, shall be retained and protected. Areas of a site plan intended for stormwater detention or retention shall only be included in such required minimum landscaped area if formally landscaped with shrubbery and turf and contoured such that no fencing shall be required.
 3. All required site plans shall include the location of all existing trees having five (5) inches or greater diameter breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. A cluster of trees standing in close proximity (3-5 feet or closer) may be designated as a

- "stand" of trees, and the predominant species, estimated number, and average size shall be indicated.
4. The area between the edge of the street pavement and property line, with the exception of paved driveways, sidewalks and parking areas permitted by this Ordinance, shall be used exclusively for the planting and growing of trees, shrubs, lawns, and other landscaping designed, planted and maintained to serve as a healthy and attractive amenity on the site.
 5. In the event a proposed development includes uses more intense in terms of noise, lighting, traffic, residential density or similar impacts than an existing adjoining use, the landscape plan shall include provision for plantings or other aesthetic screening to mitigate and lessen the potential impact on such adjoining land use.
 6. The applicant shall replace any trees, shrubbery or other plantings that fail to become established and remain viable for a period of two years following completion of all construction on the site. In accordance with Section 19.10 (L), the Township shall require a financial guarantee in an amount as determined by the Township, which shall be sufficient to assure the establishment of a viable landscaped area. In the event any of the landscaped materials do not become established and the applicant shall fail to provide a viable replacement, the Township shall utilize such financial guarantee to install replacement landscaping materials. After two years of demonstrated viability of all landscape materials, the remaining balance, if any, of such financial guarantee shall be returned to the applicant.
 7. All landscaped areas required pursuant to this section shall be equipped with a watering system capable of providing sufficient water to maintain plants in a healthy condition. Irrigation systems shall be maintained in good working order.
- D. The Planning Commission may waive or modify any requirement of this section as not applicable to particular development circumstances and providing that such waiver does not detract from the aesthetics or quality of the natural environment of the Township.

3.15 LOT AREA AND DIMENSION

- A. Contiguous Parcels. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which it is located, are contiguous and are held in one (1) ownership, they shall be used as one (1) lot for such use.
- B. Lots or Parcels of Land of Record. Any single lot or parcel of land, held in one (1) ownership as recorded at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that the dimensional requirements for the zoning district in which it is located are met.

- C. Every use which is to be served by a private sanitary sewage facility shall comply with the regulations of the Berrien County Health Department.

3.16 MANUFACTURED HOUSING

The following regulations shall apply to manufactured homes.

- A. A manufactured home shall not be considered an "Accessory Use" for the purpose of this Ordinance.
- B. Manufactured homes may be located in a Manufactured Housing Community; provided that the Manufactured Housing Community complies with this Ordinance and is approved and licensed by the Michigan Manufactured Housing Commission.
- C. A manufactured home may be used as a temporary office incidental to construction on or development of the premises on which the manufactured home is located only during the period of time that such construction or development is actively underway.
- D. Except as otherwise permitted, the owner or lessee on any premises occupied by a dwelling in the A-R and E-1 Zoning Districts may permit the location of one (1) manufactured home on the same parcel, provided that it complies with the following standards:
 - 1. The manufactured home shall not be occupied for a period of time exceeding six (6) months, except as in hardship cases as determined by the Zoning Board of Appeals.
 - 2. The manufactured home shall contain a minimum of 720 square feet of floor area,
 - 3. The manufactured home shall be installed pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or device in compliance with the rules and regulations of the Michigan Manufactured Housing Commission.
 - 4. The manufactured home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, as amended.
 - 5. Within ten (10) days following installation all towing mechanism shall be removed from each manufactured home. No manufactured home shall have any exposed undercarriage or chassis.
 - 6. Each manufactured home shall have a permanent perimeter wall (rather than skirting) of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
 - 7. The yard, lot area, lot width, minimum living space dimension and minimum gross living area of the manufactured home shall conform to the requirements of the Zoning District in which it is located.

8. For the purpose of this Ordinance, occupancy of a manufactured home shall be limited to the following relatives of the occupants of the premises, in hardship cases determined by the Zoning Board of Appeals, whether by blood, marriage or legal adoption: father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law.
9. Within five (5) days following location of any such manufactured home, the owner or lessee of the premises shall file the date, names and permanent addresses of the occupants, and the make, serial number and license number of the manufactured home with the Zoning Administrator, and provide sufficient information pertaining to the provisions for water, sewage, and garbage disposal, which provisions shall be in conformity with other Township ordinances.
10. A manufactured home shall be removed within thirty (30) days of expiration of a permit granted under Section 3.16 D (1).

3.17 MANUFACTURED HOUSING COMMUNITIES

All Manufactured Housing Communities shall conform with Act 243 of the Public Acts of 1959, as amended and the siting requirements promulgated thereunder.

3.18 NUMBER OF USES ON A LOT

Each lot in the Township shall be limited to not more than one principal use; provided that multiple-tenant or multiple-occupant commercial, industrial or mixed-use developments may be regarded as single uses if approved pursuant to the standards of this Ordinance. This provision shall not be deemed to preclude a multiple-family residential development, a manufactured housing community, a condominium subdivision, or a farm, provided the same meets the requirements of this Ordinance and other applicable regulations.

3.19 OUTDOOR LIGHTING

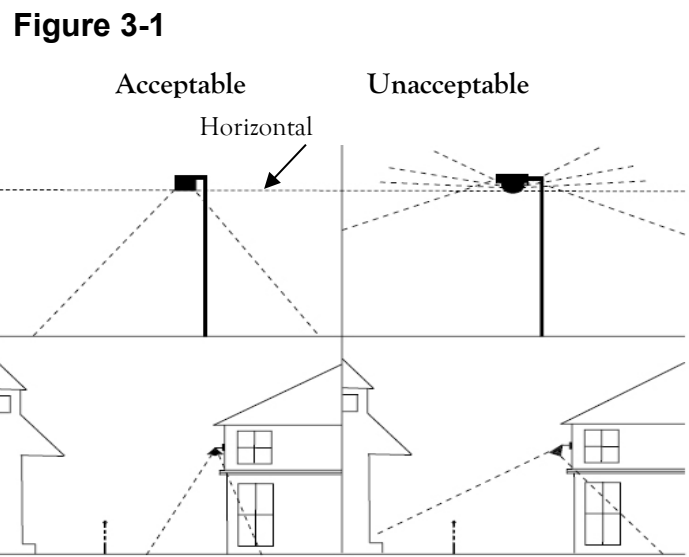
- A. Exemptions. The following types of outdoor lighting shall not be covered by this Ordinance:
 1. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal lighting such as for Christmas decorating.
 2. Sign lighting as regulated by Article XVII.
 3. Lighting associated with detached single-family and two-family dwellings and farm operations.
- B. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:

1. Parking lot lighting, building-mounted lighting, and site lighting for commercial, industrial, multiple-family and institutional developments.
2. Publicly and privately owned roadway lighting.
3. Other forms of outdoor lighting which, in the judgment of the Planning Commission or Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.

C. Standards. Lighting shall be designed and constructed in such a manner as to:

1. Ensure that direct or directly reflected light is confined to the development site or subject property.
2. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
3. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one foot candle.

4. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as illustrated in Figure 3-1.



1. No light fixture shall be mounted higher than 20 feet above the average grade of the site, except for approved outdoor recreation area lighting.
5. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
6. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. The permanent use of beacon and search lights is not permitted.
7. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

8. The Zoning Administrator or Planning Commission may impose other reasonable standards to better ensure that the intent and purpose of this Section would be met.

3.20 OPEN SPACE SUBDIVISION OPTION

- A. Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules on not more than 50% of the land, if all of the following apply:
 1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
 2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this Ordinance would also depend upon such an extension.
 4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- B. The development of land under this section is subject to all other applicable Township, County and State laws.
- C. As used in this section, the term "undeveloped" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, green way, linear park or similar amenity.
- D. The minimum required lot area may be reduced by up to 50% and the required minimum lot width may be reduced up to 30% in open space subdivisions.

3.21 PROJECTION INTO REQUIRED YARDS

Architectural features such as awnings, sills, bay windows, chimneys and steps may project up to three (3) feet into a required yard provided that they are attached to a principal or accessory building.

3.22 REGULATIONS FOR DWELLINGS

Single Family, Two-Family and Multiple Family Dwellings shall comply with the following requirements:

- A. Area
 1. One-story and Bi-Level Dwelling. Each one-story and bi-level dwelling hereafter erected shall have not less than twelve hundred (1,200) square feet of floor area at the first floor level (both floor levels of the bi-level will be counted as a first floor), exclusive of any attached garage, porches, basement and/or cellar, or other attached structures.
 2. Two-story. Every two-story dwelling hereafter erected shall have not less than eight hundred (800) square feet of floor area at the first floor level, exclusive of any attached garage, porches, or other attached structures.
- B. Dwellings shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Township building code including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or State standards or regulations for construction different from those imposed by the Township Building Code, the federal or State standard or regulation shall apply.
- C. Manufactured Homes shall comply with the requirements of Section 3.16 herein, as well as all applicable County and State regulations.
- D. Dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Berrien County Health Department and other applicable requirements.
- E. Dwellings shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 120 square feet, whichever shall be less.
- F. Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Township Zoning Administrator. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- G. Dwellings shall not contain additions or rooms which are not constructed with similar or superior quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. Dwellings shall comply with all pertinent building and fire codes.

- I. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured housing community, authorized for use as farm worker housing under Section 3.09, except to the extent required by State or federal law or otherwise specifically required by Township ordinance pertaining to such use.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township building code provisions and requirements.

3.23 REGULATIONS IN THE VICINITY OF AIRPORTS

The following special height limitations shall apply to areas within two (2) miles of the boundary lines of airports.

- A. Within seven thousand five hundred (7,500) feet from the nearest airport boundary, no building, structure, object of natural growth, or portion thereof, shall exceed a height above the center line of the frontage road, of twenty-five (25) feet, or one (1) foot for each fifty (50) feet that such building, structure or object is distant from such nearest airport boundary or boundaries, whichever height is greater.
- B. Between seven thousand five hundred (7,500) feet and two (2) miles from the nearest airport boundary, no building, structure, object of natural growth or portion thereof shall exceed a height above average grade of one hundred and fifty (150) feet.

3.24 USES NOT CLASSIFIED

- A. Where a proposed use of land or use of a building is not expressly authorized, contemplated or named by this Ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not expressly authorized, contemplated, or specified by this Ordinance, or that it involves features which were not expressly authorized, contemplated or specified in this Ordinance, as determined by the Zoning Administrator in the first instance, an amendment may be initiated pursuant to the provisions of Article XX.
- B. Uses determined to be unclassified may not be permitted as Special Land Uses.

3.25 WINDMILL, SMALL

The purpose of this Section is to promote the safe, effective, and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility-supplied electricity. Small

wind energy conversion systems shall be considered a permitted accessory use in all Zoning Districts, subject to the following requirements:

- A. Small wind energy conversion systems may be attached to existing structure or mounted on a tower structure with the following height limitation, measured from grade directly below the turbine to uppermost component of the system with its blade in a vertical position:
 - 1. For parcels of less than two (2) acres in area, the tower height shall be limited to thirty-five (35) feet.
 - 2. For parcels of at least two (2) acres and not more than five (5) acres in area, the tower height shall be limited to sixty (60) feet.
 - 3. For parcels greater than five (5) acres in area, tower height shall be limited to eighty (80) feet.
- B. The minimum vertical blade tip clearance from grade shall be twenty (20) feet.
- C. No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the site upon which it is installed. The tower structure shall be setback from all adjoining property lines and rights-of-way (public or private) a distance equivalent to or greater than the combined height of the installation measured to the vertical tip of its blade.
- D. Small wind turbines shall not cause a sound pressure level in excess of 60 decibels, as measured at any property line.
- E. Small wind turbines shall be equipped with an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding. Small wind turbines and towers shall be equipped with lightning protection.
- F. Building permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall be provided.
- G. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations in close proximity to an airport.
- H. No small wind energy conversion which is proposed to be connected to a public electric utility grid system shall be approved until evidence has been given indicating that the utility company has approved such installation.

ARTICLE IV- NONCONFORMITIES

(Amended by ordinance 93 on May 9, 2017)

4.01 PURPOSE AND INTENT

It is recognized that within the zoning districts established by this Ordinance or amendments thereto, there exist uses, buildings, structures and/or parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed.

Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

4.02 GENERAL PROVISIONS FOR NONCONFORMITIES

- A. Any lot, use of land, building or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
- B. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such lot, use of land, building or structure is in compliance with this Article.
- C. A lawful use of land, building, or structure which is under construction at the time of adoption of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Article.

- D. On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the building or structure as it existed on the effective date or amendment of this Ordinance, shall not be altered, other than nonstructural, incidental alterations, or increased except in compliance with this Article.
- E. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- F. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted.

4.03 NONCONFORMING USES

- A. No part of any nonconforming use shall be moved unless the movement does not increase the degree of the nonconformity.
- B. If a nonconforming use is abandoned for any reason for a period of more than six (6) months, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists:
 - 1. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - 2. The property, grounds, buildings, or structures, have fallen into disrepair.
 - 3. Signs or other indications of the existence of the nonconforming use have been removed.
 - 4. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - 5. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the property owner or lessee to abandon the nonconforming use.
- C. A nonconforming use shall not be changed to another use that is also nonconforming. Once a conforming use is established, the prior nonconforming use may not be reestablished.
- D. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Planning Commission or Zoning

Administrator upon reaching a determination that the proposed enlargement, increase, or greater area:

1. Is not larger than fifty percent (50%) of the original nonconforming area.
2. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
3. Complies with all height, area, and/or parking and loading provisions with respect to such proposed extension, enlargement, or greater area.
4. Complies with any reasonable conditions imposed that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
5. Does not enlarge or increase the area of a nonconforming building except as elsewhere permitted by this Ordinance.

4.04 NONCONFORMING BUILDINGS AND STRUCTURES

- A. The expansion of a nonconforming building or structure shall be permitted provided that the addition complies with all other provisions of this Ordinance and does not increase the degree of nonconformance.
- B. Except as elsewhere provided in this Ordinance, in the event a nonconforming building or structure is damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided:
 1. The cost of restoration does not exceed sixty percent (60%) of the replacement value as determined by the Building Inspector.
 2. If the cost of restoration exceeds sixty percent (60%) of the replacement value as determined by the Building Inspector, then the building or structure shall only be rebuilt in conformance with all provisions of this Ordinance.
 3. If the cost of restoration of a principal structure in an (R) Residential district exceeds sixty percent (60%) of the replacement value as determined by the Building Inspector, and the principal building or structure was damaged or destroyed along with neighboring principal buildings or structures, as the result of a catastrophic event, the principal building or structure may be rebuilt or restored.

In determining the replacement value of a nonconforming building or structure, the Building Inspector shall be guided by the schedule of fees adopted by the Township Board, the value of the building as determined by the Township Assessor, or other applicable factors.

- C. A nonconforming building or structure shall not be moved in whole or in part unless the movement eliminates or reduces the nonconformity.

4.05 NONCONFORMING LOTS

A nonconforming lot may be used for the purposes permitted in the zoning district in which it is located, subject to the following requirements:

- A. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this Ordinance.
- B. Any principal building on a nonconforming lot shall be located so that all of the setback requirements of the District in which the lot is located are met.
- C. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - 1. Are in common ownership.
 - 2. Are adjacent to each other or have continuous frontage.
 - 3. Individually do not meet the lot width or lot area requirements of this Ordinance.

Parcels meeting the provisions of subsection (3), above, may be combined into a lot or lots complying as nearly as possible with the lot width and lot area requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

ARTICLE V - ZONING DISTRICTS

5.01 DISTRICTS

For the purpose and provisions of this Ordinance, Oronoko Charter Township, Michigan, is hereby organized into the following districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as indicated:

Residence Districts

E-1 Estate Residence

R-1 Single Family Residence

R-2 Single and Two-family Residence

R-3 General Residence

Business Districts

B Business

Manufacturing Districts

M Manufacturing

Other Zoning Districts

A-R Agricultural-Residential District

F-1 Flood Plain District

CD /UD University / College District

PBC Place Based Code Overlay District *(amended by ordinance 83 on October 11, 2015)*

5.01A ADOPTION OF BERRIEN SPRINGS / ORONOKO TOWNSHIP (BSOT) JOINT PLACE BASED CODE

(Amended by Ordinance 83 on October 11, 2015)

The Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, attached hereto as Exhibit 1, is adopted as part of this Ordinance. Lands within the PBC Place Based Code Overlay District shall be subject to the provisions of the Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, as amended.

5.02 OFFICIAL MAP

The boundaries of the districts are shown on a map entitled "ZONING MAP, ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN" which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Ordinance.

- A. The Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, together with an effective date of March 18, 2011.
- B. If in accordance with provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Township Board.
- C. No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in Article XX. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XXI.
- D. Regardless of the existence of purported copies of the Zoning, the Zoning Map located in the office of the Township Clerk shall be the final authority as to the current zoning status of land or water areas, buildings, and other structures in the Township.
- E. In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map. The Zoning Map may be corrected for drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning District Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, together with date of the adoption of the revised map. Unless the prior Zoning Map has been lost or been totally destroyed, the map or any parts thereof shall be preserved.

5.03 DISTRICT BOUNDARIES

Whenever uncertainty exists with respect to the boundaries of the districts on the Zoning Map, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines extended as otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with

dimensions shown on the map from section, quarter-section, or division lines, or center lines of streets, highways or railroad right-of-way unless otherwise indicated.

C. Where uncertainty exists as to the boundaries of Zoning districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

1. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such line.
2. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
3. A boundary indicated as approximately following the corporate boundary line of any Village or Township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
6. A boundary indicated as following the centerline of a water body shall be construed as following such centerline at the time of interpretation.
7. A boundary indicated as parallel to, or an extension of, a feature indicated in subsections 1 through 6 above shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
9. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections 1 through 8 above, or question in interpreting subsections 1 through 8 above, the Zoning Board of Appeals shall interpret the Zoning District boundary.

5.04 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RAILROAD RIGHT-OF-WAYS

All streets, alleys, public-ways, waterways and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways or waterways and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

5.05 DISCONNECTED TERRITORY

Any additions to the unincorporated area of Oronoko Charter Township, resulting from disconnection by municipalities or otherwise, shall be automatically classified in the A-R Agricultural - Residential District until such time as the Oronoko Charter Township Board designates the permitted use of land in accordance with the administrative provisions of this Ordinance.

5.06 TABLE OF USES

The following Table of Uses summarizes the applicable regulatory standards for the land uses governed under this Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance.

R= Use by Right S= Special Land Use

Use	AR	E-1	R-1	R-2	R-3	B	U-C	M
Adult Family Day Care Home	R	R	R	R	R			
Adult Group Day Care Home	S	S						
Adult Day Care Facility						S		
Adult Foster Care Small Group Home	S	R			S			
Adult Foster Care Large Group Home					S	S		
Adult Foster Care Congregate Facility						S	S	
Adult Foster Care Family Home	R	R	R	R	R	R		
Airport	S						S	S
Animal Clinic or Veterinary Clinic			S			R		
Automobile Repair, Major								S
Automobile Repair, Minor						S		R
Bed and Breakfast	R							
Boarding House					S	R		
Car Wash								R
Cemetery	S	S	S	S	S	S		
Clinic, Medical or Dental					S	R		
Club or Lodge (Private)					S	S		
Convenience Store						R		
Day Care, Family	R	R	R	R	R			
Day Care, Group	S	S	S	S	S			
Day Care Center						R	S	
Dwelling, Single Family	R	R	R	R	R		R	
Dwelling, Two Family	S	S	S	R	R		R	
Dwelling, Multiple Family					S		R	

Use	AR	E-1	R-1	R-2	R-3	B	U-C	M
Earth Solids Removal	S							S
Eating and Drinking Establishment <i>(amended by ordinance 94 on November 14, 2017)</i>	S					R		R
Educational Facility	S	S	R	R	R	R	R	
Essential Services	S	S	S	S	S	R	S	R
Farm	R	R						
Farm Operation	R	R						
Farm Product Processing Facility	S							
Filling Station						S		R
Financial Institution						R		
Funeral Home or Mortuary					S	R		
Golf Course	S	S	S	S	S			
Governmental Office								R
Greenhouse	R							R
Guest House <i>(amended by ordinance 108 on November 12, 2019)</i>	S	S						
Home Occupation, Major	S	S	S	S	S		S	
Home Occupation, Minor	R	R	R	R	R			
Hospital or Sanitarium							S	
Hotel or Motel <i>(amended by ordinance 112 on December 9, 2020)</i>						R	S	
Junk Yard	S							
Kennel/Animal Day Care <i>(amended by ordinance 78 on December 9, 2014)</i>	S							R
Laboratory, Research								R
Library						R	R	
Laundry and Dry-Cleaning Establishment								R
Manufacturing Establishment								R
Medical or Dental Office					S	R		
Mini/Self Storage Facility								R
Mixed Use Development						S	S	
Manufactured Housing Community					S			
Nursing Home or Convalescent Home						R		
Open Air Business						S		

Park	R	R	R	R	R		R	
Use	AR	E-1	R-1	R-2	R-3	B	U-C	M
Personal Service Establishment						R		
Place of Public Assembly, Large	S	S	S			S	S	
Place of Public Assembly, Small	S	S	S			R	R	
Planned Unit Development	S	S	S	S	S	S	S	
Professional Office						R	R	
Recreational Facility	S	S	S	S	S	R	R	
Resort <i>(amended by ordinance 91 on February 15, 2017)</i>	S	S						
Retail Business						R		R
Roadside Stand	R							
Sexually Oriented Business						S		
Site Condominium	S	S	S	S	S			
Stable	R	R						
Studio or Performing or Graphic Arts						R	R	
Tasting Room	S					R		
Tattoo or Piercing Parlor						S		
Theater						R	R	
Tourist Park						S		
Warehouse								R
Wholesale Facility								R
Windmill, Small	R							
Windmill, Large	S							
Winery/Brewery <i>(amended by ordinance 85 on October 13, 2015)</i>	R	R						
Wireless Communication Antenna	S	S				S	S	S

5.07 TABLE OF DIMENSIONAL STANDARDS

This Table of Dimensional Standards provides an overview of the dimensional requirements of this Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance. *(amended by ordinance 76 on May 13, 2014)*

District	Lot Area		Width	Setback (in feet)			
	With Sewer	Without Sewer		Front	Side	Rear	
Agricultural/Residential (A-R)	1 Acre		150 Feet	40	10	50	
Estate Residential (E-1)	1 Acre		150 Feet	40	15	50	
Single Family Residential (R-1)	15,000 sq ft	20,000 sq ft	100 Feet	40	10	25	
Single and Two Family Residential (R-2)	Single Family Dwelling	12,000 sq ft	20,000 sq ft	90 Feet	40	10	
	Two-Family Dwelling	15,000 sq ft					25,000 sq ft
General Residential (R-3)	Single Family Dwelling	12,000 sq ft	20,000 sq ft	90 Feet	30	10	
	Two-Family Dwelling	12,000 sq ft					20,000 sq ft
	Multiple Family	12,000 sq ft (a)					25,000 sq ft (b)
Business (B)	12,500 sq ft		100 Feet	40	10	20	
University/College (U-C)	None required		None required	30	10 (c)	25	
Manufacturing (M)	12,500 sq ft		100 Feet	50	25	30	

Notes:

- (a) Minimum lot area shall be 12,000 feet, plus 3,000 sq ft for each additional dwelling unit where sewer is available
- (b) Minimum lot area shall be 25,000 feet, plus 3,000 sq ft for each additional dwelling unit where sewer is not available
- (c) The required side yard is 10', but may not be less than 10% of the lot width

ARTICLE VI – A-R AGRICULTURAL / RESIDENTIAL DISTRICT

6.01 INTENT

The Agricultural/Residential District is intended to preserve agricultural productivity and viability within the Township by allowing for enough land to support agriculture and related services, including commodity sales, supply and transport operations. It is also the intent of this district to preserve the character and productivity of the district while still providing property owners with options for some development; particularly where agricultural uses are not feasible.

<p style="text-align: center;">6.02 PERMITTED USES</p>	<p style="text-align: center;">6.03 SPECIAL LAND USES</p>
<ul style="list-style-type: none"> ▪ Adult Foster Care Family Home ▪ Adult Family Day Care Home ▪ Bed and Breakfast ▪ Day Care, Family ▪ Dwelling, Single Family ▪ Farm and Farm Operations ▪ Greenhouse ▪ Home Occupation, Minor ▪ Park ▪ Roadside Stand ▪ Stable ▪ Windmill, Small ▪ Winery/Brewery <i>(amended by ordinance 85 on October 13, 2015)</i> 	<ul style="list-style-type: none"> ▪ Adult Foster Care Small Group Home ▪ Adult Group Day Care Home ▪ Airport ▪ Cemetery ▪ Day Care, Group ▪ Dwelling, Two Family ▪ Earth Solids Removal ▪ Eating and Drinking Establishment <i>(amended by ordinance 94 on November 14, 2017)</i> ▪ Educational Facility ▪ Essential Services ▪ Farm Product Processing Facility ▪ Golf Course ▪ Guest House <i>(amended by ordinance 108 on November 12, 2019)</i> ▪ Home Occupation, Major ▪ Kennel/Animal Day Care <i>(amended by ordinance 78 on December 9, 2014)</i> ▪ Place of Public Assembly, Small ▪ Place of Public Assembly, Large ▪ Planned Unit Development ▪ Recreational Facility ▪ Resort <i>(amended by ordinance 91 on February 15, 2017)</i> ▪ Site Condominium ▪ Tasting Room ▪ Windmill, Large ▪ Wireless Communication Antenna

6.04 ADDITIONAL REQUIREMENTS

- Outdoor Lighting, subject to Section 3.19
- Parking, subject to Article XVI
- Signs, Subject to Article XVII
- Site Plan Review, Subject to Section 19.10
- Landscaping, subject to Section 3.14

6.05 DIMENSIONAL STANDARDS

<u>Minimum Lot Area</u>	1 Acre	<u>Required Setbacks (in feet)</u>
<u>Minimum Lot Width</u>	150 Feet	▪ Front 40 Feet
<u>Maximum Building Height</u>		▪ Side 10 Feet
2 ½ stories or 35 feet, whichever is less		▪ Rear 50 Feet

6.06 DISTRICT REQUIREMENTS

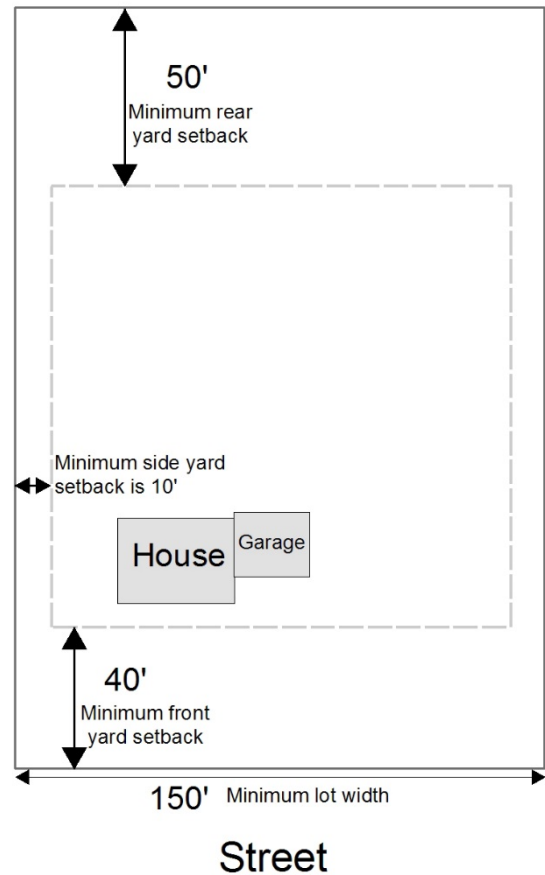
- A. **Minimum Lot Area.** The minimum lot area in the Agricultural Residential District shall be one (1) acre.
- B. **Minimum Lot Width.** The minimum lot width shall be at least one hundred-fifty (150) feet.
- C. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:
 - 1. **Front Yard** - A front yard of not less than forty (40) feet from the right-of-way line.
 - 2. **Side Yard** - A side yard on each side of not less than ten (10) feet. For two-family dwelling units, the side yard shall be a minimum of ten (10) feet. On corner lots there shall be maintained a side yard of not less than twenty-five (25) feet on the side adjacent to the street.

3. **Rear Yard** - A rear yard of not less than twenty (20) percent of the lot; provided, however, that such rear yard shall not be less than fifty (50) feet.

D. **Building Height.** No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet or 2 ½ stories, whichever is less. However, accessory buildings for agricultural use are permitted to reach a height not to exceed fifty (50) feet. Silos and grain storing equipment are permitted to reach a height of seventy-five (75) feet.

E. **Maximum Lot Coverage.** Twenty-five percent (25%)

Agricultural/Residential (A-R)



6.07 REQUIREMENTS FOR CERTAIN USES AND STRUCTURES

(amended by ordinance 95 on January 9, 2018)

A. **Uses.** The following uses shall be subject to the additional setbacks of subsection (B) when located in the A-R District:

- Educational Facility
- Farm Product Processing Facility
- Kennel/Animal Day Care
- Place of Public Assembly, Large
- Place of Public Assembly, Small
- Recreational Facility
- Restaurant
- Tasting Room
- Winery/Brewery

B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the A-R district, shall meet the following setback requirements:

1. Front Yard - 100 feet
2. Side Yard - 200 feet
3. Rear Yard - 200 feet

- C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).
- D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

ARTICLE VII – E-1 ESTATE RESIDENTIAL DISTRICT

7.01 INTENT

This district is intended primarily to address the demand for large lot, single-family development in rural areas of the Township. Those lands with important wood stands, lakes, streams or wetlands or with important wildlife or view corridors should be carefully developed to protect these contributing features, while enabling a reasonable degree of low intensity development.

<p>7.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Adult Family Day Care Home ▪ Adult Foster Care Family Home ▪ Adult Foster Care, Small Group Home ▪ Day Care, Family ▪ Dwelling, Single Family ▪ Farms and Farm Operations ▪ Home Occupation, Minor ▪ Park ▪ Stable ▪ Winery/Brewery <i>(amended by ordinance 85 on October 13, 2015)</i> 	<p>7.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Adult Group Day Care Home ▪ Cemetery ▪ Day Care, Group ▪ Dwelling, Two Family ▪ Educational Facility ▪ Essential Services ▪ Golf Course ▪ Guest House <i>(amended by ordinance 108 on November 12, 2019)</i> ▪ Home Occupation, Major ▪ Planned Unit Development ▪ Place of Public Assembly, Large ▪ Place of Public Assembly, Small ▪ Recreational Facility ▪ Resort <i>(amended by ordinance 91 on February 15, 2017)</i> ▪ Site Condominiums ▪ Wireless Communication Antenna
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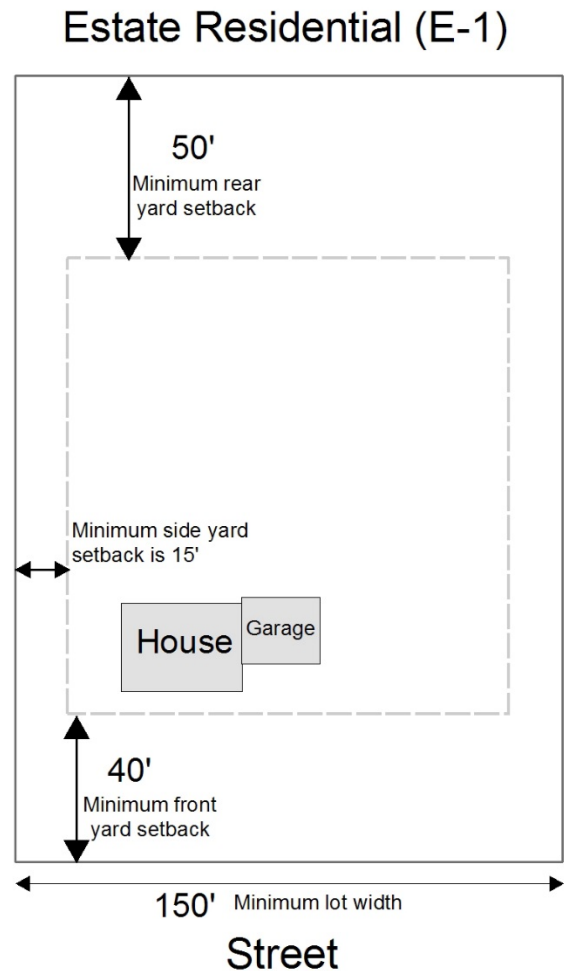
<p>7.04 ADDITIONAL REQUIREMENTS</p> <ul style="list-style-type: none"> ▪ Outdoor Lighting, subject to Section 3.19 ▪ Parking, subject to Article XVI ▪ Signs, subject to Article XVII ▪ Site Plan Review, subject to Section 19.10 ▪ Landscaping, subject to Section 3.14

7.05 DIMENSIONAL STANDARDS

<u>Minimum Lot Area</u>	1 Acre	<u>Required Setbacks (in feet)</u> <ul style="list-style-type: none"> ▪ Front 40 Feet ▪ Side 15 Feet ▪ Rear 50 Feet
<u>Minimum Lot Width</u>	150 feet	
<u>Maximum Building Height</u>	2 ½ stories or 35 feet, whichever is less	

7.06 DISTRICT REQUIREMENTS

- A. **Minimum Lot Area.** The minimum lot area in the Estate Residential District shall be one (1) acre.
- B. **Minimum Lot Width.** The minimum lot width shall be at least one hundred-fifty (150) feet.
- C. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:
 - 1. **Front Yard** - A front yard of not less than forty (40) feet from the right-of-way line.
 - 2. **Side Yard** - A side yard on each side of not less than fifteen (15) feet. On corner lots there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street.
 - 3. **Rear Yard** - A rear yard of not less than fifty (50) feet.
- D. **Building Height.** No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet or 2 ½ stories, whichever is less.
- E. **Maximum Lot Coverage.** Twenty-five percent (25%)



7.07 REQUIREMENTS FOR CERTAIN USES AND STRUCTURES

(amended by ordinance 95 on January 9, 2018)

A. **Uses.** The following uses shall be subject to additional setbacks when located in the E-1 District: *(amended by ordinance 95 on January 9, 2018)*

- Educational Facility
- Place of Public Assembly, Large
- Place of Public Assembly, Small
- Recreational Facility
- Winery/Brewery

B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the E-1 district, shall meet the following setback requirements:

1. Front Yard - 100 feet
2. Side Yard - 200 feet
3. Rear Yard - 200 feet

C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).

D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

ARTICLE VIII - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

8.01 INTENT

The intent of this district is to provide for areas of suburban scale development consisting primarily of single-family detached homes that facilitates an orderly and sequential transition from a rural area to attractive and functional neighborhoods. Development should occur in logical patterns in or near areas where utilities are available or may become available in the near term. Development should be scaled for both automobile and pedestrian travel. Streets should be interconnected to enhance walkability.

<p>8.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Adult Family Day Care Home ▪ Adult Foster Care Family Home ▪ Day Care, Family ▪ Dwelling, Single Family ▪ Educational Facility ▪ Home Occupation, Minor ▪ Park 	<p>8.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Animal Clinic or Veterinary Clinic ▪ Cemetery ▪ Day Care, Group ▪ Dwelling, Two Family ▪ Essential Services ▪ Golf Course ▪ Home Occupation, Major ▪ Place of Public Assembly, Small ▪ Place of Public Assemble, Large ▪ Planned Unit Development ▪ Recreational Facility ▪ Site Condominiums
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<p>8.04 ADDITIONAL REQUIREMENTS</p> <ul style="list-style-type: none"> ▪ Outdoor Lighting, subject to Section 3.19 ▪ Parking, subject to Article XVI ▪ Signs, subject to Article XVII ▪ Site Plan Review, subject to Section 19.10 ▪ Landscaping, subject to Section 3.14

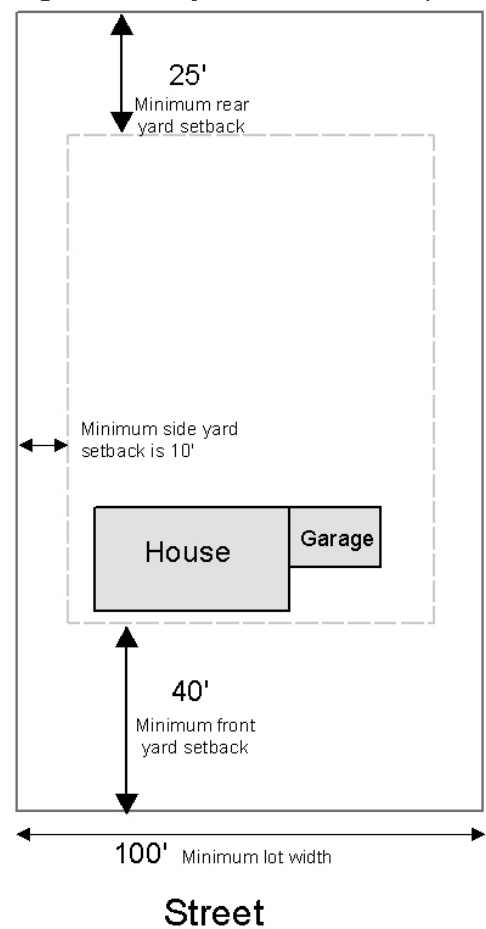
8.05 DIMENSIONAL STANDARDS

<p><u>Minimum Lot Area</u> 15,000 sq ft with sewer 20,000 sq ft without sewer</p> <p><u>Minimum Lot Width</u> 100 feet</p> <p><u>Maximum Building Height</u> 2 ½ stories or 35 feet, whichever is less</p>	<p><u>Required Setbacks (in feet)</u></p> <ul style="list-style-type: none"> ▪ Front 40 Feet ▪ Side 10 Feet ▪ Rear 25 Feet
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8.06 DISTRICT REQUIREMENTS

- A. **Minimum Lot Area.** The minimum lot area in the Single Family Residential District shall be 15,000 square feet in area if sanitary sewer services are available, and 20,000 square feet if sanitary sewer services are not available.
- B. **Minimum Lot Width.** The minimum lot width shall be at least one hundred (100) feet.
- C. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:
 1. **Front Yard** - A front yard of not less than forty (40) feet from the right-of-way line.
 2. **Side Yard** - A side yard on each side of not less than ten (10) feet. On corner lots there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street. *(amended by ordinance 76 on May 13, 2014)*
 3. **Rear Yard** - A rear yard of not less than twenty-five (25) feet.
- D. **Building Height.** No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet or 2 ½ stories, whichever is less.
- E. **Maximum Lot Coverage.** Thirty-five percent (35%)

Single Family Residential (R-1)



ARTICLE IX - R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

9.01 INTENT

The intent of this district is to provide for residential development consisting primarily of single- and two-family homes. Development types will primarily consist of single-family detached homes, however duplexes, senior living facilities or student housing may be expected as well, depending on the availability of utilities. Development should be scaled for both automobile and pedestrian travel.

<p>9.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Adult Family Day Care Home ▪ Adult Foster Care Family Home ▪ Day Care, Family ▪ Dwelling, Single Family ▪ Dwelling, Two Family ▪ Educational Facility ▪ Home Occupation, Minor ▪ Park 	<p>9.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Cemetery ▪ Day Care, Group ▪ Essential Services ▪ Golf Course ▪ Home Occupation, Major ▪ Planned Unit Development ▪ Recreational Facility ▪ Site Condominiums
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<p>9.04 ADDITIONAL REQUIREMENTS</p> <ul style="list-style-type: none"> ▪ Outdoor Lighting, subject to Section 3.19 ▪ Parking, subject to Article XVI ▪ Signs, Subject to Article XVII ▪ Site Plan Review, Subject to Section 19.10 ▪ Landscaping, subject to Section 3.14

9.05 DIMENSIONAL STANDARDS

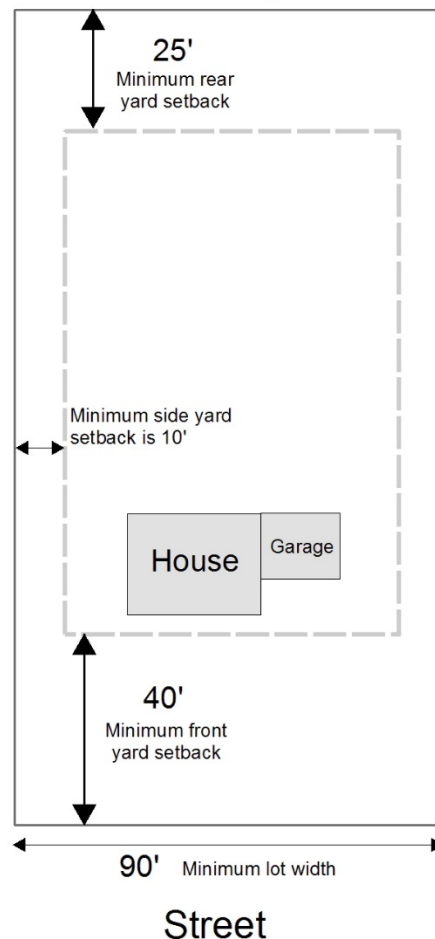
<p><u>Minimum Lot Area</u></p> <p>For single family dwellings: 12,000 sq ft with sewer 20,000 sq ft without sewer</p> <p>For two-family dwellings: 15,000 sq ft with sewer 25,000 sq ft without sewer</p>	<p><u>Required Setbacks (in feet)</u></p> <p>Front 40 Feet Side 10 Feet Rear 25 Feet</p> <p><u>Minimum Lot Width</u> 90 feet</p> <p><u>Maximum Building Height</u> 2 ½ stories or 35 feet, whichever is less</p>
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9.06 DISTRICT REQUIREMENTS

A. **Minimum Lot Area.** The minimum lot area in the Single and Two Family Residential District shall be as follows:

1. For single-family dwellings:
 - a. Twelve thousand (12,000) square feet of land where sanitary sewer is available.
 - b. Twenty thousand (20,000) square feet of land where sanitary sewer is not available.
2. For two family dwellings:
 - a. Fifteen thousand (15,000) square feet of land where sanitary sewer is available.
 - b. Twenty five thousand (25,000) square feet of land where sanitary sewer is not available.

Single and Two Family Residential (R-2)



B. **Minimum Lot Width.** The minimum lot width shall be at least ninety (90) feet.

C. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:

1. Front Yard - A front yard of not less than forty (40) feet from the right-of-way line.
 2. Side Yard - A side yard on each side of not less than ten (10) feet. On corner lots there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street. *(amended by ordinance 76 on May 13, 2014)*
 3. Rear Yard - A rear yard of not less than twenty-five (25) feet.
- D. **Building Height.** No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet or 2 ½ stories, whichever is less.
- E. **Maximum Lot Coverage.** Thirty-five percent (35%)

ARTICLE X - R-3 GENERAL RESIDENTIAL DISTRICT

10.01 INTENT

The intent of this district is to provide for areas of urban scale development consisting of single-family, two family and multiple family homes. Development should be limited to locations within walking distance of commercial services and similar amenities, where the development would not significantly alter the character of the neighborhood.

<p>10.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Adult Family Day Care Home ▪ Adult Foster Care Family Home ▪ Day Care, Family ▪ Dwelling, Single Family ▪ Dwelling, Two Family ▪ Educational Facility ▪ Home Occupation, Minor ▪ Park 	<p>10.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Adult Foster Care Small Group Home ▪ Adult Foster Care Large Group Home ▪ Boarding House ▪ Cemetery ▪ Clinic, Medical or Dental ▪ Club or Lodge ▪ Day Care, Group ▪ Dwelling, Multiple Family ▪ Essential Services ▪ Funeral Home or Mortuary ▪ Golf Course ▪ Home Occupation, Major ▪ Manufactured Housing Community ▪ Planned Unit Development ▪ Recreational Facility ▪ Site Condominiums
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10.04 ADDITIONAL REQUIREMENTS

- Outdoor Lighting, subject to Section 3.19
- Parking, subject to Article XVI
- Signs, Subject to Article XVII
- Landscaping, subject to Section 3.14

10.05 DIMENSIONAL STANDARDS *(amended by ordinance 76 on May 13, 2014)*

<p><u>Minimum Lot Area</u></p> <p>12,000 sq ft for single and two family dwellings with sewer</p> <p>20,000 sq ft for single and two family dwellings without sewer</p> <p>12,000 sq ft plus 3,000 sq ft per dwelling for multiple family dwellings with sewer</p> <p>25,000 sq ft plus 3,000 sq ft per dwelling for multiple family dwellings without sewer</p> <p><u>Minimum Lot Width</u> 90 feet</p>	<p><u>Required Setbacks (in feet)</u></p> <p>Front 30 Feet</p> <p>Side 10 Feet</p> <p>Rear 25 Feet</p> <p><u>Maximum Building Height</u></p> <p>4 stories or 40 feet, whichever is less</p>
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10.06 DISTRICT REQUIREMENTS

- A. **Minimum Lot Area.** The minimum lot area in the General Residential District shall be as follows:
1. For single-family dwellings:
 - a. Twelve thousand (12,000) square feet of land where sanitary sewer is available.
 - b. Twenty thousand (20,000) square feet of land where sanitary sewer is not available.
 2. For two family and multiple family dwellings:
 - a. Twelve thousand (12,000) square feet plus three thousand (3,000) square feet of land for each additional dwelling where sanitary sewer is available.
 - b. Twenty five thousand (25,000) square feet plus three thousand (3,000) square feet of land for each additional dwelling where sanitary sewer is not available
- B. **Minimum Lot Width.** The minimum lot width shall be at least ninety (90) feet.

C. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:

1. **Front Yard** - A front yard of not less than thirty (30) feet from the right-of-way line.
2. **Side Yard** - A side yard on each side of not less than ten (10) feet. On corner lots there shall be maintained a side yard of not less than thirty (30) feet on the side adjacent to the street.

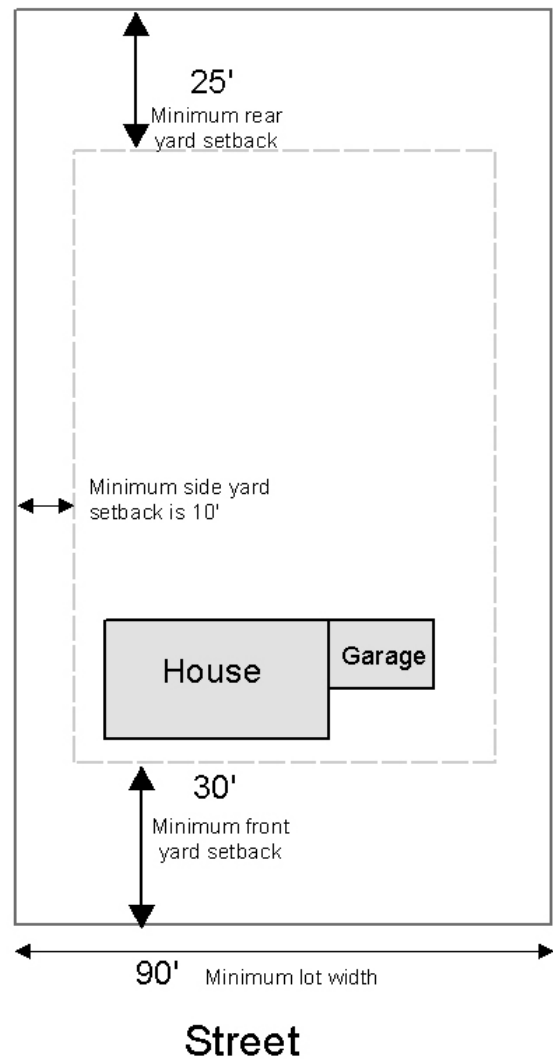
For multiple family dwellings, the side yard setback shall be ten (10) feet, plus an additional two (2) feet on each side for every story the building exceeds beyond two (2) stories. *(amended by ordinance 76 on May 13, 2014)*

3. **Rear Yard** - A rear yard of not less than twenty-five (25) feet.

D. **Building Height.** No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of forty (40) feet or four (4) stories, whichever is less.

E. **Maximum Lot Coverage.** Forty-five percent (45%)

General Residential (R-3)



ARTICLE XI – B BUSINESS DISTRICT

11.01 INTENT

The Business District is established to provide for employment, goods and professional services that serve the broader community including and extending beyond Oronoko Township. Buildings in this district should face the street, and parking should be located on the side or behind the building. Attractive landscaping and gathering places should be incorporated into new developments, and existing mature trees should be preserved whenever possible.

<p style="text-align: center;">11.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Adult Foster Care Family Home ▪ Animal Clinic or Veterinary Clinic ▪ Boarding House ▪ Clinic, Medical or Dental ▪ Convenience Store ▪ Day Care Center ▪ Eating and Drinking Establishment ▪ Educational Facility ▪ Essential Services ▪ Financial Institution ▪ Funeral Home or Mortuary ▪ Hotel or Motel ▪ Library ▪ Nursing Home or Convalescent Home ▪ Personal Service Establishment ▪ Place of Public Assembly, Small ▪ Professional Office ▪ Recreational Facility ▪ Retail Business ▪ Studio for Performing or Graphic Arts ▪ Tasting Room ▪ Theater 	<p style="text-align: center;">11.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Adult Day Care Facility ▪ Adult Foster Care Large Group Home ▪ Adult Foster Care Congregate Facility ▪ Automobile Repair, Minor ▪ Cemetery ▪ Club or Lodge ▪ Filling Station ▪ Mixed Use Development ▪ Open Air Business ▪ Place of Public Assembly, Large ▪ Planned Unit Development ▪ Sexually Oriented Business ▪ Tattoo or Piercing Parlor ▪ Tourist Park ▪ Wireless Communication Antenna
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11.04 ADDITIONAL REQUIREMENTS

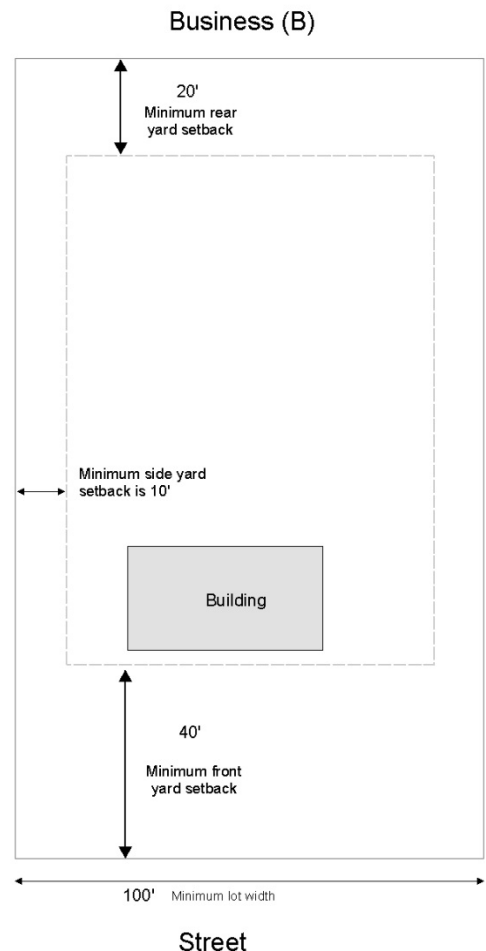
- Outdoor Lighting, subject to Section 3.19
- Parking, subject to Article XVI
- Signs, subject to Article XVII
- Site Plan Review, subject to Section 19.10
- Landscaping, subject to Section 3.14

11.05 DIMENSIONAL STANDARDS *(amended by ordinance 76 on May 13, 2014)*

<u>Minimum Lot Area</u>	12,500 sq ft	<u>Required Setbacks (in feet)</u>
<u>Minimum Lot Width</u>	100 feet	▪ Front 40 Feet
<u>Maximum Building Height</u>	3 stories or 45 feet, whichever is less	▪ Side 10 Feet
		▪ Rear 20 Feet

11.06 DISTRICT REQUIREMENTS

- A. **Minimum Lot Area.** The minimum lot area shall be at least 12,500 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be at least one hundred (100) feet.
- C. **Minimum Lot Depth.** The minimum lot depth shall be at least 125 feet.
- D. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:
1. **Front Yard** - A front yard of forty (40) feet from the right-of-way line.
 2. **Side Yard** - A side yard on each side of not less than ten (10) feet. On corner lots there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street. *(amended by ordinance 76 on May 13, 2014)*



3. Rear Yard - A rear yard of not less than twenty (20) feet.
- E. **Building Height**. No dwellings shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of forty-five (45) feet or three (3) stories, whichever is less.
- F. **Maximum Lot Coverage**. Forty-five percent (45%) (*amended by ordinance 76 on May 13, 2014*)
- G. **Building Form Standards**.
 1. Minimum/Maximum Transparency:
Ground Floor: 60%/85%
Upper Stories: 40%/85%
 2. Exterior Building Materials Visible from right-of-way, park, or public parking area:
Walls: Minimum 80% brick, stone, or wood lap or cement board siding
Ornamentation/Trim: Metal, concrete, brick, stone, wood
 3. Architectural Features: Wrap around entire side visible from right-of-way

ARTICLE XII – UC UNIVERSITY-COLLEGE DISTRICT

12.01 INTENT

It is the intent of the University College District to promote institutional and educational land uses for the benefit of Township residents. The University College District is characterized by attractive and well-designed institutional facilities and related uses, such as performance halls, galleries and student housing. Uses in this district should be compact, walkable, and consistent with the surrounding area. Attractive landscaping and gathering places should be incorporated into new developments, and existing mature trees should be preserved whenever possible.

<p>12.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Dwelling, Single Family ▪ Dwelling, Two Family ▪ Dwelling, Multiple Family ▪ Educational Facility ▪ Library ▪ Parks ▪ Place of Public Assembly, Small ▪ Professional Office ▪ Recreational Facility ▪ Studio for Performing or Graphic Arts ▪ Theater 	<p>12.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Adult Foster Care Congregate Facility ▪ Airport ▪ Day Care Center ▪ Essential Services ▪ Hospital or Sanitarium ▪ Home Occupation, Major ▪ Hotel or Motel (amended by ordinance 112 on December 9, 2020) ▪ Mixed Use Development ▪ Place of Public Assembly, Large ▪ Planned Unit Development ▪ Wireless Communication Antenna
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<p>12.04 - ADDITIONAL REQUIREMENTS</p> <ul style="list-style-type: none"> ▪ Outdoor Lighting, subject to Section 3.19 ▪ Parking, subject to Article XVI ▪ Signs, subject to Article XVII ▪ Site Plan Review, subject to Section 19.10 ▪ Landscaping, subject to Section 3.14
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12.05 DIMENSIONAL STANDARDS

<u>Minimum Lot Area</u>	None*	<u>Required Setbacks (in feet)</u> <ul style="list-style-type: none"> ▪ Front 30 Feet ▪ Side 10 Feet or 10% of lot width, whichever is less ▪ Rear 25 Feet
<u>Minimum Lot Width</u>	None*	
<u>Maximum Building Height</u>	2 ½ stories or 35 feet, whichever is less	

* subject to lot coverage and setback requirements

12.06 DISTRICT REQUIREMENTS

A. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:

1. **Front Yard** - A front yard of not less than thirty (30) feet from the right-of-way line.
2. **Side Yard** - A side yard for each side of the residential building of not less than ten (10) percent of the lot width, but not less than ten (10) feet. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet. *(amended by ordinance 76 on May 13, 2014)*

On a lot with a nonresidential building, a side yard shall be provided along each side lot line of not less than fifteen (15) feet in width. In lieu of such side yards, where there is more than one principal building on a lot, as defined, there shall be a minimum distance of twenty (20) feet between the principal building, provided that the required side yard is maintained adjacent to or across a street or alley from any other residential district.

3. **Rear Yard** - A rear yard of not less than twenty-five (25) feet.

B. **Building Height.** No building or structure shall exceed a height of two and one-half (2-1/2) stories, or thirty (30) feet. Except that a college, university or theological school building may be erected to a height of fifty (50) feet, provided that required side or rear yards adjacent to or across a street or alley from an R-1, R-2, or R-3 District shall be increased in width or depth by two (2) feet for each additional foot of building heights above thirty (30) feet.

C. **Maximum Lot Coverage.** Twenty-five percent (25%).

D. **Principal Building on a Lot.** In the University College district there may be more than one principal institutional building on a lot, provided that all other requirements applicable to each building on such lot are met.

ARTICLE XIII – M MANUFACTURING DISTRICT

13.01 INTENT

The intent of this district is to provide employment opportunities for residents and investment in the community. Development in this designation should include small-scale industrial activities, such as research and development, office, warehouse, retail, shipping and showrooms. Sites should be carefully designed to minimize off-site impacts, and extensive screening and landscaping is strongly encouraged to foster attractive development.

<p style="text-align: center;">13.02 PERMITTED USES</p> <ul style="list-style-type: none"> ▪ Automobile Service Station, Minor ▪ Car Wash ▪ Eating and Drinking Establishment ▪ Essential Services ▪ Filling Station ▪ Greenhouse ▪ Governmental Office ▪ Kennel/Animal Day Care ▪ Laboratory, Research ▪ Laundry and Dry Cleaning Establishment ▪ Manufacturing Establishment ▪ Mini/Self-Storage Facility ▪ Retail Business ▪ Warehouse ▪ Wholesale Facility 	<p style="text-align: center;">13.03 SPECIAL LAND USES</p> <ul style="list-style-type: none"> ▪ Airport ▪ Automobile Service Station, Major ▪ Earth Solids Removal ▪ Junk Yard ▪ Wireless Communication Antenna
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<p style="text-align: center;">13.04 ADDITIONAL REQUIREMENTS</p> <ul style="list-style-type: none"> ▪ Outdoor Lighting, subject to Section 3.19 ▪ Parking, subject to Article XVI ▪ Signs, subject to Article XVII ▪ Site Plan Review, subject to Section 19.10 ▪ Landscaping, subject to Section 3.14
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13.05 DIMENSIONAL STANDARDS

<u>Minimum Lot Area</u>	12,500 sq ft	<u>Required Setbacks (in feet)</u>
<u>Minimum Lot Width</u>	100 feet	▪ Front 50 Feet
<u>Maximum Building Height</u>		▪ Side 25 Feet
2 ½ stories or 35 feet, whichever is less		▪ Rear 30 Feet

13.06 DISTRICT REGULATIONS

- A. **Setbacks.** Every building hereafter erected or enlarged shall provide and maintain a setback in accordance with the following requirements:
 - 1. Front Yard - A front yard of not less than fifty (50) feet from the right-of-way line.
 - 2. Side Yard - A side yard of not less than twenty-five (25) feet, except in the following circumstances:
 - a. If the side yard line abuts a lot in the E-1, R-1, R-2, or R-3 district, a minimum side yard of forty (40) feet is required.
 - 3. Rear Yard - A rear yard of not less than thirty (30) feet, except in the following circumstances:
 - a. If the rear yard line abuts a lot in the E-1, R-1, R-2, or R-3 district, a minimum rear yard of fifty (50) feet is required.
- B. **Building Height.** No building or structure shall exceed a height of thirty-five (35) feet or 2½ stories, whichever is less.
- C. **Maximum Lot Coverage.** Seventy-five percent (75%) including accessory uses, parking and loading areas, driveways and similar features.

ARTICLE XIV – F FLOODPLAIN OVERLAY

14.01 INTENT

It is the intent of the FP Floodplain Overlay to protect against flood damage or destruction to structures which might otherwise be constructed in flood hazard areas. The boundaries of this district shall be the 100-year floodplain as established by the Federal Emergency Management Agency.

14.02 DISTRICT REGULATIONS

- A. Uses permitted by the underlying zoning district are permitted in the FP Floodplain Overlay, subject to the regulations of the underlying district and; provided that the elevation of the lowest habitable floor, including basements, shall be at least three (3) feet above the base flood elevation as designated by Federal Emergency Management Agency.
- B. In the area below the 100-year Floodplain, land may be used to supply open space or area requirements of a lot partially located outside the 100-year floodplain. No building or structure shall be located below the 100-year Floodplain.
- C. In the A-R Agricultural Residential District, land below the 100-year Floodplain may be used for agricultural purposes, provided that no structures shall be located below the 100-year Floodplain.
- D. In the area below the 100-year Floodplain, dumping or backfilling with any material in any manner is prohibited unless, through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved and all applicable State and federal requirements are met.

SECTION XV RESERVED

ARTICLE XVI - OFF-STREET PARKING AND LOADING

16.01 PURPOSE

The purpose of this Article is to alleviate or prevent the congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the uses of property in the Township.

16.02 GENERAL REQUIREMENTS

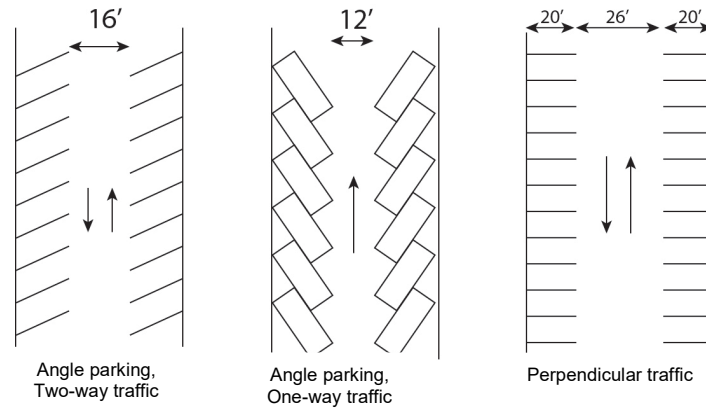
- A. Scope of Regulations. Off-street parking and loading shall be provided as follows:
1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by this article.
 2. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement as specified herein parking and loading facilities shall be provided for such increase in intensity of use.
 3. Wherever the existing use of a building or structure shall be changed hereafter to a new use, parking and loading facilities shall be provided as required for such new use.
 4. Permit Required. Off-street parking lots shall not be constructed unless a zoning permit has been issued by the Zoning Administrator, except for driveways serving single-family and two-family dwellings. *(amended by ordinance 99 on May 14, 2019)*
- B. Existing Parking and Loading Facilities. Existing off-street parking or loading facilities shall not be reduced below the requirements of this Ordinance for a similar new building or use.
- C. Control of Off-site Parking Facilities. When required parking facilities are provided on land other than the lot on which the building or use served is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use, except as provided in Section 16.03,B.

16.03 PARKING REGULATIONS

- A. Use of Parking Facilities. Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this Article

shall be used solely for the parking of passenger automobiles operated by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments.

- B. Joint Parking Facilities. For different buildings, structures or uses, or for mixed use developments or educational institutions with multiple facilities, two or more buildings or uses may collectively provide the combined 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. In the instance of such dual use of off-street parking spaces where operating hours of uses do not conflict or overlap, the Planning Commission may grant an exception to the preceding standard and permit a consolidation of the combined sum of required parking.
- C. Deferred Parking. A portion of the required parking area may be deferred until some future date, provided that adequate space on the property is reserved for future parking, and provided that the reserved area is used as open landscaped space until parking is constructed. A permit shall be required prior to construction of a deferred parking area.
- D. Computation. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one half or less may be disregarded, while a fraction in excess of one half shall be counted as one parking space.
- E. Size. A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet. Aisle widths shall be not less than the following: perpendicular parking, twenty (26) feet; angle parking two-way traffic, sixteen (16) feet; angle parking one-way traffic, twelve (12) feet. *(amended by ordinance 76 on May 13, 2014)*



Parking Area Dimensions (for standard-sized vehicles)

- F. Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway or curb cut across public property shall exceed a width of forty (40) feet, or as permitted by the Berrien County Road Commission.
- G. Yards. Off-street parking in manufacturing, industrial or business districts may be located in a required rear or side yard, except the ten (10) feet adjacent to the rear or side lot line adjacent to a residential district.
- H. Parkways. No motor vehicle or tangible personal property of any type shall be parked or stored at any time between the street and front lot line at any place within the Township.
- I. Design and Maintenance.
1. Open and Enclosed Parking Spaces. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky.
 2. Screening and Landscaping. All parking areas containing more than four parking spaces shall be effectively screened on any side that abuts a property in a residential district or the UC University/College District by a wall, fence or landscaped hedge or berm not less than four (4) feet but not more than seven (7) feet in height. Such screening shall conform with the setback requirements of the district in which the parking area is located.
 3. Surfacing. All off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be paved with asphalt, concrete or some comparable all-weather dustless material.

4. Lighting. Any lighting used to illuminate off-street parking areas shall meet the requirements of Section 3.19.

J. Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residential district, except when approved as part of a planned development. The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residential district.

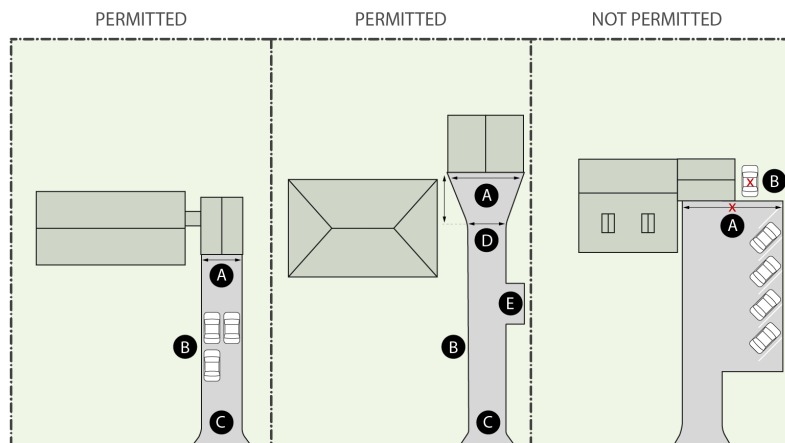
16.04 LOCATION OF OFF-STREET PARKING FACILITIES

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

A. For Uses in a Residential District. Parking spaces accessory to dwellings shall be located on the same lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.

For single-family and two-family dwellings in the R-1 and R-2 districts, parking shall only be permitted in the driveway and garage. Driveways width shall not exceed garage width by more than two (2) feet, and continue for up to 20' away from the garage, at which point it must narrow to a maximum of 20' in width to the road. If there is no garage, driveway width shall not exceed 20 feet.

Driveways shall be placed perpendicular to the house, and must utilize the shortest possible path from the house or garage to the road. Parking may occur in the entire driveway from inside the garage to the road. Driveway intersections shall comply with Berrien County Road Commission standards. (amended by ordinance 99 on May 14, 2019)



- A Width of driveway shall not exceed 2 ft. in width wider than garage.
- B Parking permitted only in the driveway and garage (no parking allowed in grass)
- C Driveways must be at a right angle to the house and must be direct from the house or garage (as much as possible). Intersections shall meet Berrien County Road Commission standards.
- D Driveway width shall not exceed 20 ft. in width beyond 20 ft. from garage.
- E Driveway turn-arounds shall be 20 ft. in width maximum.

- B. For Uses in Business and Manufacturing Districts. All required parking spaces shall be within five hundred (500) feet of the use served. No parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district.

16.05 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

Residential Uses	
Use	Minimum Parking Requirement
Dwelling, One-Family, Two-Family or Multiple Family	Two (2) spaces per dwelling unit
Day Care Facility	One (1) space for each four (4) persons cared for
Retail/Service Uses	
Use	Minimum Parking Requirement
Bowling Alley	Five (5) spaces for each alley, plus additional spaces as required for affiliated uses (such as a bar/restaurant)
Car Wash	Three (3) stacking spaces for each wash rack, plus one (1) per employee
Convenience Store, Filling Station	One (1) space per three hundred (300) square feet of gross floor area
Drive-through business, other than restaurant	One (1) space per three hundred (300) square feet of ground floor area
Drive-through restaurant	One (1) space per two hundred (200) square feet of ground floor area, plus stacking space for 9 vehicles
Earth Solids Removal	One (1) space per employee in the largest shift
Eating and Drinking Establishment	One (1) space for each 200 feet of floor area
Financial Institution	One (1) space per four hundred (400) square feet of gross floor area
Funeral Home or Mortuary	Twenty (20) spaces, plus one (1) for each vehicle kept on the premises, plus a minimum of ten (10) stacking spaces for funeral processions
Furniture/Appliance Store	One (1) space for each 600 feet of floor area

Golf Course	Nine (9) spaces per hole
Greenhouse	One (1) space per two thousand (2,000) square feet of gross floor area plus one (1) per five hundred (500) square feet of indoor display area
Hotel/Motel	One (1) space for each guest room
Manufacturing Establishment	One space for each employee based on the greatest number of employees on any one shift, plus one space for each vehicle used in conduct of the enterprise
Motor Vehicle Sales	One (1) space for each 300 feet of floor area
Personal Service Establishment	One (1) for each four hundred (400) square feet of gross floor area
Place of Public Assembly	One (1) space for each four seats of legal capacity.
Private Club/Lodge	One (1) space for each 200 feet of floor area
Professional or Governmental office	One (1) space for each 200 feet of floor area
Retail Business	One (1) space for each three hundred (300) square feet of gross floor area
Resort (<i>amended by ordinance 91 on February 15, 2017</i>)	1.5 spaces per guest room, or as demonstrated by the applicant, plus one per each employee working on the largest shift.
Sexually Oriented Business	One (1) space per 300 square feet of gross floor area
Stadium, Arena, Convention Center or a similar use	Parking spaces equal in number to fifty (50) percent of the capacity in persons
Theater	One (1) space for each three (3) seats
Warehouse	One space for each employee based on the greatest number of employees on any one shift, plus one space for each vehicle used in conduct of the enterprise
Wholesale facility	One (1) space for each 600 feet of floor area

Institutional Uses	
Use	Minimum Parking Requirement
Auditoriums	One (1) space for each three (3) auditorium seats
College, University or Trade School	One (1) space for each three (3) employees, plus one space for each four (4) students based on the maximum number of students on the premises during any 24-hour period
Medical or Dental Clinic	One (1) space for each employee or doctor, plus one (1) space for each 200 feet of floor area
Hospital	One (1) space for each two (2) beds, plus one space for each two (2) employees, plus one (1) space for each doctor
Library, Gallery, Museum	One (1) space for each 1,000 feet of floor area
Community Center or Recreational Facility	One (1) space for each employee, plus one space for each 300 feet of floor area
Essential Services/Public Service Use	One and a half (1½) spaces for each employee, plus one for each vehicle used in the conduct of the enterprise
School	One (1) space for each employee, plus ten (10) spaces for each 100 students.
Dormitory, Fraternity or Sorority	One (1) space for each five active members, plus one (1) space for the manager
Nursing Home/Convalescent Home	One (1) space for each four (4) beds, plus one (1) space for each two (2) employees (other than staff doctors), plus one (1) space for each doctor
Veterinary Clinic	One (1) space per five hundred (500) square feet gross floor area

16.06 USES NOT LISTED

For uses not listed in Section 16.05, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

16.07 OFF-STREET LOADING

- A. Location. All required off street loading spaces shall be located on the same zoning lot as the use served. No off street loading space for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof,

not less than six (6) feet in height. No off street loading space shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

- B. Size. Unless otherwise specified, a required off street loading space shall be at least ten (10) feet in width and at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- C. Access. Each required off street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. Surfacing. All off street loading space shall be paved with asphalt, concrete or some comparable all-weather material.
- E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.

Space allocated to any off street loading space shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

- F. Schedule of Loading Requirements. In all districts, every building or part thereof, hereafter erected, which is to be occupied for manufacturing, storage, retail sales, warehousing, wholesale sales, or a hotel, hospital, mortuary or laundry, or uses similarly requiring the receipt or distribution in vehicles of materials or merchandise shall provide and maintain, on the same premises, paved off-street loading spaces in relation to floor area as follows:

Square feet of Principal Permitted Building on a Property	Minimum Number of Loading Spaces Required
Up to 20,000 square feet	1
20,001 to 50,000 square feet	3
50,001 to 100,000	3
1 additional space is required per additional 100,000 square feet	

The following shall apply with regard to off-street loading and unloading spaces:

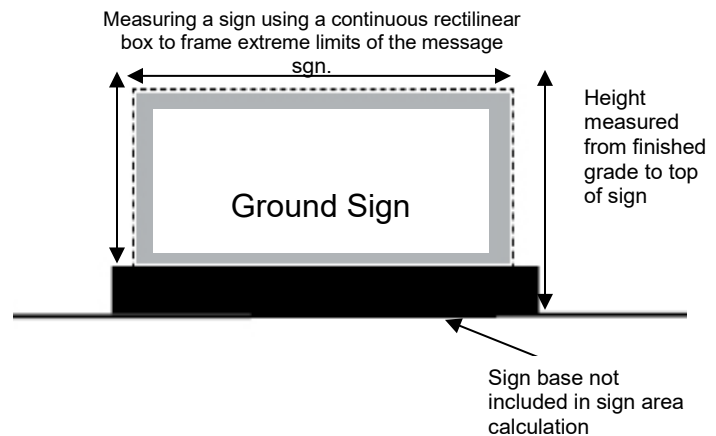
1. Such space may occupy all or any part of any required yard.
2. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted fence not less than six (6) feet in height.

3. Required loading spaces shall be considered separate from required off-street parking areas but shall meet the requirements of Section 16.03 I (3) with regard to surface material.

ARTICLE XVII - SIGNS

17.01 GENERAL

- A. No sign shall project into or be placed within the right-of-way of a street.
- B. All signs shall conform to all applicable codes and ordinances of Oronoko Charter Township.
- C. Sign Area. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces.



- D. Height. Sign height shall be measured as the vertical dimension from the finished grade to the highest point of the highest attached component of the sign. A sign shall not extend beyond the edge of the wall to which it is affixed nor above the roof line of a building to which it is attached.
- E. Sign Setbacks. All signs, except election signs, shall be set back a minimum of one-half of the minimum front yard setback. All signs, except election signs, shall be set back a minimum of 8 feet from any other property line.
- F. Illumination. When illumination of signs is permitted, illumination shall comply with the following requirements:
1. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.
 2. Illumination shall be arranged so that light is deflected away from adjacent properties and any public right-of-way, and so that no direct sources of light are

visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.

3. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
 4. An illuminated sign shall be located a minimum of 100 feet from the E-1, R-1, R-2 or R-3 districts.
- G. Maintenance. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Zoning Administrator or other designated representative. A sign that no longer serves the purpose for which it is intended or is abandoned or is not maintained in accordance with applicable regulations of Oronoko Charter Township shall be removed by the owner, or by the Township at the expense of such owner, upon written notice by Oronoko Charter Township.
- H. Applicability of Regulations. The general regulations provided by Section 17.01 apply to all signs except where the regulations provided by this Ordinance establish more stringent requirements, in which case the latter shall apply.
- I. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this Ordinance and after a permit has been issued by the Zoning Administrator. A separate permit shall be required for a sign or group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.
- J. Application for Permit. Application for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Zoning Administrator may require the filing of plans or other pertinent information where such information is necessary to insure compliance with this Ordinance.

17.02 NONCONFORMING SIGNS AND BILLBOARDS

All signs erected or constructed after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any sign erected or constructed prior to the effective date of this Ordinance and not conforming to the requirements of this Ordinance shall be deemed a nonconforming structure and shall be subject to Article IV.

17.03 EXEMPT SIGNS

Except for the regulation of area and height set forth in Section 17.01, the following signs shall be exempt from regulations in this Article:

- A. Any public notice, traffic control or warning required by a valid and applicable federal, State, or local law, regulation, ordinance, or traffic control order.
- B. Property address and owner identification sign up to one (1) square foot in area.
- C. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
- D. Holiday lights and decorations with no commercial message.
- E. Works of art that do not contain a commercial message.
- F. Directional signs or menu boards on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs, provided the following standards are met:
 - 1. Drive-through menu boards shall not exceed thirty-two (32) square feet in area or six (6) feet in height.
 - 2. Except in the University-College District, directional signs shall not exceed six (6) square feet in area or six (6) feet in height. The number of directional signs permitted on a property shall be the minimum necessary to provide adequate orientation, as determined by the applicable Oronoko Charter Township representative, board or commission.
 - 3. Customary lettering on, or other insignia which are a structural part of, a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump.
- G. Governmental historical designation signs.
- H. Construction signs identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed twenty (20) square feet in sign area per frontage of the development. Such signage shall not exceed six (6) feet in height. One construction sign shall be permitted per street frontage of the development.
- I. Special event signage on public property.
- J. All yard signs, as defined herein, provided such yard signs shall be limited to one (1) sign per front yard, not greater than six (6) square feet in area. Such signs shall be removed within seven (7) days after the sale on which the event occurs.

17.04 POLITICAL SIGNS

Political signs shall be subject to the following regulations:

- A. All political signs must be erected on private property. The placement or erection of election signs within a public right-of-way is strictly prohibited.
- B. No political sign shall be located on Township-owned property.
- C. No political sign shall be erected more than ninety (90) days prior to an election. Candidates and campaign committees shall remove their political signs within fifteen (15) days of the election unless the candidate or election issue is on the ballot for a subsequent election to occur within ninety (90) days.
- D. The Zoning Administrator may cause to remove any political signs placed on public property. The Zoning Administrator shall store all removed signs and provide a schedule for retrieval of the signs by the candidate or campaign committee represented on the signs. All signs not retrieved within fifteen (15) days after an election may be disposed of by the Zoning Administrator.
- E. No such sign shall be illuminated.
- F. No such sign shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway, or parking space.
- G. The painting of any such sign on the exterior surface of any building or structure is prohibited.
- H. Every such sign shall have identified on it the name, address, and telephone number of the person or organization/agency who posted or had caused the posting of the sign.

17.05 ELECTRONIC SIGNS

Electronic Signs shall be permitted, subject to the following standards:

- A. Not more than one (1) electronic sign shall be permitted per road frontage as a part of a permitted ground sign.
- B. The sign message or image shall remain stationary and unchanging in terms of color or light intensity for a minimum of four (4) seconds.
- C. An electronic sign shall be located a minimum of 100 feet from the E-1, R-1, R-2, R-3 zoning districts.
- D. No electronic sign shall be installed when, in the opinion of the Zoning Administrator, it will cause a traffic or vision hazard.

17.06 PROHIBITED SIGNS

The following signs are not permitted in any District:

- A. Signs that do not relate to existing business or products for sale or available on the site, except as provided in Section 17.07 B, 2.
- B. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.
- C. Animated or moving signs, except such signs in the business district which display:
 - 1. The time of day and/or current temperature so long as no additional lighting, animation or message appears within the same sign;
 - 2. Provided that the sign does not transition more often than once every 10 seconds;
 - 3. The animated or moving portion of the sign is integrated into and accessory to the overall sign; and
 - 4. The overall sign complies in all respects to the provisions of this Ordinance.
- D. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- E. Signs not securely affixed to a supporting structure.
- F. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, and which may obstruct a motorist’s vision.
- G. Billboards

17.07 PERMITTED SIGNS

- A. E-1, R-1, R-2 and R-3 districts.
 - 1. For wineries/breweries, educational facilities, golf courses, places of public assembly (large and small), animal or veterinary clinics, medical or dental clinics, clubs or lodges, multiple family dwellings, funeral homes, mortuaries and resorts: *(amended by ordinance 91 on February 15, 2017)*

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Ground	1 per frontage	16 square feet	No	No

Wall	1 per frontage	32 square feet	No	No
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2. For home occupations (major or minor):

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Wall	1	1 square foot	No	No

B. A-R District.

1. For bed and breakfasts, greenhouses, roadside stands, wineries/breweries, farm product processing facilities, golf courses, home occupations (major), junk yards, places of public assembly (large and small), recreational facilities and resorts: *(amended by ordinance 91 on February 15, 2017)*

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Ground	1 per frontage	16 square feet	Yes, subject to 17.01 F	No
Wall	1 per frontage	32 square feet	Yes, subject to 17.01 F	No

For home occupations (major or minor):

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Wall	1	1 square foot	No	No

2. The following signs are also permitted in the A-R district:

- a. Directional signs; non-illuminated; not exceeding thirty-two (32) square feet; advertising businesses located not more than five (5) miles from the sign's location; placed at least ten (10) feet behind the road or street right-of-way line. Only one off-site advertising sign shall be permitted per lot. Such signs shall not be illuminated and not exceed five (5) feet in height. There shall not be more than five (5) such signs per applicant.

- b. One temporary signs advertising farm products for sale on a seasonal basis on the farm where the product is grown; not to exceed sixteen (16) square feet; not exceeding five (5) feet in height.

C. Business District.

- 1. For all permitted and special land uses:

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Ground	1 per frontage	48 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05
Projecting OR Wall OR Awning or Canopy	1 per frontage	12 square feet; the sign shall not project more than 2 feet from the building wall	Yes, subject to 17.01 F	Yes, subject to Section 17.05
	1 per frontage	20% of wall surface area, but no more than 100 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05
	1 per frontage	20% of wall surface area, but no more than 100 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05
Window	1 per frontage	4 square feet	No	No

- 2. Signs in the Business district are subject to the following requirements:
 - a. The sign or signs shall front the principal street, a parking area, or in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street.
 - b. Signs suspended from or mounted to any building shall not project more than twenty-four (24) inches beyond the building line and the bottom of such sign shall not be less than eight (8) feet above the finished grade of the sidewalk.

Any sign suspended from or mounted to a building shall not exceed twelve (12) feet in height and its location and arrangement shall be subject to approval by the Zoning Administrator.

- c. No sign shall be more than eight (8) feet in height.

D. University-College District

1. For all permitted and special land uses:

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Ground	1 per frontage	48 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05
Wall	1 per frontage	20% of wall surface area, but no more than 200 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05

E. Manufacturing District

1. For all permitted and special land uses:

Type	Maximum Number	Maximum Sign Area	Illumination Permitted	Electronic Sign Permitted
Ground	1 per frontage	32 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05
Wall	1 per frontage	20% of wall surface area, but no more than 200 square feet	Yes, subject to 17.01 F	Yes, subject to Section 17.05

ARTICLE XVIII – SPECIAL LAND USES

18.01 INTENT

It is the intent of this Article to set forth the general procedures and review standards applicable to all special land uses and name, describe, and list additional specific requirements and conditions applicable to each special land use specified in the respective zoning districts. Due to the nature of the use, a special land use requires special consideration in relation to the welfare of adjacent properties and to the community as a whole.

18.02 APPLICATION PROCEDURE

- A. Submission of Application. A special land use application shall be submitted to the Zoning Administrator. Each application shall be accompanied by the payment of a fee established by the Township Board. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.
- B. Required Information. A special land use application for any project reviewed by the Planning Commission shall include ten (10) copies of all required information, including application form and a site plan with all information as required in Section 19.10 of this Ordinance. The information shall include the following:
1. A complete special land use application including the following information:
 - a. Name and address of applicant and owner(s).
 - b. Legal description, property parcel number, and street address of the subject parcel of land.
 - c. Area of the subject lot stated in acres, or if less than one (1) acre, in square feet.
 - d. Present zoning classification of the parcel.
 - e. Present and proposed land use.
 - f. A letter or signed narrative describing in detail the proposed special land use and detailing why the location selected is appropriate.
 - g. Applicant's statement of the expected effect of the special land use on emergency service requirements, schools, storm water systems, water system facilities, ground water, natural features, pedestrian circulation, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.

- h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this Ordinance, by the Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
 - i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.
 - 2. A site plan containing all the data required by Section 19.10.
 - 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing the specific special land use requested.
- C. Review Procedures. An application for special use approval shall be processed as follows:
 - 1. The complete application, including a site plan as provided in Section 19.10, must be received at least fourteen (14) days prior to the next regular Planning Commission meeting in order to appear on the agenda. Upon receipt, the application package shall be reviewed by the Zoning Administrator to determine completeness. If the Zoning Administrator determines that the application is complete, the application shall be placed on the agenda of the next regular Planning Commission meeting. If the zoning Administrator determines the application to be incomplete, the application shall be returned to the applicant.
 - 2. Once the special use application has been reviewed by the Planning Commission, the Planning Commission shall set the date for the public hearing. Notice of the public hearing shall be provided pursuant to the procedures set forth in Section 19.05.
 - 3. After the public hearing, the Planning Commission shall review the application, any information supplied at or in connection with the public hearing, and any reports of Township personnel, planning or engineering or other consultants and shall reach a decision to approve, approve with conditions, or deny the application. Such decision shall be reached within a reasonable period of time following the public hearing on the application. The Planning Commission's decision shall be incorporated in a motion containing conclusions and findings reached relative to the proposed special use which motion shall provide the basis for the decision and any conditions in connection with the decision.
 - 4. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards and conditions set forth in this Article. If the facts regarding the special land use do not establish by a preponderance of the evidence that the standards,

conditions and requirements set forth in this Article can and will be met, the application shall be denied.

5. The conditions and regulations set forth in Section 18.03 A (1-7) for the various types of special land uses and accessory uses related thereto shall apply to each such type of special land use upon approval. The Planning Commission shall specifically identify such conditions and regulations as part of its approval action. The Planning Commission may also prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

D. Issuance of a Special Land Use Permit. Upon approval by the Planning Commission, the Zoning Administrator shall issue the special land use permit, which shall identify any and all conditions, terms, and restrictions applicable to the approved special use. The special land use permit shall become effective upon Planning Commission approval, provided the following are met:

1. The Zoning Administrator shall not issue a special land use permit until the special land use is approved and any conditions pertaining to such approval are met.
2. Until a zoning permit has been granted pursuant to the special land use permit, there shall be no construction or excavation of said land, nor shall there be any use of the land in anticipation of the special land use unless such use is incorporated in the conditions of approval adopted by the Planning Commission.
3. Land subject to a special land use permit may not be used or occupied for such special land use until after an occupancy certificate has been issued pursuant to the Township's Building Code, or the approval of the Zoning Administrator has been granted for uses not subject to the requirements for a certificate of occupancy.

If conditions to the issuance of the permit are given, the Zoning Administrator shall verify that all conditions are met prior to issuance of a special land use permit. It shall be the responsibility of the Zoning Administrator to monitor and verify compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of a violation of the special land use permit.

- E. Appeals. A decision or condition related to a special use application may not be appealed to the Zoning Board of Appeals.
- F. Amendments. Amendments to special use permit shall be handled in the same manner as the initial special use permit application. Minor, non-substantive changes to a site plan in accordance with Section 19.10 J may be made to an existing special use permit with the approval of the Zoning Administrator.
- G. Transfers. Prior to completion of construction related to a special use, the special use permit, with any and all associated benefits, conditions and required security may be

transferred to a new owner only upon the sale or transfer of the property in question. The original owner, upon transferring the special use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to Section 18.02, I, pertaining to abandonment.

- H. Expiration. A special use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or special use permit.
 2. If the applicant or current owner of the property requests the rescinding of the special use permit.
 3. If a condition of approval included a stipulation that the special use permit shall expire by a certain date.
 4. If the special use is abandoned in accordance with Section 18.02, I.
 5. If a zoning permit has not been obtained or if on-site development has not commenced within one (1) year.
- I. Abandonment. Any permitted special use shall be considered abandoned and such use shall not be resumed thereafter if any of the following conditions apply:
1. When the owner declares or otherwise makes evident his intent to discontinue such use.
 2. When the use has been replaced by a different use permitted in the underlying zoning district.
 3. The cessation of the permitted special use for a period of twelve (12) consecutive months shall result in a rebuttable presumption of the owner's and any lawful occupant's intent to permanently discontinue and abandon the special use. At any time after said twelve (12) consecutive month period, the Zoning Administrator may notify the owner and any occupants in writing of said presumption and such writing shall provide the owner and any occupants at least thirty (30) days to rebut the presumption in a writing addressed and delivered to the Zoning Administrator by certified mail with a return receipt. If the owner and occupants fail to provide written evidence rebutting the presumption within said thirty (30) day period, the owner's and occupant's intent to discontinue and abandon the special use shall thereby be established. The notice from the Zoning Administrator shall be sent by certified mail, with a return receipt, to the owner and any occupants at the mailing address of the

owner listed on the Township tax rolls and at the street address of the property in question if a building with an address exists at said location.

- J. Violations. Any violation of the terms, conditions or limitations of a special use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

18.03 SPECIAL USE REVIEW STANDARDS

- A. Review Standards. Before acting on a special land use permit application, the Planning Commission shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the special land use. The Planning Commission shall review each application and take action to approve a special use application only if it finds that such special land use meets each of the following standards, together with any and all special land use standards reflected for the zoning district, any and all applicable specific review standards found in this Article and all other generally applicable requirements of this Ordinance. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 2. The proposed use shall 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-vehicle interfacing.
 3. The location, size, intensity, site layout, physical, structure, and amenities, and periods of operation the proposed use shall be designed and established in a manner that eliminates any possible nuisance emanating there from which might be noxious to the

occupants of any other nearby permitted uses, whether by reason of traffic, dust, noise, odors, glare, fumes, vibration, smoke or lights.

4. The proposed use shall 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 unreasonably affect their value.
 5. The proposed use shall 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 service and facilities in specific areas of the Township.
 6. The proposed use is so designed, located, planned and to be operated so that the public health, safety and welfare will be protected.
 7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- B. Additional Conditions and Approval Standards. In addition to the standards and conditions set forth for each type of special use in this Article, the Planning Commission may establish reasonable conditions of approval for a special use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Further, in addition to the standards and conditions set forth for each type of special use in this Article, the Planning Commission may adopt specific review standards for any proposed special use proposed if this Article does not provide such specific review standards for such use. Any such conditions imposed or specific review standards employed shall:
1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners in the vicinity of the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

18.04 AIRPORT

- A. Airports shall be subject to the following requirements:
1. A site plan submitted in conjunction with the special land use for an Airport shall illustrate areas where aircraft operations occur such as a terminal, hangers, aircraft parking areas, runways, taxiways, flight school or club, flight viewing area, fueling areas, aircraft maintenance, administrative, charter, customs or other similar aircraft use areas.
 2. Apron, runway, taxiway, and tie-down, approach/departure clearance specifications established by the Federal Aviation Administration shall apply.
 3. A minimum setback of fifty (50) feet shall apply from any buildings to the boundary of the airport property.
 4. Drives and service roads to commercial and industrial buildings must be paved.
 5. All utilities shall be placed underground.
 7. The applicant shall demonstrate compliance with all applicable State and federal standards, including those of the Federal Aeronautical Administration and the Michigan Aeronautical Commission.

18.05 ANIMAL CLINIC OR VETERINARY CLINIC

- A. Animal Clinics/Veterinary Clinics shall be subject to the following requirements:
1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Berrien County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
 2. The operator of the veterinary hospital shall maintain at all times, all required State and local licenses and permits for the operation of the hospital. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary hospital.
 3. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
 4. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any property in the E-1, R-1, R-2 or R-3 district.

5. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
6. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

18.06 AUTOMOBILE REPAIR FACILITY

A. Automobile Repair Facilities shall be subject to the following requirements:

1. Not more than four (4) dismantled, wrecked or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way. Regardless of any screening, no dismantled, wrecked or inoperable vehicle or vehicle parts may be stored outdoors for longer than ninety (90) days. The Planning Commission may require an opaque fence up to eight (8) feet in height and/or an evergreen landscape buffer not less than eight (8) feet in height at time of planting to screen any vehicles from neighboring uses or passers-by.
2. Not more than two (2) vehicles shall be parked on site at any time for the purpose of selling or renting such vehicles.
3. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building.
4. All repair and maintenance activities shall be performed entirely within an enclosed building.
5. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

18.07 BOARDING HOUSE

A. Boarding Houses shall be subject to the following requirements:

1. No separate cooking facilities shall be allowed in guestrooms.
2. Lavatories and bathing facilities shall be provided for guests at the Boarding House operation at a ratio of not less than one bathroom per two (2) guest bedrooms.
3. The permit holder shall secure and maintain all required State and local permits.
4. The establishment shall have at least two (2) exits to the outdoors.
5. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

6. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a Boarding House may be utilized for sleeping rooms, in accordance with this Section.
7. The Boarding House shall not alter the residential character of the building or structure.

18.08 CEMETERY

A. Cemeteries shall be subject to the following requirements:

1. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable State laws.
2. A proposed cemetery that provides a chapel or other enclosure for graveside, interment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
3. A landscape buffer of at least ten (10) feet shall be provided where a Cemetery abuts a residentially zoned or used parcel.
4. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
5. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
6. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

18.09 CLINIC, MEDICAL OR DENTAL

A. Medical or Dental clinics shall be subject to the following requirements:

1. Within the R-3 district, a clinic shall not exceed seven thousand (7,000) square feet in gross floor area.
2. As a condition of approval, the Planning Commission may establish hours of operation for the Clinic, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.

3. The exterior of the building shall be compatible with neighboring uses.

18.10 CLUB OR LODGE (PRIVATE)

- A. Private clubs or lodges shall be subject to the following requirements:
 1. Such facilities shall maintain, at all times, all required State and local licenses and permits.
 2. Such facilities shall be located and designed such that no objectionable noise, odor or fumes shall be carried onto adjoining property zoned for, or occupied by residential uses.
 3. The Planning Commission may require that some or all of the property be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.

18.11 CONDOMINIUM PROJECTS

- A. Intent. The intent of this section is to provide procedures and standards for the review of development subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Subdivision Control Act (P.A. 288 of 1967, as amended), and promote the orderly development of the adjacent areas. It is also intended that commercial or industrial condominium projects would also be included and reviewed or approved.
- B. General Provision. For the purpose of this section, a Condominium Subdivision shall include any residential development in a residential or agricultural district and industrial or commercial projects in commercial and industrial districts proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
- C. Plan Application - Data And Information Required. In addition to the provisions of this Article, the following information shall also be required:
 1. The condominium subdivision developer shall submit to the Township Zoning Administrator ten (10) copies of the condominium subdivision plan, proposed protective covenants and deed restrictions, and master deed. The name of the proposed project shall be subject to the approval of the Township to eliminate duplicate names or names that are similar to existing developments.
 2. Scale shall be not more than 1 inch to 100 feet and drawn on plain paper of a size not less than 24 inches by 36 inches, with date and north arrow.
 3. The name of the proposed condominium subdivision.

4. Legal description of the property.
5. Statement of intended use of the proposed condominium, such as residential single family, two family and multiple family housing, commercial or industrial. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
6. A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
7. Contours shall be shown on the condominium subdivision plan at 2 foot intervals.
8. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
9. The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
10. In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by the Michigan Department of Natural Resources and Environment as to the existence of any wetlands on the property may be required.
11. Ten (10) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable Township regulations and standards.
12. A Landscaping plan prepared in accordance with Section 3.14 of this Ordinance.

D. Review Procedures.

1. The applicant shall provide the Township with ten (10) copies of the proposed condominium subdivision plan and submit copies of the proposed condominium plan to all applicable County and State agencies.
2. The Planning Commission shall review the condominium subdivision plan before making their determinations.
3. After proceeding with Section 18.02, the Planning Commission shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Commission.

- E. Conditions and Duration Of Approval. The approval of the Planning Commission will indicate that the proposed condominium subdivision plan meets the provisions of Section 141.(1) of the Condominium Act relating to the ordinances and regulations of Oronoko

Charter Township, but does not cover additional permits that may be required after the Master Deed has been recorded.

- F. Duration. Approval of the Condominium Subdivision Plan by the Planning Commission shall be for a period of two (2) years from the date of its approval by the Planning Commission. The Planning Commission may extend the two (2) year period if an extension is applied for in writing. The reasons for such extension may be inability to complete roads or other requirements, financial problems or another documented hardship.
- G. Condominium Subdivision Plan Approval Agreement. If the Planning Commission approves the condominium subdivision plan, it shall instruct the Township Attorney to prepare an agreement setting forth the conditions upon which such approval is based; such agreement, after approval by the Planning Commission, shall be entered into between the Township and applicant prior to the issuance of a zoning permit for any construction in accordance with the approved condominium subdivision plan. All reasonable costs, as established by the Planning Commission, related to the preparation of said agreement shall be paid by the applicant to the Township Treasurer prior to issuance of any zoning permits.
- H. Performance Guarantee Required. As a condition of the approval of the condominium subdivision plan by the Planning Commission, a performance guarantee pursuant to Section 19.10 (L) of this Ordinance may be required before zoning permits are issued.
- I. Standards and Design For Condominium Subdivision Projects.
1. Condominium Lots. The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units. Each condominium dwelling unit shall be located within a condominium lot.
 2. Design Standards and Improvements. Developments shall conform to the following requirements:
 - a. All regulations of the zoning district in which the development is located shall apply to the project.
 - b. If a condominium subdivision is proposed to have private streets, they shall conform to the standards established by the Berrien County Road Commission. All private streets or frontage roads in a condominium subdivision shall have a paved driving surface of asphalt or concrete.

- c. Developments shall conform to the Oronoko Charter Township Subdivision Control Ordinance.

18.12 CONVENIENCE STORE

- A. Convenience Stores shall be subject to the following requirements:
 1. The Planning Commission may establish hours of operation for Convenience Stores to protect the character of the land uses in the vicinity.
 2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
 3. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
 4. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
 5. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

18.13 DAY CARE, COMMERCIAL

- A. Commercial Day Care facilities shall be subject to the following requirements:
 1. All required State and local licensing shall be maintained at all times.
 2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
 3. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial day-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center resident home halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.

4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
6. Commercial Day Care facilities shall front on and be accessed from a paved public road.

18.14 DAY CARE, GROUP

- A. Group Day Care facilities shall be subject to the following requirements:
 1. All required State and local licensing shall be maintained at all times.
 2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
 3. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial day-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center, resident home, halfway house or similar facility under jurisdiction of the Department of Corrections.
 4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
 5. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

18.15 FARM PRODUCT PROCESSING FACILITY

- A. Farm Product Processing Facilities shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
2. The applicant shall demonstrate that the proposed use does not significantly affect traffic circulation and transportation safety in the area in which it is proposed.
3. Such processing facilities shall meet all applicable County, State and federal laws and regulations.
4. The Township shall be provided copies of all required permits from any local, State, or federal agency. It shall be the applicant's responsibility to ensure that permits do not expire without renewal.
5. Such facilities shall be located and designed such that no objectionable odor, fumes noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

18.16 FILLING STATION

A. Filling Stations shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation for Filling Stations to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
3. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
4. Dismantled, wrecked, or immobile vehicles stored shall be completely screened from any adjoining parcel or right-of-way.
5. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from any lot line. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris from leaving the site.

7. A Filling Station that includes a convenience store shall also comply with the provisions of Section 18.12.
8. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
9. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or federal requirements.

18.17 FUNERAL HOME OR MORTUARY

A. Funeral Home or Mortuary shall be subject to the following requirements:

1. A proposed funeral home shall be located on a parcel of land with a minimum area of three (3) acres. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this Ordinance.
2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. Loading and unloading areas used by ambulances, hearses, and/or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall six (6) feet in height. The Planning Commission may also require evergreen landscaping for purposes of obscuring the loading and unloading areas.
5. All required federal, State and local licensing and permits shall be maintained at all times.
6. A caretaker's residence may be provided within the main building of the mortuary establishment.
7. A mortuary that includes a crematorium shall locate any cremating facilities at least five hundred (500) feet from any residential use.

18.18 GOLF COURSE

A. Golf Courses shall be subject to the following requirements:

1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf to the greatest extent possible.
2. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the zoning district in which it is located.
3. A new golf course development shall include stormwater management facilities satisfactory to the Township Engineer, Berrien County Drain Commissioner and/or the Michigan Department of Natural Resources and Environment intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering natural streams.

18.19 HOME OCCUPATION, MAJOR

A. Major Home Occupations shall be subject to the following requirements:

1. In addition to the occupants of the residence and not more than two non-resident employees on site, a Major Home Occupation may employ other persons, provided their work activities are generally undertaken at locations other than the location of the dwelling.
2. The applicant shall disclose the nature, size and number of any vehicles or other equipment associated with the Major Home Occupation and the Planning Commission may establish limits on the outdoor storage and parking of such equipment or vehicles to preserve the character of the neighborhood. Any outdoor storage of materials or scrap shall be effectively screened from view from neighboring properties.
3. The operator of a proposed Major Home Occupation shall attach an operational plan for the Major Home Occupation to the application for a zoning permit for the Major Home Occupation. The operational plan shall provide the following information:
 - a. The hours the Major Home Occupation will operate.
 - b. A description of employee parking and workforce staging plans.
 - c. A site plan in accord with Section 19.10 indicating the location of any storage of materials, vehicles and equipment as well as any employee or customer parking.
 - d. A description of the shipping and delivery requirements of the Major Home Occupation.

- e. A description of any material used in the Major Home Occupation which will be stored on the premises.
4. Any change or alteration in the nature or activities of a Major Home Occupation shall be regarded as a new Major Home Occupation and shall require a new application.
5. A failure to fulfill the terms of the Major Home Occupation, the site plan and its attachments shall be grounds for revocation of Planning Commission approval of a Major Home Occupation.

18.20 HOSPITAL OR SANITARIUM

A. Hospitals or Sanitariums shall be subject to the following requirements:

1. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
2. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or federal requirements.
3. Helicopter landing pads may be permitted as accessory uses, subject to Federal Aviation Administration requirements.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of biohazardous waste shall be in conformance with State and local requirements.

18.21 JUNK YARD

A. Junk Yards shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation for Junkyards to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by all County, State and federal regulations.
3. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
4. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or Federal requirements.

5. All materials stored on site shall be located in the side or rear yards. All materials shall be screened with an eight (8) foot tall opaque fence. Stored materials shall not be stacked higher than eight (8) feet, and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way.
6. No portion of the storage area shall be located within two hundred (200) feet of any residential district or residential lot line.
7. A management office shall be provided on site. A residence may be permitted for security personnel or an on-site operator.
8. The minimum area for a junkyard facility shall be two (2) acres, maximum lot area shall be twenty (20) acres.
9. The following groundwater protection standards shall apply to Junk or Salvage Operations in the Township.
 - a. Sites shall be designed to prevent spills and discharges into the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - b. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the salvage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 - c. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - d. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
 - e. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

18.22 MEDICAL OR DENTAL OFFICE

A. Medical or dental clinics shall be subject to the following requirements:

1. Within the R-3 district, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area.

2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of biohazardous waste shall be in conformance with State and local requirements.

18.23 MIXED USE DEVELOPMENT

A. Mixed Use developments shall be subject to the following requirements:

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the Oronoko Township.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of Oronoko Township residents. The mixing of uses shall be consistent with the policies set forth in the Oronoko Township Master Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the Township in general.
5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements may be modified due to varying hours of operation or other factors.
6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in Oronoko Township, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the Township's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the Township.
 - d. Provide for the redevelopment of underutilized sites.

- e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.

18.24 MULTIPLE FAMILY DWELLINGS

A. Multiple Family Dwellings shall be subject to the following requirements:

1. Scaled elevation drawings depicting architectural features shall be provided in addition to the site plan requirements of Section 19.10. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
2. A garage serving a multi-family dwelling shall be recessed or placed in the rear of the dwelling, with side or rear entry.
3. A minimum separation distance of fifteen (15) feet shall be provided between buildings located on the same parcel if they are not attached by a common wall.

18.25 EARTH SOLIDS REMOVAL

Earth Solids removal operations shall comply with the Earth Solids Ordinance #63 of Oronoko Charter Township, as amended.

18.26 OPEN AIR BUSINESS

A. Open Air Businesses shall be subject to the following requirements:

1. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than twenty (20) feet in height.
2. The Planning Commission may establish, as a condition of approval, hours of operation for the Open Air Business.

3. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the Landscaping requirements of Section 3.14 of this Ordinance to mitigate the visual impact of an Open Air Business.
4. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
6. The outdoor sales area shall be paved, or otherwise provided with a dust-free surface. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.

18.27 PLACE OF PUBLIC ASSEMBLY, LARGE

- A. Large Places of Public Assembly shall be subject to the following requirements:
1. A Large Place of Public Assembly shall be served by public sewer. In the A – R District, a large place of Public Assembly may, with the discretion of the Planning Commission, be exempted from the public sewer requirement if a septic system approved by the Berrien County Health Department is provided. (*amended by ordinance 86 on April 12, 2016*)
 2. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.

18.28 PLANNED UNIT DEVELOPMENT

- A. Intent. The Planned Unit Development (PUD) is intended to encourage developers to use a more creative and imaginative approach in the development of residential areas; to encourage the use of land in accordance with its character and adaptability and to encourage efficient usage of land; to insure that the goals and objectives of the Township's Master Plan are promoted without applying unreasonably restrictive development standards which discourage innovation; to insure a quality of construction commensurate with other developments within the Township; to combine and coordinate architectural

styles, building forms, and building relationships within the planned unit development; to promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities; to accommodate changing housing market conditions and community housing desires; to provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction; to encourage the establishment of open areas in residential developments, and to preserve as much of the natural character of the property as reasonably possible.

B. Objectives. Planned Unit Developments developed in accordance with this article are intended to meet the following objectives:

1. To permit flexibility in the regulation of land development.
2. To encourage usable open space land and recreational areas and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.
3. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
4. To preserve unique natural topography, and geologic features and the prevention of soil erosion.
5. A development pattern in harmony with the objectives of Township Master Plan.
6. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

C. General Requirements. Planned unit developments shall meet the following general standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of Oronoko Charter Township residents and the benefits of the development are not achievable under any single zoning classification.
2. The use shall be consistent with the Oronoko Charter Township Master Plan and Future Land Use Map.
3. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.
4. The development consolidates and maximizes usable open space.

5. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
 6. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided.
 7. To the extent reasonable, existing important natural, historical and architectural features within the development shall be preserved.
 8. All Planned Unit Developments shall provide for underground installation of available utilities, including telephone, electricity, cable TV, etc. In addition, provisions shall be made for acceptable design and construction of all necessary storm drainage facilities.
 9. The minimum area required for a PUD shall be ten (10) contiguous acres.
 10. To qualify for a Planned Unit Development, the subject site shall be under the ownership of a single entity.
 11. The PUD may be located within any zoning district upon issuance of a special land use permit by the Planning Commission in accordance with Article XVIII.
- D. Dimensional and Use Requirements. All Planned Unit Developments in the A-R, E-1, R-1, R-2 and R-3 districts shall be subject to the following requirements:
1. A maximum of 5 percent of the total developed area may be utilized for uses permitted in the Business district.
 2. No building devoted primarily to a commercial use shall be established prior to at least seventy percent (70%) of the residential dwellings proposed in the PUD have been constructed.
 3. The dimensional standards of the underlying zoning district, including the minimum area, dimensions and setbacks of individual buildings and lots may be reduced provided the total number and density of dwellings shall be increased by no more than 20 percent greater than that which would ordinarily be permitted in the district in which the PUD is proposed. Land accruing from reduction in lot requirements shall be developed, consolidated and perpetually preserved as usable open space, recreational and conservation purposes, with such land dedicated to the municipality or conveyed to another competent public or private entity.
 4. A minimum of 20 percent of the gross land area in any PUD in the A-R, E-1, R-1, R-2 and R-3 districts shall be preserved as common open space or non-commercial recreational facilities for the residents or users of the PUD.

5. Under no circumstances shall industrial uses be permitted within a Planned Unit Development in the A-R, E-1, R-1, R-2 and R-3 districts.
- E. Business District. All Planned Unit Developments in the Business districts shall be subject to the following requirements:
1. The use, area, height, bulk and placement regulations of the district may be varied to allow for a variety of architectural design.
 2. Notwithstanding any other provisions of this Section, every lot abutting the perimeter of a Planned Unit Development in the Business district shall maintain all yard requirements of Article XI.
 3. A maximum of 15 percent of the total developed area may be utilized for multiple-family residential use, and multiple family dwellings shall not exceed the density standards set forth in Section 10.05
 4. A maximum of 5 percent of the total developed area may be utilized for industrial uses which are deemed compatible with the character of the Planned Unit Development.
 5. A minimum of 15 percent of the land developed in any Business Planned Unit Development shall be reserved and utilized for common open space and non-commercial recreational facilities for the uses of the area being developed.
- F. Manufacturing District. All Planned Unit Developments in the Manufacturing district shall be subject to the following limitations:
1. The use, area, height, bulk and placement regulations of the district may be varied to allow for a variety of architectural design.
 2. Notwithstanding any other provisions of this Section, every lot along the perimeter of the Planned Unit Development shall maintain all yard requirements of Article XIII.
 3. A maximum of 10 percent of the total developed area may be utilized for uses that are permitted in the Business district.
 4. A minimum of fifteen (15) percent of the land developed in a Planned Unit Development in the Manufacturing district shall be utilized for common open space and non-commercial recreational facilities for the users of the area being developed.
- G. Conveyance and Maintenance of Common Open Space
1. All land shown on the site plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to the public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - b. It may be conveyed to trustees provided in a deed establishing an association or similar organization for the maintenance of the Planned Unit Development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission after recommendation by the Township Attorney which restrict the common open space to the uses specified on the final development plan, and which provides for the maintenance of the common open space in a manner which assures its continuous use for its intended purpose.
2. No common open space may be put to any use not specified in the final development plan unless the final development has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas.
 3. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - a. The legal right to develop the common open space for uses not specified in the final development plan must be conveyed to a public agency.
 - b. The restrictions governing the use, improvements, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
 4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

H. Parking and Loading Spaces. Off-street parking and loading for Planned Unit Developments shall comply with such requirements for each kind of land use to be included in the PUD as incorporated in the Zoning Ordinance for the Township pursuant to Article XVI.

I. Application Procedure

1. An application for Planned Unit Development shall be submitted to the Zoning Administrator. Each application shall be accompanied by the payment of a fee established by the Township Board. The application shall be placed on the agenda of the Planning Commission by the Zoning Administrator in accordance with this Ordinance. An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed

- until it is properly prepared and complete and submitted and all required fees and escrow payments paid in full.
2. An application for Planned Unit Development shall be accompanied by a minimum of ten (10) copies of a detailed site plan with all information as required in Section 19.10 of this Ordinance as well as the following:
 - a. Developer's intent and objectives (physical, social and environmental)
 - b. A certified boundary survey and legal description of the property.
 - c. A statement of present ownership of all land contained in the PUD.
 - d. A population profile for the development.
 - e. Proposed financing.
 - f. Development staging.
 - g. Soil types and ability of soils to accommodate the proposed development.
 - h. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.
 - i. Estimated impact of the proposed development on the environment which includes;
 - 1) A written assessment and analysis of the proposed development regarding the water, air and natural features.
 - 2) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
 - 3) Mitigation measures proposed to minimize the impact.
 - 4) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
 - j. Waste emissions and methods of handling smoke, dust, noise, odors, liquids, solids and vibrations, if applicable.
 - k. Market and economic feasibility.
 - l. Such other information pertinent to the development or use.
 - m. Ten (10) copies of a detailed site plan that includes;

- 1) A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
- 2) Property parcel number (from the Assessment Roll of the Township).
- 3) Topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
- 4) Itemization of existing man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
- 5) All water features; springs, streams and creeks, lakes and ponds, wetlands, flood plains.
- 6) Proposed setbacks from property lines and building separations distances.
- 7) Locations, heights and sizes of structures and other important features.
- 8) A rendering of the exterior elevation of the buildings and structures.
- 9) A land use tabulation summary shall be provided in the margin of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities.
- 10) Also include percentage of land covered by buildings, parking and landscape open space, or reserved for open space.
- 11) Dwelling unit density where pertinent.
- 12) Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- 13) Curb-cuts, driving lanes, parking and loading areas.
- 14) Location and type of drainage, sanitary sewers, storm sewers and other facilities.
- 15) Location and nature of fences, landscaping and screening. Also show proposed landscape massing, open spaces and their intended use, active and passive recreation facilities pursuant to the landscaping and buffering standards of Section 3.14.
- 16) Proposed earth changes.
- 17) Signs pursuant to Article XVII and lighting pursuant to Section 3.19.

- 18) The location of all existing trees having five (5) inches or greater diameter breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. Clusters of trees standing in close proximity (3-5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number and average size shall be indicated.
- 19) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Planning Commission.
- n. Police and fire protection statement. The developer shall provide a written statement defining how adequate police and fire protection will be provided to the proposed development. The statement shall be reviewed and signed with conditions and comments, if necessary, by the appropriate agency(ies) or municipalities providing police and fire protection to the development.
- o. School impact statement. The planned unit developments proposed to contain residential uses shall state the anticipated impact the proposed development will have on public and private elementary, middle, and high schools in the area. The statement shall be based on acceptable standards of family sizes per dwelling unit types, the number and type of school age children per family. The statement shall define average walking distances to various schools and define what arrangements may be needed for busing students. The statement should be prepared in collaboration with local school officials and shall be signed, with comments if necessary, by the superintendent or official of all public and private school districts affected.
- J. Public Hearing. A public hearing by the Planning Commission shall be held on each Planned Unit Development request properly filed under the terms of this Ordinance. Notice of the public hearing shall be given as required by Section 19.05.
1. The notice of the public hearing shall contain the following:
 - a. Description of the nature of the PUD request.
 - b. Description of the property which is the subject of the PUD.
 - c. Time and place of consideration of and public hearing on the PUD request.
 - d. When and where written comments will be received concerning the request.
- K. Approval. If the Planning Commission determines that the PUD application is consistent with the intent of the ordinance as expressed above and with the other standards and requirements herein contained, it shall approve the PUD. The decision of the Planning

Commission shall be a discretionary decision. The approval shall recite the findings of fact and the reasons upon which it is based.

- L. Development. After approval of a planned unit development, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the planned unit development or only as authorized by the provisions of this Ordinance which would apply if the planned unit development order had not been issued.
- M. Phasing. Each phase of a PUD shall be planned, developed and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.
- N. Amendments. An approved PUD may be amended as follows:
 - 1. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, or encroach on natural features proposed by the plan to be protected.
 - 2. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission according to the procedures authorized by this section for approval of a planned unit development.
- O. Expiration. The PUD approval shall expire two years from date of final approval if the applicant has not commenced substantial construction or has not diligently proceeded to completion. Upon written request stating the reasons therefore, the Planning Commission may extend a Planned Unit Development approval. An approval may be canceled by written agreement executed by the owner of the land to which it pertains and the Zoning Administrator at any time when the development and use of the land is in conformance with all provisions of this Ordinance which would apply if such PUD had not been approved.
- P. Zoning Amendment. A PUD approval shall not be considered an ordinance amendment.
- Q. Appeals. A decision or condition related to a Planned Unit Development application may not be appealed to the Zoning Board of Appeals.

18.29 RECREATIONAL FACILITY

- A. Recreational Facilities shall be subject to the following requirements:

1. Such facilities shall maintain, at all times, all required State and local licenses and permits.
2. Facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
3. Any or all of the property of a building may be required to be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
4. Such facilities shall provide sufficient isolation distance from residential uses or other measures acceptable to the Planning Commission to mitigate any potential detrimental impact on surrounding residential uses.

18.30 SEXUALLY ORIENTED BUSINESS

- A. Purpose of Regulation. The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by the Ordinances of the Township, or State or federal law. If any portion of this section, including the definitions appearing in Article II and referenced in this section, is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.
- B. Standards. Sexually Oriented Businesses shall be subject to the following standards:
1. The proposed Sexually Oriented Business shall not be located within five hundred (500) feet of any residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest

- property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.
2. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a. "Persons under the age of eighteen (18) are not permitted to enter the premises," and
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
 4. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
 5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
 6. All signs shall be in accordance with Article XVII of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities.
 7. All parking shall be in accordance with Article XVI of this Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
 8. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, State and local requirements governing its operation and licensing.
 9. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as amended.
 - b. Be unobstructed by any door, lock or other entrance and exit control device.

- c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
- d. Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
- e. Have no holes or openings, other than doorways, in any side or rear walls.

18.31 TATTOO OR PIERCING PARLOR

A. Tattoo or Piercing Parlors shall be subject to the following requirements:

- 1. Tattoo or Piercing Parlors shall, as a condition of special land use approval, at all times maintain all valid State and local licenses.
- 2. A proposed Tattoo or Piercing Parlors shall not be approved if it is located within one thousand (1,000) feet of any Educational Facility, religious institution, Day Care, or other Tattoo or Piercing Parlor.
- 3. Alcoholic beverages shall not be served, offered or consumed at a Tattoo or Piercing Parlors.
- 4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
- 5. Any biohazard materials or byproducts shall be disposed of as required by the Berrien County Health Department, the Michigan Department of Public Health, or other duly appointed authority.

18.32 TOURIST PARK OR CAMPGROUND

A. Tourist Parks and Campgrounds shall be subject to the following requirements:

- 1. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
- 2. The application shall provide for measures acceptable to the Township Board to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- 3. If provided, restrooms and/or shower facilities shall be maintained free from debris and in working order at all times.
- 4. Electrical and water hook ups, if provided, shall conform to applicable State and County electrical and maintenance regulations.

18.33 WINDMILL, LARGE

- A. Large windmills (wind energy conservation systems) shall be subject to the following requirements:
1. A Large Windmill shall be located on a parcel at least two and one-half (2-1/2) acres in size.
 2. In addition to the special use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
 - a. Noise and vibration at any property line,
 - b. Potential impacts on wildlife, including native and migrating birds,
 - c. Shadow and glare impacts on adjacent properties, and
 - d. Aesthetic impacts of the Windmill on adjoining properties.
 3. The applicant shall also submit an appropriately scaled site plan, illustrating the following, in addition to the requirements of Section 19.10:
 - a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation,
 - b. Location and elevation of the proposed large windmill,
 - c. Location and dimensions of all existing structures and uses on the lot within 300 feet of the windmill,
 - d. Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed large windmill,
 - e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the windmill location,
 - f. Standard drawings of the structural components of the windmill, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, State, and federal building, structural and electrical codes,
 - g. Evidence from a qualified individual that the site is feasible for a large windmill,
 - h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site,

- i. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour, and
 - j. Registered Engineer's certification that if the Windmill were to fall, no building or structure - existing or potential - would be damaged.
4. Setbacks.
- a. Large Windmills shall maintain a minimum setback of two (2) times the total height of the windmill from any property line.
 - b. Large Windmills shall maintain a minimum setback of at least five (5) times the windmill height from the right-of-way line of any public road or highway.
 - c. In all cases the windmill shall maintain a minimum distance of at least 1.25 times the windmill's height from any habitable structure.
5. Dimensions.
- a. Large Windmills shall not exceed a total height of one hundred fifty (150) feet unless the parcel on which the windmill is to be located is ten (10) acres or larger, in which case the maximum total height may be two hundred (200) feet. Such total height shall include both support structure and the highest elevation of the windmill rotor.
 - b. In all cases the minimum height of the lowest position of the windmill's blade shall be at least thirty (30) feet above the ground.
6. Siting and Design Standards.
- a. Large Windmills shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas.
 - b. Colors and surface treatment of the windmills and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
 - c. Large Windmills shall be equipped with air traffic warning lights, which adequately warn oncoming air traffic without being unreasonably obtrusive to neighboring properties.
7. Safety Measures.
- a. Each large windmill shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

- b. The Planning Commission shall determine the height, color, and type of fencing for large windmill installation.
 - c. Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of the signs, pursuant to paragraph 11 below.
 - d. Each Windmill shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.
8. Any large windmill shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. A locked, protective fence at least six (6) feet high shall enclose a tower capable of being climbed.
9. The large windmill operator shall maintain a current insurance policy which will cover installation and operation of the windmill. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the windmill can be successfully operated in the climatic conditions found in Oronoko Township. The windmill shall be warranted against any system failures reasonably expected in severe weather operation conditions, as a condition of approval.
10. Large Windmills shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
 - a. "Warning: high voltage."
 - b. Manufacturer's name.
 - c. Operator's name.
 - d. Emergency phone number.
 - e. Emergency shutdown procedures.
11. Large Windmills shall be designed and constructed so as not to cause radio and television interference.
12. If any large windmill remains non-functional or inoperative for a continuous period of one (1) year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Zoning Administrator, Oronoko Township may proceed to remove the towers and

appurtenant facilities; in which case, the salvage becomes property of the Township; and costs of removing the facilities will remain the burden of the permit holder.

18.34 WIRELESS COMMUNICATION ANTENNA

- A. Purpose and Intent. The Telecommunications Act of 1996 as amended on February 6, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Communication Towers, which include antenna structures. In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Communication Towers are hereby specifically determined not to be essential services nor to be public utilities as such terms are used in this Ordinance. The intent of these provisions is to encourage users of towers to:
1. Protect land uses from potential adverse impacts of towers.
 2. Place the location of new towers in non-residential-zoned areas.
 3. Minimize the total number of towers throughout the community.
 4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
 5. Locate them on publicly-owned water towers where feasible and to the satisfaction of the Planning Commission.
 6. Locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 7. Configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
 8. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 9. Consider the public health and safety of personal wireless service facilities.
 10. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 11. In furtherance of these goals, Oronoko Charter Township shall give due consideration to natural features, the Township Master Plan, zoning map, existing land uses, and

other characteristics and policies of the Township in approving sites for the location of towers and antennas.

12. It is not the intent to regulate ham radio antennae under this section.

- B. Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
1. Antennas on Existing Structures: Compact platform-type, omni directional, or singular-type antenna which is not attached to a new communication tower may be approved by the Zoning Administrator as a co-location or as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure, provided:
 - a. The antenna does not extend more than ten (10) feet above the highest point of the structure;
 - b. The antenna complies with all applicable FCC and FAA regulations;
 - c. The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and
 - d. The antenna complies with all applicable building codes.
 2. Microcell Networks: Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- C. Antenna Placement on Publicly-Owned Facilities. Communication Towers may be installed on publicly-owned water towers or other facilities, and their accessory equipment and shelters may be installed on publicly-owned property, in any zoning district, with a lease approved by the Township Board, and subject to the requirements of the Site Plan Review provisions of Article 19.10.
- D. Review Provisions and Zoning Districts Allowed. Except as provided in Sections 18.34, B and C, Communication Towers and their accessory equipment and shelters shall be considered a Special Use and shall require a Detailed Site Plan pursuant to Section 19.10.
- E. Additional Information Required for Review. In addition to the requirements of Section 18.02 and Section 19.10, Communication Tower applications shall include:
1. Name and address of the proposed operator of the site.
 2. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.

3. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
 4. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
 5. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 6. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
 7. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Oronoko Charter Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 8. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.
- F. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.
- G. General Provisions. Construction of Wireless Communication Antenna including their accessory equipment is permitted in Oronoko Charter Township subject to the following provisions:

1. A Communication Tower shall be considered a principal use and shall be placed on parcels (whether the land is owned or leased by the tower owner) which have an area no less than the minimum parcel area and width for the district.
2. All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer to any property line than the radius of the certified fall zone and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit Communication Towers as a Special Use.
3. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by Oronoko Township. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
4. The tower and/or antenna shall be painted or screened so as to blend into the background.
5. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
6. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
7. Monopole tower design is preferred. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.
8. All exterior lighting shall be in accordance with Section 3.19 hereof.
9. The Planning Commission may require landscape screening of the service building and fencing.
10. Strobe lights shall not be allowed except as required by FAA.
11. Signs; No signs shall be allowed on an antenna or tower, except for one sign of not more than two (2) square feet, listing the name, address and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing."

12. Towers shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
 13. Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
 14. Notwithstanding the provisions of this section, the maximum height for a Wireless Communication Tower in Oronoko Township shall be two hundred (200) feet.
 15. Separation distances between proposed and pre-existing towers are as follows:
monopole over 35 feet in height - 1,500 feet; lattice and guyed towers - 5,000 feet.
- H. Removal of Abandoned Antennas and Towers. A Wireless Communication Tower that is unused for a period of twelve (12) months shall be removed at the owner's expense. The applicant or owner is responsible for the removal of an unused tower. Failure to remove the wireless communication tower following reasonable notice shall be sufficient cause for the Township to regard the facility as a nuisance per se pursuant to Article XXI and remove the structure.
- I. Bonds. The owner of a Wireless Communications Tower; including equipment/accessory buildings, shall post a bond with the Oronoko Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. In the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Planning Commission, and may be adjusted from time to time to reflect changing costs and expenses of dismantling and removing the facility.
- J. Nonconforming Uses.
1. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower shall comply with the requirements of this Ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.
 2. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

18.35 GUEST HOUSES

A. Guest Houses shall be subject to the following requirements: *(amended by ordinance 108 on November 12, 2019)*

1. Only one (1) guest house shall be permitted per premises unless otherwise permitted.

Guest houses shall only be permitted on the second floor of an accessory building. Such buildings shall comply with the standards of Section 3.04 regulating Accessory Buildings, Structures, and Uses.

2. The residential living area of a guest house shall not comprise more than fifty (50) percent of the total cumulative area of the accessory building in which it is located. The guest house shall be clearly subordinate and incidental to the primary residential use of the property on which it is located.
3. The residential living area of a guest house shall not exceed the total floor area of the principal dwelling located on the property.
4. Guest houses shall comply with all Building Code requirements and any other applicable codes and regulations.
5. Guest houses shall not have potable water or sewer facilities that are separate from those serving the principal dwelling.
6. Guest houses shall not have an address which is separate from the principal dwelling.
7. Separate sale or ownership of a guest house from the principal dwelling on a lot or parcel is prohibited, as is division of the parcel unless each new lot with a dwelling complies with all applicable requirements of this Ordinance.
8. Guest houses located in accessory buildings that are nonconforming on the effective date of this Ordinance due to building height may be permitted.
9. Payment, Rent or Bartering of any kind is prohibited.
10. The Planning Commission may establish time limitations during which a guest house may be occupied.

18.36 RESORTS

A. Resorts shall be subject to the following requirements. In instances where the provisions of this section and another section of this Ordinance conflict, the provisions of this section shall control: *(amended by ordinance 91 on February 15, 2017)*

1. Site Design Requirements:

- a. All points of entrance and exit for motor vehicles shall be located at least two hundred (200) feet from the intersection of any two (2) streets or highways.
 - b. Resorts shall be located on a lot of ten (10) acres or more.
 - c. The number of guest rooms shall not exceed three (3) bedrooms per acre.
 - d. Whenever the site abuts property within any residential district with an existing residential dwelling, a transition strip at least two hundred (200) feet in width shall be provided between all operations or structures and the dwelling. The type of transition strip may include but are not limited to; plantings, trees, natural vegetation, berms or fences. The Planning Commission may wave transition strips if the adjacent property is undeveloped. If transition strips are required the side and or rear setbacks from a currently existing neighboring home may be subtracted, by the Planning Commission, from the required two hundred (200) feet. If transition strips are required, all types of plantings must be approved by the Planning Commission.
 - e. All buildings including guest cottages and accessory buildings such as maintenance facilities or storage, shall meet all required setbacks for the district in which it is located.
 - f. Storage for operational equipment or supplies must be located in accessory buildings or structures.
 - g. A minimum of one hundred (100) feet of front yard setback, excluding landscaping, must be maintained at the site entrance.
 - h. The Planning Commission may require that driveways and parking areas consist of a dustless hard surface depending on the anticipated level of use, and must meet the standards for ingress and egress of emergency equipment as determined by the BSOT Fire Department.
 - i. Resorts shall be situated to minimize adverse impacts, such as noise, odors, dust, fumes or vibrations, upon neighboring properties.
2. Lot and Building Requirements.
- a. Guest rooms shall not exceed a gross area of two thousand (2,000) square feet.
 - b. In no case shall single-wide mobile/manufactured homes be used for any purpose within a resort. The Planning Commission may consider innovative designs for guest units such as tiny houses, premanufactured cottages, or similar designs. In all cases, guest units shall conform to Section 3.16 (D) (3, 4, 5 and 6).
 - c. Separate cooking or kitchen facilities shall not be permitted in guest rooms or cabins. Kitchenettes consisting of a microwave, sink and refrigerator are not considered kitchen facilities.
 - d. Management headquarters, recreational facilities, and other structures or uses customarily incidental to resorts are permitted as long as such facilities are of adequate size as to accommodate the maximum site capacity.

- e. All guest rooms and / or buildings, including management headquarters shall be connected to potable water and septic systems subject to review and approval by the Berrien County Health Department.
 - f. Resorts may be connected to a common septic system and drain field, subject to review and approval by the Berrien County Health Department.
 - g. Camping in tents, RVs or other non-permanent buildings, structures or recreational vehicles shall be prohibited.
3. The Planning Commission may establish quiet hours for a resort.
 4. A Planning Commission may establish conditions pertaining to events held at a resort.
 5. The BSOT Fire Department shall review site plans for a proposed resort to ensure that adequate access is provided for emergency vehicles.
 6. Signage shall comply with Article XVII and be subject to the requirements for the district in which the facility is located.
 7. Resorts shall at all times comply with applicable Township, County, State and Federal codes, ordinances, requirements and regulations.

18.37 EATING AND DRINKING ESTABLISHMENTS

- A. Eating and drinking establishments located within the A-R district shall comply with the following requirements. These requirements do not apply to eating and drinking establishments located within the B Business or M Manufacturing district. *(amended by ordinance 94 on November 14, 2017)*
 1. Eating and drinking establishments in the A-R district shall be located on the same property as a winery/brewery as an accessory use.
 2. The eating and drinking establishment shall comprise only a small part of the property, so that the winery/brewery and/or farm use of the site is predominant and eating and drinking establishment is secondary. The Planning Commission may approve a proposed departure from this requirement if it finds that the proposed eating and drinking establishment and its activities are substantially farm-related or that the establishment and its activities would not have impacts on the vicinity similar to impacts generated by a commercial business, including consideration of, but not limited to, traffic, light pollution, noise, signage, odor, and aesthetics.
 3. Sites containing an eating and drinking and winery/brewery shall be designed and operated as a single, cohesive development.
 4. Eating and drinking establishments shall be owned and operated by the same entity that owns and/or operates the winery/brewery.

5. The applicant shall demonstrate that all vehicular parking will occur on the site. The Planning Commission may allow a dustless pervious parking area depending on the anticipated level of use. Parking and loading areas must meet the standards for ingress and egress of emergency equipment as determined by the BSOT Fire Department.
6. The eating and drinking establishment shall be situated to minimize adverse impacts, such as noise, odors, dust, fumes or vibrations, upon neighboring properties. To protect neighboring properties from these or other impacts, the Planning Commission may require a greater setback than is required by the A-R district.
7. The Planning Commission may require additional landscaping and other features to screen the use from adjacent properties and the Planning Commission may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor seating or other activities, noise, and other elements as deemed necessary.
8. Eating and drinking establishments shall at all times comply with any and all requirements of the Berrien County Health Department and the Michigan Liquor Control Commission and evidence of applicable agency review and approval shall be provided to the Township.

ARTICLE XIX– ADMINISTRATION

19.01 ADMINISTRATION OFFICER

- A. The Zoning Administrator shall be in charge of the administration and enforcement of this Ordinance. The Zoning Administrator may delegate duties to such other persons as may be assigned to assist.
- B. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this Ordinance.
- C. All Township personnel responsible for carrying out their responsibilities under the terms of this Ordinance shall show proper credentials before entering private property for the purposes of carrying out such responsibilities.

19.02 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall have the authority to grant Zoning Permits and to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Zoning Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan, in accordance with Section 19.10.
- C. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
- D. Issuance of a Zoning Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority 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, move, alter, or use buildings, structures, or land, except as such authority may be explicitly provided for in this Ordinance. The Zoning Administrator shall have no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.

- E. The Zoning Administrator shall not refuse to issue a Zoning Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants, deed or plat restrictions, or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

19.03 ZONING PERMIT

- A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, or structural alteration, including an accessory building, exceeding two-hundred (200) square feet in floor area, until the Zoning Administrator has issued for such work a Zoning Permit including a certification of his/her opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.
- B. It shall be unlawful to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Permit.
- C. In all cases where a building permit is required, application for a Zoning Permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.
- D. Any Zoning Permit issued under the provisions of this Ordinance shall be valid only for a period of eighteen (18) months following the date of issuance thereof. Any project which has not commenced within the eighteen (18) month period will require the re-issuance or extension of the Zoning Permit.
- E. When the Zoning Administrator receives an application for a Zoning Permit that requires a special land use approval, variance, or other approval, he/she shall so inform the applicant.
- F. Before any Zoning Permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by resolution of the Township Board.
- G. No building or structure or use for which a Zoning Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance and all other applicable codes are met with and a Certificate of Occupancy has been issued by the Building Official. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

19.04 REAPPLICATION

No application for a special land use, Site Plan Review, Planned Unit Development, or variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

A new application may be submitted if the Zoning Administrator finds that the new plan is substantially different, or in the case of a variance, there is newly discovered evidence.

19.05 HEARING AND NOTICE REQUIREMENTS

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. Except as provided in Subsection D of this Section, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 1. The applicant;
 2. The owner or owners of the subject property;
 3. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
 4. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- C. The notice of public hearing shall include the following information:
 1. A description of the nature of the proposed amendment, application or request.
 2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in Subsection D of this Section, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.

3. State when and where the application or request will be considered.
 4. Identify when and where written comments will be received concerning the application or request.
 5. In the case of an amendment to this Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
- D. When a proposed rezoning involves the text of this Ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of this Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of Subsections B(2), B(3) and B(4) of this Ordinance are not required, and the listing of individual property addresses under Subsection C(2) is not required.
- E. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.
- F. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

19.06 REHEARING

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which were relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 3. The Township Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

- B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
- C. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

19.07 STOP WORK OR STOP USE ORDER

In addition to any other rights or remedies the Township may have pursuant to this Ordinance or other applicable law, upon finding the existence of any one of the conditions listed in paragraph A of this section, the Zoning Administrator shall be empowered to issue stop work or stop use orders as defined herein and in accord with the terms of this section and may order a stoppage of work or a cessation of a land use.

- A. Issuance of a Stop Work Order. A stop work or stop use order will be issued when:
1. An imminent threat to the public health, safety or welfare exists
 2. Work is being done or has been done without a zoning permit
 3. Work is being done beyond the scope of the issued zoning permit
 4. Work being done does not match approved site plans
 5. The Zoning Administrator finds evidence of a permittee's failure to comply with any of the terms, conditions and/or requirements of its zoning permit.
 6. The Zoning Administrator finds evidence of a land use, other than a legal nonconforming use, being conducted in violation of this Ordinance.
 7. A permittee's fails to pay any fees required by this Ordinance.
- B. Procedure. In the event a stop work or stop use order is issued, the Zoning Administrator shall do the following:

1. Mail or deliver a written notice of the stop work order to the permittee at the last address furnished to the Township by permittee, as well as the location of the site which is in violation. Notice shall include:
 - a. Detailed description of the nature of the violation and required actions to remedy the violation.
 - b. Date and time of recorded violation.
 - c. A statement informing the permittee that an appeal to the stop work order may be filed and a hearing with the Zoning Board of Appeals on the matter may be requested, at which time the permittee may present witnesses, evidence, information and arguments on its behalf, and that the permittee has the right to be represented by counsel.
2. A hearing shall be scheduled no sooner than ten (10) days after a request is received by the Township from the permittee.
3. At the hearing the permittee shall be given an opportunity to be represented by counsel and to present witnesses, evidence, information and arguments. Other interested persons shall also be permitted to attend the hearing and may present evidence, information and comments on the matters addressed at the hearing.
4. Following the hearing, the Zoning Board of Appeals shall make a decision to continue, modify or dissolve a stop work order and/or revoke a permit, as applicable. In the event the Zoning Board of Appeals decides to revoke a permit or to continue or modify a stop work use order, the Zoning Board of Appeals Board shall state the reasons for its decision on the record and shall mail or deliver written notice of its decision and reasons to the permittee.

19.08 ZONING BOARD OF APPEALS

- A. Creation. A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, being the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured
- B. Membership. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. The first member of such board shall be a member of the Planning Commission, and the Commissioner's term on the Zoning Board of Appeals shall be concurrent with their term on the Planning Commission. The Township Board shall appoint the remaining members of the Zoning Board of Appeals. The members selected

shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as Chair of the Zoning Board of Appeals.

The term of office of each member shall be three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Township Board shall seek to stagger the expiration dates of members of the Zoning Board of Appeals so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. The Township Board may appoint at least two (2) alternate members, who shall serve for three (3) years.

The Township Board may remove a member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Zoning Board of Appeals. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

- C. Meetings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Zoning Board of Appeals in its rules of procedure may specify. The Chair or in his absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Zoning Board of Appeals are present.
- D. Jurisdiction and Authority. The Oronoko Township Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretations of the zoning maps, and may fix rules and regulations to govern its procedures.
1. It shall hear and decide appeals from, and review any order, requirement, decision or determination made by, the Zoning Administrator or any official charged with the enforcement of this Ordinance.
 2. Such appeal may be taken by any person aggrieved, or by any office, department, board, or bureau of the Township, County, or State. The grounds of every such determination shall be stated.
 3. A decision or condition related to a decision of the Planning Commission or Township Board may not be appealed to the Zoning Board of Appeals.
- E. Restraining Order. An appeal stays all proceedings in furtherance of the action appealed except as provided herein., Proceedings shall not be stayed in the event the officer from

whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

- F. Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision Not Final. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or application for relief, give due notice thereof to all interested parties, and decide the matter being considered by the Zoning Board of Appeals within a reasonable time.

Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of the Zoning Board of Appeals shall be final, and any person having an interest affected by this Ordinance shall have the right to appeal to a Circuit Court.

- G. Duties and Powers. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of intent of this Ordinance, but does have power to act on those matters where by statute or this Ordinance provision is made for an administrative review, interpretation, variance or exception as defined therein.
1. Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or the Planning Commission or by any other official in administering or enforcing any provision of this Ordinance. The allegation shall be duly made within thirty (30) days of the date of decision being appealed. The date of decision is presumed to be five (5) days after the literal date of decision.
 2. Interpretation. The Zoning Board of Appeals shall have the power to:
 - a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts.
 3. Variances. The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the following conditions and

forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

- a. In granting a variance, the Zoning Board of Appeals shall find that the variance request meets all of the following conditions:
 - 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - 2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
 - 3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
 - 4) The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - 5) The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
 - 6) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
 - 7) The requested variance is the minimum variance that will make possible the reasonable use of the land.
 - 8) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
 - 9) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- b. The following rules shall be applied in the granting of variances:
 - 1) The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

- 2) Within twelve months after the granting of a variance, the applicant shall obtain all required permits and begin the construction or other work authorized by the variance, and shall proceed diligently towards the completion thereof. The construction or other work authorized by a variance shall be completed not later than one year after commencing the construction or other work. The Zoning Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Zoning Board of Appeals finds that the Township Ordinances and conditions of property and surrounding area supporting the variance have not changed, extenuating circumstances have prevented the completion of the authorized work, and if the Zoning Board of Appeals determines that an extension is otherwise justified. Any request for such an extension shall be considered at a public meeting of the Zoning Board of Appeals, but a public hearing shall not be required. If not, the variance becomes null and void.
4. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variance in this Ordinance.

H. Performance Guarantee. In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Zoning Board of Appeals may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Zoning Board of Appeals.

19.09 PLANNING COMMISSION

In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, the Oronoko Charter Township Planning Commission is hereby created.

A. Membership

1. The Planning Commission shall consist of seven members. Members of the Commission shall be appointed by the Township Supervisor subject to approval by majority vote of the members of the Township Board elected and serving.
2. The term of each member shall be three years, and until a successor is appointed and qualified, except that any Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three years, so that

terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.

3. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests, as they exist in the local unit of government, such as agriculture, natural resources, education, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.
4. Members of the Planning Commission shall be qualified electors of the local unit of government, except that one Planning Commission member may be an individual who is not a qualified elector of the local unit of government.
5. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

B. Officers of the Planning Commission

1. The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices, as it considers advisable. The Township Board member of the Planning Commission is not eligible to serve as chairperson.
2. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

C. Procedures of the Planning Commission

1. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
2. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

D. Meetings of the Planning Commission

1. The Planning Commission shall hold not less than four regular meetings each year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
 2. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- E. Duties and Responsibilities of the Planning Commission. The members of the Planning Commission shall have the following principal duties and responsibilities, among others:
1. To prepare, consider and approve the Township's Master Plan.
 2. In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve any such revisions or amendments.
 3. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
 4. To promote understanding of and interest in the Master Plan and this Ordinance.
 5. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
 6. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
 7. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
 8. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
 9. To carry out other duties and responsibilities provided by law.

19.10 SITE PLAN REVIEW

Purpose and Intent. The intent of this section is to facilitate consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his/her objectives in the utilization of land within the regulations of the Ordinance, with minimal adverse effect on the land, shores, roadways, natural features, infrastructure, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed development activity is in compliance with this Ordinance. In this connection, a site plan includes the documents and drawings required by this Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and State and federal statutes.

- A. When Required. No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zoning districts where a site plan is required, unless a site plan is submitted and approved under the terms of this Ordinance, or such development is otherwise in accordance with this section. A Zoning Permit as provided in Section 19.03 shall not be issued or otherwise authorized until a site plan, submitted in accordance with this Section, shall have been reviewed and approved, and any required securities have been received, based on the following submittal requirements:
1. A Basic Site Plan shall be required for new single family dwellings, additions to dwellings, or construction of accessory structures, and other land uses as set forth in this Ordinance. A Basic Site Plan shall be subject to Zoning Administrator review. Basic site plans shall comply with Section 19.10, C, 4.
 2. A Detailed Site Plan shall be required for all permitted and special uses not required to prepare a Basic Site Plan and such detailed site plan shall be subject to Planning Commission review. A Detailed Site Plan shall be subject to Section 19.10 C, 5.
 3. A sketch plan shall be required for farm buildings and shall be subject to review by the Zoning Administrator. A sketch plan shall comply with Section 19.10, C, 3.
- B. Optional Sketch Plan. Preliminary sketches of proposed site plans may be submitted for review to the Zoning Administrator and/or the Planning Commission or a committee of the Planning Commission, prior to official review and approval. The purpose of such procedure is to allow discussion between an applicant and the Zoning Administrator and/or Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall, at a minimum, include the following:
1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 2. Legal description, property parcel number, and street address of the subject parcel of land.

3. Sketch plans showing tentative site improvements, produced on a scaled drawing illustrating existing and proposed structures, parcel boundaries, natural features, and all improvements, easements, streets, and sidewalks.
 4. The Planning Commission and/or Zoning Administrator shall not be bound by any comments or observations made pertaining to a sketch plan.
- C. Application Procedure. Request for site plan review shall be made by filing with the Zoning Administrator the required filing fee and escrow, the application form and either a sketch plan, basic or detailed site plan, together with any special studies required. The Zoning Administrator may waive any site plan submittal requirement upon a finding that the required information is not applicable to the site. The following describes the required submittals.
1. An application fee and review escrow as determined by resolution of the Township Board.
 2. One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):
 - a. Name, address and signature of applicant and property owner
 - b. Legal description, property parcel number and street address of the subject parcel of property.
 - c. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
 - d. Present zoning classification on parcel and on adjacent parcels.
 - e. Present land use.
 - f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
 - g. A description of the proposed development and the land use proposed.
 3. Sketch Plan. A sketch plan shall be the only plan required for applications involving farm buildings. A sketch plan shall be subject to review by the Zoning Administrator. A sketch plan shall include and illustrate at the minimum the following information:
 - a. A drawing of the site and proposed development thereon, including the preparation date, name and address of the preparer, parcel lines, parcel dimensions and parcel area expressed in acres.

- b. Any other information as may be required by the Zoning Administrator to aid in the review of the Sketch Plan.
4. Basic Site Plan. Basic site plans shall include and illustrate at a minimum the following information:
 - a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines and parcel area.
 - b. The scale of the drawing and north arrow which shall be not less than 1" = 200' nor greater than 1" = 20'.
 - c. Existing man-made features, including dwellings, fences, water bodies, landscaping and screening, accessory structures, septic and well infrastructure locations, and similar features; and the heights and floor area of such structures and other important features.
 - d. Proposed man-made features, including location of dwelling addition and/or accessory structures, fences, landscaping and screening, as applicable; and heights and floor area of such structures and other important features.
 - e. Setback lines and their dimensions.
 - f. Location of existing and proposed driveways and curb cuts, if any.
 - g. Location of existing public and private rights-of-way and easements contiguous to and on the property.
 - h. Any other information as may be required by the Zoning Administrator to aid in the review of the Site Plan.
 5. Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include ten (10) copies of all required information and ten (10) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:
 - a. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 11" x 17" paper.
 - b. The scale of the drawing and north arrow.

- c. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
- d. Present zoning of the subject property and adjacent property including the names and addresses of adjacent property owners within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
- e. Natural features such as woodlots, wetlands, streams, County drains, lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
- f. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary. Provided, however that portions of the site not proposed for development or disturbance need not include topographic contours.
- g. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
- h. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
- i. Setback lines and their dimensions.
- j. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
- k. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
- l. Project phasing, if applicable.
- m. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- n. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
- o. Curb-cuts and driveways on adjacent properties.

- p. Location and type of drainage, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
 - q. Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
 - r. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
 - s. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
 - t. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article XVII.
 - u. A written and illustrated landscape plan prepared in accord with Section 3.14 of this Ordinance.
 - v. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
 - w. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- D. Special Studies or Research. For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or Planning Commission may require additional reports or studies as a part of a complete site plan. The cost of any such additional studies or research shall be borne by the applicant.
- 1. Environmental Assessment. An environmental assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards:
 - a. The purpose of the Environmental Assessment shall be
 - 1) to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the Township;

- 2) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and
 - 3) to facilitate participation of the citizens of the community in the review of substantial developments.
- b. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an applicant shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.
- c. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable:
- 1) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
 - a) Flora and fauna (be sure to list any endangered species on-site)
 - b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
 - c) Adjacent waterways
 - d) Existing wells, approximate depth and use

- 2) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
- 3) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any State or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
- 4) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
- 5) A description of the existing soils on-site and as to the suitability of these soils for the proposed use.
- 6) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
- 7) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
- 8) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
- 9) A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.
- 10) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
- 11) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.

- 12) A description of the anticipated traffic to be generated by the proposed use.
 - 13) A description of plans for site restoration after construction.
 - 14) A description of methods to handle sanitary waste for the project both during construction and after completion.
 - 15) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
 - 16) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.
- d. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
2. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the Township meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
- a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
 - b. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or

mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten percent (10%) of the current traffic volume on the adjoining roadway.

- c. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission:

- 1) A narrative summary at the beginning of the report, including, but not limited to:
 - a) The applicant and project name.
 - b) A location map.
 - c) The size and type of development.
 - d) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers - publication, *Trip Generation* (current edition).
- 2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
- 3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:

- a) peak-hour volumes (existing and projected)
 - b) number of lanes
 - c) cross-section
 - d) intersection traffic signals and configuration
 - e) traffic signal progression
 - f) percentage of heavy trucks
 - g) adjacent access point locations
 - h) jurisdiction
 - i) grades
- 4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or Berrien County standards and guides.
 - 5) Capacity analysis shall be performed at each access point. The Township's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.
 - 6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.
 - 7) Required operational changes shall be part of the site plan review and any access permit approval process.
- d. Evaluation and Criteria. As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
 - e. The Zoning Administrator may be provided to the Township Engineer, Planner and/or an independent traffic engineer or transportation planner to review and

comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

3. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the Township and/or projects that may, in the judgment of the Planning Commission, fundamentally alter the character of the community, the Planning Commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.
 - a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.
 - b. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:
 - 1) An executive summary which outlines the key findings of the study.
 - 2) The background for the study including both project background and the methodology and approach used.
 - 3) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.
 - 4) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.
 - 5) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.
 - 6) The credentials of the author(s) of the market study.
 - c. Evaluation. The Zoning Administrator and Planning Commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

E. Action on Application and Site Plans

1. Upon receipt of a submitted application and site plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the applicant with a list of items needed to make the submittal complete. If a Basic Site Plan is found to be complete, the Zoning Administrator shall review the site plan in accordance with Section 19.10 and approve or deny the application accordingly.
2. If a detailed site plan submittal is complete, the Zoning Administrator shall record the date of receipt and transmit copies thereof to each of the Planning Commissioners; to the Fire Department when necessary; to other area review agencies as necessary, such as the Township Engineer, Berrien County Health Department, Michigan Department of Transportation, retaining at least one (1) copy in the Zoning Administrator's office.
3. A meeting shall be scheduled for a review of the application, plans, and of the recommendation of the Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within sixty (60) days of the date of the receipt of the complete plans and application.
4. The applicant shall be notified of the date, time and place of the meeting on the application not less than three (3) days prior to such date.
5. After conducting a review of the site plan, the Planning Commission shall approve, approve with conditions or reject the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons for such conditions, and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application, site plan and any special studies requested by the Planning Commission. Any conditions imposed on the application and site plan shall:
 - a. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of this Ordinance, and be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

- d. A site plan approved or conditionally approved by the Planning Commission which includes a landscape plan submitted under Section 3.14, shall require a performance guarantee pursuant to Section 19.10, L, hereof.
 - e. Two copies of the approved site plan, with any conditions shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the applicant and the Chair of the Planning Commission and dated with the date of approval for identification of the approved plans. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.
- F. Review Criteria. In the process of reviewing a site plan, the Planning Commission or Zoning Administrator shall consider the following standards. A site plan that is found to meet the requirements of this section shall be approved.
- 1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township, County or the Michigan Department of Transportation.
 - 2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
 - 3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 - 4. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
 - 5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
 - 6. That all buildings and structures are accessible by emergency vehicles.
 - 7. That a plan for storm water discharge has been approved by the appropriate public agency.

8. The relationship to shore and river preservation principles where appropriate.
9. That the plan as approved is consistent with the intent and purpose of this Ordinance.
10. That all utility services shall be provided on site in a manner least harmful to surrounding properties, and that all utilities are located underground, as applicable, unless specifically waived by the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
11. That all applicable local, regional, State and federal statutes are complied with.

G. Performance Standards. In reviewing site plans, the Planning Commission shall consider the degree to which a proposed use may result in any effects that may create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Provided, however, any use permitted in this Ordinance may be undertaken and maintained if the site plan includes measures acceptable to the Planning Commission to limit dangerous or objectionable effects on adjoining properties, as established by the following performance requirements:

1. Sound. The emission of noise measurable in decibels (dB) on a persistent or frequently recurrent basis from the premises shall not exceed the sound levels outlined in the table below, when measured at any property line. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, warning devices, emergency pressure relief valves, special community events approved by Township Board, or any parcel in the A-R or E-1 districts.

Source of Sound	Receiving Property		
	Residential	Commercial	Industrial
Residential	50 dB	57 dB	60 dB
Commercial	55 dB	60 dB	65 dB
Industrial	55 dB	65 dB	70 dB

2. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured at any lot line of its source. Vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.
3. Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any lot lines, when diluted in the ratio of one volume of odorous air to 4 or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines. This standard shall not apply in the A-R or E-1 districts.

4. Toxic Gases. The escape or emission of any gas, which is injurious or destructive or explosive, shall be unlawful and shall be summarily abated, as directed.
 5. Glare and Heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
 6. Electromagnetic Radiation. The rules and regulations of the Federal Communications Commission, as amended with respect to the propagation and dissemination of electromagnetic radiation must be followed and are hereby made a part of this Ordinance.
 7. Drifted and Blown Material. The drifting or airborne transmission beyond the lot line of soot, particles, or debris from any stockpile shall be unlawful and shall be summarily abated, as directed. This standard shall not apply to Farm Operations in any district.
 8. Smoke, Dust, Dirt, and Fly Ash. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than 3 minutes in any 60 minutes which is more than 40% opaque.
- H. Conformity to Approved Site Plans. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application, approve an amendment to the site plan pursuant to Section 19.10, J.
- I. Term of Approval of the Site Plan. Approval of the site plan shall be valid for a period of one (1) year after the date of approval. The Planning Commission may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a zoning permit has not been obtained or if on-site development has not commenced within said one (1) year, the site plan approval shall become null and void and a site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.
- J. Amendment to the Site Plan. No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

1. The Zoning Administrator may approve minor changes to an approved site plan involving slight changes in the location of buildings and structures, adjustment of utilities, walkways, trafficways, parking areas, and similar minor changes.
 2. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.
- K. Appeals. A decision or condition related to a site plan review may not be appealed to the Zoning Board of Appeals.
- L. Performance Guarantees. In the interest of insuring compliance with this Ordinance, the Planning Commission or Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.
1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
 2. When a performance guarantee is required, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a Zoning Permit by the Zoning Administrator for the development and use of the land. Upon the deposit of the performance guarantee, when in the form of a cash deposit or certified check, the Township shall deposit it in an interest-bearing account.
 3. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements in the event of default by the applicant.
 4. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the Zoning Permit.
 5. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposited funds when one-hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a

- temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with this Ordinance and the specifications of the approved site plan.
6. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
 7. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the Township and prior to the issuance of a zoning permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

ARTICLE XX - AMENDMENTS

20.01 REQUESTS

Any interested person may request, and the Township may approve or disapprove, an amendment to this Ordinance and/or zoning map.

20.02 APPLICATION PROCEDURE

- A. An amendment to the text of the ordinance shall be submitted for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act, Act 110 of 2006, as amended. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition.
- B. An amendment to the zoning map shall be submitted in writing for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act, Act 110 of 2006, as amended. A description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.

20.03 APPLICABLE FACTORS

When reviewing an amendment request, the Township may consider, but shall not be limited to:

- A. Whether the proposed change is in accordance with the Township's Master Plan.
- B. Whether the proposed change is a reasonable alternative to the Master Plan because it will promote land use policies of the Master Plan and will not conflict with present policies.
- C. Although representing a change in the Master Plan for Future Land Use, whether the proposed district:
 - 1. Would be compatible with existing or future uses in the area.
 - 2. Would not have a negative impact on the policies of the Master Plan.
 - 3. Would further the objectives, goals or policies of the Master Plan.
 - 4. Would preserve an existing, unique natural area.
- D. Whether the proposed district does not conform to the Master Plan for future land use and would be in conflict therewith.

- E. Whether the proposed change represents a form of spot zoning.
- F. Whether the proposed use would be incompatible with existing (and/or future) uses in the area.
- G. Whether the proposed change would negatively affect the Township's ability to implement or follow the Master Plan for the area.
- H. Whether the proposed use would add more acreage than can be justified, thereby detracting from the Township's ability to develop according to the Master Plan.
- I. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.

20.04 NOTICE

Public notice of an amendment to this Ordinance shall follow the process set forth in Section 19.05.

ARTICLE XXI – NUISANCE PER SE, VALIDITY, COMPLAINTS AND PENALTIES

21.01 NUISANCE PER SE

Uses of land, dwellings, buildings or structures, including tents and manufactured homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance or regulations adopted under the authority of this Ordinance, are hereby declared to be a nuisance per se. The Township Attorney shall, on complaint of the Zoning Administrator or the Planning Commission, determine and carry out the legal steps necessary to secure prosecution or adherence to this Ordinance.

21.02 VALIDITY

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

21.03 COMPLAINTS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, investigate with all due dispatch, and take action thereon as provided by this Ordinance.

21.04 PENALTIES

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any amendment thereof, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or shall be imprisoned in the Berrien County Jail for not more than ninety (90) days, or shall be both fined and imprisoned in the discretion of the Court.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the municipality from taking such other lawful action as is necessary to prevent or remedy any violation including, but not limited to, further enforcement action and circuit court proceedings.

ARTICLE XXII – REPEALER AND EFFECTIVE DATE**22.01 REPEALER**

The Oronoko Charter Township Zoning Ordinance of June 8th, 1976, including amendments and additions thereto, are hereby repealed as of the effective date of this Ordinance.

22.02 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following publication of a notice of adoption in a newspaper of general circulation in the Township.

**TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 7

AN ORDINANCE TO COVER DIVISION OF LOTS IN RECORDED PLATS

THE TOWNSHIP OF ORONOKO ORDAINS:

SECTION I.

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the township or county zoning ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing site or sites. The application shall so state and shall be in affidavit form and shall contain a drawing showing the dimensions and description of each part of the lot as proposed for dividing.

SECTION II.

Approval of the division of a lot in a recorded plat shall be contingent on an agreement in writing by the applicant that any sales contract, deed or any other document presented for recording at the office of the county register or any other document presented for recording at the office of the county register of deeds shall be accompanied by a copy of the written approval of the township board and a copy of the drawing of the lot as approved for dividing.

SECTION III.

The county register of deeds shall not record a document involving the division of a lot in a recorded plat unless approved by the Township Board in compliance with the provisions of this ordinance.

SECTION IV.

This ordinance shall become effective immediately upon adoption and publication.

ROBERT G. FEATHER, SUPERVISOR

DATED; AUGUST 12, 1969

ATTEST, ROBERT GILL, CLERK

I hereby certify that the above and foregoing Ordinance was duly published in The Journal Era, a weekly newspaper published in the Village of Berrien Springs, in the issue of said paper dated and published on the 20th. Day of August, 1969.

ROBERT GILL, TOWNSHIP CLERK

TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 14

AN ORDINANCE REGULATING PROPERTY LEFT WITHIN THE CUSTODY OF OR UPON THE DOMAIN OF THE TOWNSHIP OF ORONOKO OR COMING TO THE POSSESSION OF THE TOWNSHIP OF ORONOKO; PROVIDING FOR RECOVERY OF SAID PROPERTY BY THE TRUE OWNERS AND ESTABLISHING CHARGES FOR THE STORAGE OF SAID PROPERTY AND FOR THE SALE OF SAID PROPERTY IF CHARGES THEREON ARE *NOT* PAID.

THE TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1 CUSTODY OF UNCLAIMED PROPERTY.

The Village of Berrien Springs - Oronoko Township Police Department shall be charged with the custody of such unclaimed personal property as may come into its possession and shall dispose of such personal property except impounded motor vehicles as provided herein.

SECTION 2. DISPOSITION OF UNCLAIMED PROPERTY.

All personal property unclaimed by the owner for a period of thirty (30) days or more, in possession of said Police Department may be sold at public sale upon five (5) days; written notice of the time and place of the sale which shall have included therein a description of the property to be sold, which notice shall be posted in at least three (3) places, one of which shall be at the Oronoko Township Hall; provided perishable produce may be sold within twelve (12) hours if unclaimed, and animals after forty-eight (48) hours, upon notice to the Township Clerk of the proposed sale and terms thereof. In the event the unclaimed property consists of currency which has been surrendered to the Police Department by the finder thereof, said currency shall be retained by the Police Department for a period of three (3) months, from and after the date the same has been deposited with the Police Department by the finder thereof. In the event that the amount deposited is twenty (20) dollars or less, and at the expiration of said three (3) month period, if said currency has not been claimed by the rightful owner thereof, the same shall be delivered and turned over to the finder, by the Police Chief of the Police Department. In the event the amount found and deposited with the Police Department shall exceed twenty (20) dollars, then the currency shall be retained by the Police Department for a period of six (6) months, and if not claimed by the rightful owner thereof: shall at the expiration of six (6) months, be turned over to the finder thereof: by the Police Department.

SECTION 3. RECORD OF UNCLAIMED PROPERTY

The police Department shall keep a book permanently bound, in which shall be kept a list of all unclaimed personal property, the date taken into possession by the Police Department and the final disposition thereof: and if sold, the amount received shall be certified to by the Chief of Police of the Police Department.

SECTION 4. SALE

If any article is not claimed and reasonable charges for storage paid within the period allotted herein, the Chief of Police may proceed to sell the articles upon the same provisions as are applicable to notice and procedure for execution sales in the District Court for the County of Berrien. If no bids be received for the purchase of any property, it shall be conclusively presumed that said property is of no value and it shall be destroyed or otherwise disposed of. The proceeds of said sale shall be applied as provided by law, the first of said proceeds shall be used to reimburse the Police Department for the expenses of said sale and charges for storage and other services rendered by the Berrien Springs-Oronoko Township Police Department, the excess, if any, over such items, shall be paid to the owner or person entitled to possession, upon proof thereof: and in the absence of such proof: said excess shall be credited to the Berrien Springs Oronoko Township Police Department Fund.

(a) Each sale shall be under the direction of the Chief of Police of the Berrien Springs-Oronoko Police Department and the Oronoko Township Clerk shall act as clerk at such sale.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect immediately after adoption and publication.

DATED; JULY 10, 1973

ROBERT G. FEATHER, SUPERVISOR

ROBERT GILL, CLERK

I hereby certify that the above and foregoing Ordinance was duly published in The Journal Era, a weekly newspaper published in the Village of Berrien Springs in the issue of said paper dated and published on the 18th day of July, 1973.

ROBERT GILL, CLERK

ORDINANCE NO. 14

PAGE 2

ORDINANCE NO. 20

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT.

THE TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1. Agency Designated: Pursuant to the provisions of Section 9 of Act 230 of the Public Acts of 1972, the Building Official of the Township of Oronoko is hereby designated as the enforcing agency to discharge the responsibilities of the Township under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Oronoko hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. Conflicting Ordinances and Validity: Should any section, clause, or provision of this Ordinance be declared by a court 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. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Effective Date: This Ordinance shall become effective thirty (30) days after the date of adoption and publication.

DATED: October 15, 1974

Robert G. Feather
Robert G. Feather, Township Supervisor

Attest:

Olga M. Spaulding
Olga M. Spaulding, Township Clerk

"I hereby certify that the foregoing is a true copy of the State Construction Code Enforcing Agency Ordinance duly adopted by the Board of Trustees of Oronoko Township, Berrien County, Michigan, on October 15, 1974, and published in the Journal Era, a weekly newspaper, published in the Village of Berrien Springs, in the issue of said paper dated and published on the 23rd day of October, 1974.

Olga M. Spaulding
Olga M. Spaulding, Township Clerk

TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO 22

An ordinance to amend Ordinance NO. 20 to designate an enforcing agency to discharge the responsibilities of the township under the provisions of the state construction code act.

THE TOWNSHIP OF ORONOKO ORDAINS:

SECTION I. Section 1 of Ordinance No. 20 entitled, "Agency Designated," is hereby amended to read as follows:

"Pursuant to the provisions of Section 8 or Act 230 of the Public Acts of 1972, the Building Official of the Township of Oronoko is hereby designated as the enforcing agency to discharge the responsibilities of the Township under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Oronoko hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits."

SECTION II. All other portions of said Ordinance No. 20 are hereby reaffirmed and ratified.

SECTION III. This ordinance shall take immediate effect thirty (30) calendar days after its adoption and publication.

DATED: MAY 13, 1975.

ROBERT FEATHER, SUPERVISOR

ATTEST: ALEX MISKIEWICZ, CLERK.

I hereby certify that the foregoing is a true copy of Ordinance No 22 duly adopted by the Board of Trustees of Oronoko Township, Berrien County, Michigan, on May 13, 1975 and published in The Journal Era on May 21, 1975.

ALEX MISKIEWICZ, TOWNSHIP CLERK

ORDINANCE NO 22
PAGE 1

**TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO 29

ESTABLISHING REGULATIONS FOR THE SUBDIVISION OF LAND; FOR THE DEDICATION OR RESERVATION AND ACCEPTANCE OF LAND FOR PUBLIC USE; FOR THE INSTALLATION AND CONSTRUCTION OF UTILITIES, ROADWAYS, AND OTHER IMPROVEMENTS ESSENTIAL TO SERVICE THE SUBDIVIDED LAND; FOR THE PREPARATION OF SUBDIVISION PLATS AND REPLATS; AND FOR THE PROCEDURE FOR THE SUBMITTAL, APPROVAL AND RECORDING OF SUBDIVISION PLATS IN THE TOWNSHIP OF ORONOKO.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF ORONOKO, COUNTY OF BERRIEN, AND STATE OF MICHIGAN.

SECTION I TITLE

This ordinance shall be known and may be cited and referred to as the "Subdivision Ordinance for the Township of Oronoko, Michigan"

SECTION II INTENT AND PURPOSE

This ordinance is adopted for the following purposes:

1. To insure sound, harmonious subdivision development and community growth, and to safeguard the interests of the home owner, the subdivider, the investor, and the Township of Oronoko.
2. To provide permanent assets to the locality and to the Township.
3. To prevent scattered development beyond existing public utilities and prevent excessive development costs.
4. To assure the development of land for the highest possible use with all the necessary protection against deterioration and obsolescence.
5. To provide common grounds of understanding and a sound working relationship between the community and the developer.
6. To secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.

SECTION III LEGAL BASIS

This ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, Public Acts of 1967; Act 191, Public acts of 1939 providing for publication of ordinances; Act 246; Public Acts of 1945, as amended; and Act 168, P.A. 1959 as amended.

SECTION IV APPLICATION OF ORDINANCE

This ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this ordinance, except for the further dividing of lots.

ORDINANCE NO 29

PAGE 1

Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township of Oronoko, the provision of this ordinance shall control.

SECTION V GENERAL PROVISIONS.

A. Whenever any subdivision of land shall hereafter be laid out within the corporate limits of the Township, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the Planning Commission for its approval. The subdivision plats and all procedures relating thereto, shall in all respects be in full compliance with these regulations.

B. Until plats and plans for the subdivision are approved:

1. No land shall be subdivided, nor any street constructed, nor any improvements made to the natural land.

2. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given.

3. No improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets, shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.

C. All offerings or dedications of land to the Township of Oronoko for use as streets, highways, alleys, schools, parks, playgrounds or other public uses shall be referred to the Planning Commission for review and recommendation, before being accepted by the Township Board or any other governing authority of the Township.

D. Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the community as a whole, the Planning Commission may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Planning Commission as an aid in judging the proposed plat. It shall be the responsibility of the subdivider to cooperate with the Planning Commission in the preparation of this plan, and furnish such surveys and data as may be necessary.

E. Whenever an area is subdivided into lots of thirty thousand (30,000) square feet or more, and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision, so that additional minor streets can be located which will permit a logical arrangement of smaller lots.

F. INTERPRETATION

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements.

2. Where the conditions imposed by any provision of this ordinance upon the use of land are either more restrictive or less restrictive than comparable conditions imposed

by any other provision of this ordinance, or any other law, ordinance, resolution, rule or regulation of any kind, (County or State), the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

SECTION VI RULES AND DEFINITIONS

In the interpretation of this ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

A. RULES

1. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "plot," "piece," and "parcel."
5. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

B. DEFINITIONS

ALLEY. A right-of-way which affords a secondary means of vehicular access to abutting properties.

BLOCK. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

BUILDING. Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING LINE. The line nearest the front of and across a zoning lot, establishing the minimum open space to provide between the front line of a building or structure and the street right-of-way line.

COUNTY. The County of Berrien, Michigan.

CROSSWALK (PEDESTRIAN WALKWAY). A public right-of-way located across a block to provide pedestrian access to adjacent streets or areas.

CUL-DE-SAC. A minor street of short length having one end terminated by a vehicular turnaround.

DEDICATION. The intentional appropriation of land by the owner to public use.

EASEMENT. A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

FLOOD PLAIN AREA. That continuous area adjacent to a stream or stream bed or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood crest elevation including land also having an elevation higher than flood crest elevation but less than ten (10) acres in area and surrounded by land in a flood plain area or an area of such elevation accomplished by land fill projecting into a flood plain area.

GENERAL DEVELOPMENT PLAN. A plan adopted by the Township Board as a guide for the physical development of Oronoko Township showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data, and other descriptive matter.

GREENBELTS OR BUFFER PARKS. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the environment.

HIGHWAY. See street.

IMPROVEMENTS. Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction.

INDUSTRIAL DEVELOPMENT. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

LOT OF RECORD. A "lot of record" is an area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

OUTLOT. When included within the boundary of a recorded plait, it means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT. A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PLANNED UNIT DEVELOPMENT. A land area of 10 acres or more which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit under Section 14.00, Planned Unit Development, of the Oronoko Township Zoning Ordinance.

PLANNING COMMISSION. Oronoko Township Planning Commission, as constituted by Ordinance and functioning as a recommending body.

PLAT. A map or chart of a subdivision of land.

1. PRE-PRELIMINARY PLAT (SKETCH PLAN). An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

2. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

3. FINAL PLAT. A map of a subdivision of land made up in final form ready for approval and recording.

PROPRIETOR, SUBDIVIDER OR DEVELOPER. A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as "owner."

PUBLIC OPEN SPACE. Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

PUBLIC UTILITY. All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.

REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

RESERVE STRIP. A strip of land within the boundaries of a subdivision reserved for the purpose of controlling access to streets.

RIGHT-OF-WAY. Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

SIGHT DISTANCE. The unobstructed vision on a horizontal plane along a street centerline that agrees with the standards set up by the Berrien County Road Commission.

SKETCH PLAN. A pre-preliminary plat.

STREET, ROAD OR HIGHWAY. A public or private right-of-way or easement which is designated as a permanent right-of-way or easement for common use as the primary means of vehicular access to properties abutting on it.

1. FREEWAY. Those streets designed for high speed, high volume though traffic, with completely controlled access, no grade crossings and no private driveway connections.

2. EXPRESSWAY. Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings, but no driveway connections.

3. PARKWAY. A street designed for non commercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.

4. ARTERIAL STREET. Those streets of considerable continuity which are used or *may* be used primarily for fast or heavy traffic.

5. COLLECTOR STREET. Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

6. CUL-DE-SAC. A minor street of short length having one end terminated by a vehicular turnaround.

7. MARGINAL ACCESS STREET. A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

8. MINOR STREET. A street which is intended primarily for access to abutting properties.

STREET APPROVED. Any street, whether public or private, meeting standards and specifications of the Berrien County Road Commission.

STREET, PRIVATE. *Any* street which is under the jurisdiction of an individual, corporation, or trustee, or *any* street which is privately owned or established.

STREET, PUBLIC. Any street which is shown on the subdivision plat and is or is to be dedicated for public use.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of streets.

SUBDIVIDE OR SUBDIVISION. The portioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.

SUBDIVISION CONTROL ACT. Act 288, Public Acts of 1967, State of Michigan.

SURVEYOR. Either a land surveyor who is registered in the State of Michigan as a registered land surveyor, or a civil engineer who is registered in the State of Michigan as a registered professional engineer.

TOPOGRAPHICAL MAP. A map showing existing physical characteristics, with contour lines at sufficient interval to permit determination of a proposed grades and drainage.

SECTION VII PROCEDURE FOR APPROVAL

A. PRE-APPLICATION PROCEDURE.

1. PURPOSE

a. A pre-preliminary plat or sketch plan may be submitted for information and review only in order to:

- (1) Provide guidelines for the subdivider concerning development policies, platting procedures and requirements of Oronoko Township.
- (2) Provide the Planning Commission and other affected agencies with general information concerning the proposed development.

b. Review the sketch plan does not assure acceptance of the preliminary plat.

2. REQUIREMENTS

a. Pre-Preliminary Plat or Sketch Plan. The plan shall show the subdivision's entire development scheme in schematic form including the area for immediate development, and shall include the following:

- (1) General layout of streets, blocks and lots in sketch form.
- (2) Existing conditions and characteristics of the land on and adjacent to the site.
- (3) Any general area set aside for schools, parks and other community facilities.
- (4) Proof of ownership of the land proposed to be subdivided, or agreement with the owner of the land in question, may be required if deemed necessary.
- (5) Land Subject to Flooding or Poor Drainage. No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of a Professional Engineer, make the area completely safe for residential occupancy and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved.

3. PROCEDURE

a. The subdivider shall submit two (2) copies of the pre-preliminary plat to the Township Clerk.

b. The Township Clerk shall promptly transmit a copy of the pre-preliminary plat to the Planning Commission.

c. The Planning Commission will review the plan with the subdivider or his agent.

d. The Planning Commission shall inform the subdivider or his agent of Oronoko Township's development policies and make appropriate comments and suggestions concerning the proposed development Scheme.

e. The Planning Commission shall inform the Oronoko Township Board of the results of the review of the pre-preliminary plat.

B. PRELIMINARY PLAT PROCEDURE

1. Size and Scale; The preliminary plat may be on paper and shall be not less than twenty-four (24) inches by thirty-six (36) inches, at a scale of one (1) inch to one hundred feet showing the date and north arrow.
2. Information Required: The following shall be shown on the preliminary plat or submitted as an attachment to it.
 - a. The name of the proposed subdivision.
 - b. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.
 - c. Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.
 - d. The names of abutting subdivision.
 - e. Statement of intended use of the proposed plat, such as residential single dwelling, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
 - f. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
 - g. A location map showing the relationship of the proposed plat to the surrounding area. h. The land use and existing zoning of the proposed subdivision and the adjacent tracts. i. Streets, street names, right-of-way and roadway widths.
 - j. Lot lines and the total number of lots by block.
 - k. Contours shall be shown on the preliminary plat at five (5) foot intervals where slope is greater than ten (10) percent, and two (2) foot intervals where slope is ten (10) percent or less.
 - l. Boundary lines; bearings and distances.
 - m. A site report as described in the rules of the State Department of Public Health shall be required if the proposed subdivision is not to be served by public sewer and water systems.
 - n. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
 - o. Two (2) copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
 - p. Right-of-way easements, showing location, width, and purpose.
3. Preliminary Engineering Plans: The subdivider shall submit four (4) sets of preliminary engineering plans for required public improvements such as streets, water, sewers, sidewalks, and any other improvements required by Oronoko Township. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Oronoko Township regulations and standards. All copies of the preliminary plat necessary to meet the requirements of Section 112 (1) and *lor* 113 to 119 of the Subdivision Control Act shall be identical.

4. PROCEDURES

a. Submittal. The subdivider shall submit to the Township Clerk at least ten (10) days before the Planning Commission meeting:

- (1) Six (6) copies of the preliminary plat on a topographic map.
- (2) Written application for approval, on form furnished by Township Clerk.
- (3) The fee established by this Ordinance for review of preliminary plats.

b. Tentative Approval: A preliminary plat shall be submitted to the Township Board for tentative approval or rejection before submitting to other approving authorities. Such action will only be taken after a review by the Planning Commission and will extend only to lot sizes, lot layout, street layout and street names.

- (1) Purpose: to encourage long range planning of developments and at the same time offer the subdivider reasonable protection against changes in lot sizes and layout.
- (2) The Township Board, within 90 days from the date of filing, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval.
- (3) Tentative approval shall confer upon the subdivider for a period of one (1) year from date approval of lot sizes, lot layout, street layout, and street names. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

C. Distribution to Authorities:

- (1) Following tentative approval of the preliminary plat, the subdivider shall submit to the various approving authorities the number of identical copies of the preliminary plat required by Section 112 to 119 of the Subdivision Control Act.
- (2) The Township Clerk shall submit one (1) copy of the preliminary plat to the school board of the respective school district in which the subdivision is to be located, for informational purposes only.
- (3) The subdivider shall file with the Township Clerk a list of all authorities to whom identical copies of the preliminary plat have been distributed.

5. Actions for Final Approval-Preliminary Plat.

a. Letters of Conditional Approval or Rejection

(1) The subdivider shall secure the approvals of the following authorities as required by Section 113 to 119 of the Subdivision Control Act:

Berrien County Road Commission
Berrien County Drain Commissioner
Michigan State Highway Department (if necessary)
Michigan State Department of Natural Resources (if necessary)
Michigan State Water Resources Commission (if necessary)
Berrien County Health Department (if necessary)
Berrien County Plat Board
Public Utilities serving Oronoko Township

(2) The subdivider shall deliver all copies to the Township Clerk who shall promptly transmit them to the Planning Commission.

(3) Official Filing Date: The date all copies are received by the Township Clerk in accordance with (1) and (2) above shall be the official filing date.

b. Planning Commission

(1) The Planning Commission shall review the preliminary plat to determine if it meets all requirements.

(2) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter giving the earliest date for resubmission of the plat and additional information required.

(3) The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the preliminary plat in accordance with Section 3.2 (3.A-3).

(4) The sixty (60) day period may be extended if the applicant consents. If no action is taken within the stated period, the preliminary plat shall be deemed to have been approved by the Planning Commission.

c. Township Board

(1) The Township Board shall not review, approve or reject a preliminary plat unit it has received, from the Planning Commission, its report and recommendations, or time has expired in accordance with b (4) above. .

(2) The Township Board shall consider the preliminary plat at its next meeting, but not later than ninety (90) days from the date of filing.

(3) The Township Board shall within ninety (90) days from the date of filing either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

6. Conditions and Duration of Final Approval-Preliminary Plat:

a. Conditions: Final approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

b. Duration:

(1) Final approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date to its approval after approval by the other required authorities.

(2) The Township Board may extend the two (2) year period if applied for and granted in writing but only concerning its own requirements.

C. FINAL PLAT PROCEDURE:

1. Requirements

a. General

(1) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.

(2) A written application for approval, the fee as established by the Oronoko Township Board.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an affidavit attesting that there are no other owners of interest, recorded or unrecorded, or a policy of title insurance currently in force.

(4) The Township Board may require such other information as it deems necessary to establish whether the proper parties have signed the final plat.

b. Time of Submittal: Final Plats shall be submitted to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.

2. PROCEDURES

a. Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans were required for approval to the following:

- (1) Berrien County Road Commission: For approval or rejection.
- (2) Berrien County Drain Commissioner: For approval or rejection.
- (3) Berrien County Health Department: For issuance of a letter of approval or rejection.
- (4) Planning Commission (through the Township Clerk); For recommendations to the Township Board.
- (5) Township Clerk: For approval or rejection by the Township Board.

B. PLANNING COMMISSION:

(1) The Planning Commission shall examine the final plat at its next regular meeting, or within thirty (30) days of receipt of the final plat, for conformance to:

- (a). The provisions of the subdivision Control Act.
- (b). The provisions of this Ordinance.
- (c). The preliminary plat, as approved.

(2) The time for review and recommendations by the Planning Commission may be extended by agreement with the subdivider.

(3) If the Planning Commission recommends disapproval of the final plat by the Township Board it shall state its reasons in its official minutes and forward same to the Township Board, with a copy to the subdivider, and recommend that they disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

(4) Recommendations for approval of the final plat by the Township Board shall be accompanied by a report.

c. Township Board:

(1) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within thirty (30) days of receipt from the Planning Commission.

(2) The Township Board shall approve the final plat or disapprove it. If disapproved, it shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this ordinance.

(3) The Township Board shall instruct the Township Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved final plat in behalf of the Township Board.

d. Improvements and facilities required by Oronoko Township:

(1) The Township Board may require all improvements and facilities to be completed before it proves the final plat.

(2) If improvements and facilities are not required to be completed before final plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities.

(3) Performance of the contract shall be guaranteed by a cash deposit, certified check, or irrevocable bank letter of credit or performance bond.

(4) The Township Board shall not require a surety deposit duplicating any surety deposit required by another governmental agency.

(5) Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township Board and the subdivider.

SECTION VIII DESIGN STANDARDS

The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the Berrien County Road Commission shall prevail. All streets shall be dedicated to public use.

A. LOCATION

1. Street Location and Arrangements: When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
2. Street Continuation and Extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the Berrien County Road Commission.
3. Local or Minor Streets: Such streets shall be so arranged as to discourage their use by through traffic.
4. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for future projections of streets into adjacent areas (See Section H 2B)
5. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients.
6. Alleys: Alleys shall not be permitted in areas of single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading and parking. Dead-end alleys shall be prohibited.
7. Marginal Access Streets: Where a subdivision abuts or contains an arterial street, the Township may require:
 - a. Marginal access streets approximately parallel to and on each side of the right-of way.
 - b. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
8. Cul-de-sac Streets: Cul-de-sacs shall not be more than six hundred (600) feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround with a minimum radius of seventy-five (75) feet for right-of-way and fifty feet for pavement.
9. Private Streets: Private streets and roads shall be prohibited except in an approved Planned Unit Development.

B. SPECIFICATIONS

Specifications for the following shall conform to the Major Street Plan, if adopted, the rules of the Berrien County Road Commission, and/or Michigan State Department of Highways.

1. Street Rights-of-Way Roadway Widths.
2. Street Gradients.
3. Street Alignment.
4. Street Intersections.

C. STREET NAMES

1. Street names shall not duplicate any existing street name in the local post office area or the Township except where a new street is a continuation of an existing street.
2. Street names that may be spelled differently but sound the same shall be prohibited.

3. Duplications can be avoided by checking new street names with the post office master listing, if available.

4. A guide for naming new streets shall be as follows:

Streets with predominant north-south directions shall be names "Avenue" or "Road": streets with predominant east-west direction shall be names "Street" meandering streets shall be named "Drive," "Lane," "Path," or "Trail": and cul-de-sac shall be named "Circle, ": "Court" "way," or "Place."

D. PEDESTRIAN WAYS

1. Crosswalks: Right-of-way for pedestrian crosswalks in the middle of long blocks, may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

The right-of-way shall be at least ten (10) feet wide and extend entirely through the block.

2. Sidewalks: Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

E. EASEMENTS

1. Location: Easements shall be provided along rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots. (See also Section G-5 for backup lots).

2. Drainage way: The subdivider shall provide drainageway easements as required by the rules of the Berrien County Drain Commissioner.

F. BLOCKS

1. Arrangements: A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street; natural feature or a barrier.

2. Minimum Length: Blocks shall not be less than six hundred (600) feet long.

3. Maximum Length: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street.

G. LOTS

1. Conform to Zoning: The lot width, depth and area shall not be less than the particular district requirements of the zoning ordinance, except where outlots are provided for some permitted purpose.

2. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

3. With related to Length: Narrow, deep lots shall be avoided. The depth of a lot generally shall not exceed two and one half (2 1/2) times the width as measured at the set-back line.

4. Corner Lots: Corner lots shall have extra width as may be required to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

5. Back-up Lots: Lots bordering such features as freeways, arterial streets, shopping centers, or industrial properties, shall back into same, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a greenbelt or buffer park along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas.

Lots extending through a block and having frontage of two (2) local streets shall be prohibited.

6. Lot frontage: All lots shall front upon a publicly dedicated street.

7. Lot Division: The division of a lot in a recorded plat is prohibited unless approved in accordance with the Oronoko Township Lot Splitting Ordinance.

H. GREEN BELTS/BUFFER PARKS AND RESERVE STRIPS

1. Greenbelts/Buffer Parks: Greenbelts or buffer parks may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.

2. Reserve Strips:

a. Reserve Strip-Private: Privately held reserve strips controlling access to streets shall be prohibited.

b. Reserve Strip-Public: A one-foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to Oronoko Township for future street purposes.

I. PUBLIC SITES AND OPEN SPACES

1. Public Uses: Where a proposed park, playground, school or other public use shown on the Comprehensive Development Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

If within two (2) years of plat recording the purchase is not agreed on, the reservation may be canceled.

2. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

J. LARGE SCALE DEVELOPMENTS

1. Modifications: This Ordinance may be modified in accordance with Section 14.00, Planned Unit Development of the Oronoko Township Zoning Ordinance, in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Development Program which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

2. Neighborhood Characteristics: A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain five hundred (500) living units or more, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population, for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

K. COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

1. Commercial or Industrial Modification: These subdivision design standards may be modified in accordance with Section 14.00 Planned Unit Development of the Oronoko

Township Zoning Ordinance, in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas, as well as for traffic circulation.

SECTION IX. SUBDIVISION IMPROVEMENTS

It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as the conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

A. RESPONSIBILITY FOR PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared a registered engineer, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the agencies shown. All construction plans shall be prepared in accordance with their standards.

B. PROCEDURE

Submittal: When construction has been completed at the time of filing the final plat, one (1) complete copy of construction plans of each required public improvement shall be filed with the Township Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in SECTION VII, C.

C. REQUIRED PUBLIC IMPROVEMENTS

Every Subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

1. Monuments: Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, and the rules of the Michigan State Department of Treasury.
2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Berrien County Road Commission.
3. If installation of curbs and gutters is desired by the subdivider or requested by the township, such curbs and gutters shall be installed and constructed in accordance with any standards and specifications adopted by the Berrien County Road Commission and the Berrien County Drain Commissioner.
4. Installation of Public Utilities: Public utilities shall be located in accordance with the rules of the Berrien County Road Commission. The underground work for utilities shall be stubbed to the property line.
5. Driveways: All driveways and driveway openings in curbs shall be specified by the Berrien County Road Commission or the Michigan State Department of Highways.
6. Storm Drainage: An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be

established by the Berrien County Drain Commissioner.

Construction shall follow the specifications and procedures established by the Berrien County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the Berrien County Drain Commissioner.

7. Water and Sanitary Sewer Systems:

a. All subdivisions shall be connected to a public water supply system and/or a public sanitary sewer system if available and accessible. In determining availability and accessibility, the following shall be given consideration by the Township Board.

(1) Distance to nearest public services from the proposed subdivision (Less than 1/4 mile shall warrant consideration).

(2) Planned public services that are to be installed and ready for use within a two-year period. .

(3) Topography between the subdivision and the public service.

(4) Capacity of existing public system.

(5) Current policy of the Township Board on service extension.

(6) Population density of surrounding area to determine the need for public service.

b. When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

c. When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider.

d. Public water and public sanitary sewer systems shall comply with the requirements of Act 98, Public Acts of 1913, as amended, and with the procedures established by the Township Board.

e. Where studies by the Township indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

Where it determined that a subdivision cannot be connected with an existing public water system and/or a public sewer system, and then approved septic tanks, disposal fields and individual wells, which shall comply with the requirements of the Berrien County Health Department, may be allowed.

8. Street Name Signs: Street name signs shall be installed in the appropriate location of each street intersection in accordance with the requirements of Berrien County Road Commission.

9. Traffic Signs: Traffic signs, in addition to those required by the Berrien County Road Commission, may be required by the Township. All traffic signs shall be provided by the subdivider and be in accordance with the rules and regulations of the Berrien County Road Commission.

10. Sidewalks and Crosswalks: Where public water and sanitary sewer systems are required, sidewalks shall be required on both sides of the street.

Crosswalks shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet in width, located generally along the center- line of the easement, dedicated as a public pedestrian walkway.

Sidewalks and crosswalks shall be constructed in accordance with the requirements of the Berrien County Road Commission.

D. OPTIONAL PUBLIC IMPROVEMENTS

1. Recreational: Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township unit in all other cases; however, voluntary dedicated of these land areas may be accepted.
2. Greenbelts or Buffer Parks: It is desirable for the protection of residential properties to have greenbelts or buffer parks located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts or buffer parks.
3. Street Trees: Street trees of a variety and size in accordance with the standards adopted by the Township shall be planted between the street curb and sidewalk. The location of street trees shall be approved by the Berrien County Road Commission.
4. Street Lighting: Street lights shall be required to be installed throughout the subdivision according to a plan submitted by Indiana & Michigan Electric Co. In these cases, a subdivider shall conform to the requirements of Oronoko Township and the public utility providing each lighting. Said lighting to be paid by special assessment of the property owner(s) unless otherwise provided. This restriction is to appear in each and every abstract of lot within this subdivision.

E. GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED

1. Financial Guarantee Arrangements, Exceptions: In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the Berrien County Road Commission, Berrien County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this Ordinance for sidewalks or street trees.
 - a. Performance Bond
 - (1) Accrual: The bond shall accrue to Oronoko Township covering construction, operation and maintenance of the specific public improvement.
 - (2) Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
 - (3) Term Length: The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.
 - (4) Bonding Company: The bond shall be with a company authorized to do business in the State of Michigan, acceptable to the Township Board.
 - (5) The escrow agreement shall be furnished by the subdivider and approved by the Township Board.
 - b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit
 - (1) Treasurer, Escrow Agent or Trust Company:
A cash deposit, negotiable bond, or an irrevocable bank letter of credit (surety acceptable by the Township Board), shall accrue to the Township. These deposits shall be made with the Township Treasurer or deposits with a responsible escrow agent, or trust company, subject to the approval of the Township Board.

- (2) Dollar Value: The dollar value of the acceptable surety shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.
- (3) Escrow Time: The escrow time for the acceptable surety shall be for a period to be specified by the Township Board.
- (4) Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement in accordance with a previously entered into agreement.

F. CONDITION OF TOWNSHIP APPROVAL OF FINAL PLAT-FINANCIAL GUARANTEES

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

1. The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.
2. Surety acceptable to the Township shall have been filed in the form of a cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

G. INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to submitted plans.

H. PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond, or may take such steps as may be necessary to require performance by the bonding company, and as included in a written agreement between the Township Board and the subdivider.

A. GENERAL

The Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity; the number of persons to reside or work in the proposed subdivision; and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds:

1. That there are such special circumstances or conditions affecting said property that strict the application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
2. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
3. That such variance will not violate the provisions of the State Subdivision Control Act. 4. The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.
5. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Development Plan adopted as a guide by this Township.

B. TOPOGRAPHICAL PHYSICAL LIMITATION VARIANCE

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extra-ordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

C. PLANNED UNIT DEVELOPMENT VARIANCE

The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. If in the judgment of the Planning Commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect on the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township whether:

1. The proposed project will constitute a desirable and stable community development.
2. The proposed project will be in harmony with adjacent areas.

SECTION XI ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE:

A. ENFORCEMENT

No subdivision plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of Berrien County or received or recorded by the Berrien County Register of Deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance unless such public improvement shall correspond in its location and to the other requirements of this Ordinance.

B. BUILDING PERMITS

Building Permits shall not be issued for construction on property subdivided in violation of this Ordinance.

C. PENALTIES

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of the Ordinance, or of the Subdivision Control Act.

D. OCCUPANCY CERTIFICATE

No occupancy certificate shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction.

**SECTION XII AMENDMENTS
PROCEDURES**

The Township Board may, from time to time, amend supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by Act 246, Public Acts of 1945 as amended. A proposed amendment, supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.

SECTION XIII SCHEDULE OF FEES

The schedule of fees for review of plats shall be set by the Oronoko Township Board in the Oronoko Township Schedule of Fees.

SECTION XIV MISCELLANEOUS PROVISIONS

A. SEVERABILITY PROVISION

If any portion of this ordinance or the application thereof to any person, firm, corporation, or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of these regulations, which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

B. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

C. ADOPTION

Adopted by the Oronoko Township Board of Trustees of the Oronoko Township of Michigan on this 13 day of September, 1977. This ordinance shall take effect thirty (30) days after publication.

ALEX MISKIEWICZ, ORONOKO TOWNSHIP CLERK

ROBERT FEATHER, ORONOKO TOWNSHIP SUPERVISOR

ORONOKO TOWNSHIP BOARD OF TRUSTEES

ATTEST:

Alex Miskiewicz, Oronoko Township Clerk.

ORDINANCE NO 29
PAGE 21

CHARTER TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN

Ordinance Number 61

An ordinance to amend Ordinance No.29 by revoking Section IX, D, 4-
Street lighting and enacting the following Section IX, 11 Street lighting

THE CHARTER TOWNSHIP OF ORONOKO ORDAINS:

Section IX, C 11 - Street Lighting

C 11

Street Lights shall be required to be installed throughout the subdivision according to a plan acceptable to the Oronoko Charter Township Planning Commission with a minimum of street lights at each street intersection. A subdivision shall conform to all codes and ordinance requirements of Oronoko Charter Township. Said lighting to be paid by special assessment of the property owner(s) unless otherwise agreed/permitted. This restriction is to appear in each and every abstract of lot within the subdivision.

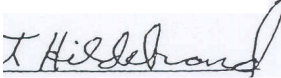
Section IX. D4 - Street Lighting

04 - Purpose

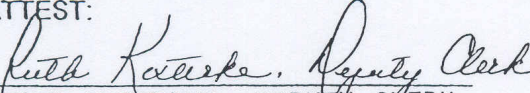
Revoke Section IX D4 - Option Public Improvements - Street lighting.
Said section is hereby revoked.

EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days after the date of adoption and publication.

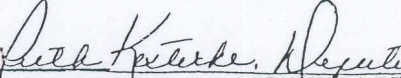
DATED: OCTOBER 19, 2001


Ernest Hildebrand, Supervisor

ATTEST:


RUTH KESTERKE, DEPUTY CLERK

I hereby certify that the foregoing is a true copy of Ordinance No. 61 to amend Ordinance No. 29, Section IX, 11 and D4. Duly adopted by the Oronoko Charter Township Board of Trustees, Berrien County, Michigan, on SEPTEMBER 13, 2001 and published in the Journal Era, a weekly newspaper, published on the 19th day of SEPTEMBER 2001.


RUTH KESTERKE, DEPUTY CLERK

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN STATE OF
MICHIGAN**

ORDINANCE NO. 62

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF OPEN SPACE PRESERVATION IN REGARD TO RESIDENTIAL DEVELOPMENT.

THE CHARTER TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Open Space Preservation Zoning Ordinance.

SECTION 2. OPEN SPACE PRESERVATION:

(A) In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules on not more than 50% of the land, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this ordinance would also depend upon such an extension.

4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

(B) The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

1. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16(h) of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).

2. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, *et seq.*).

3. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.

4. Rules relating to suitability of ground water for on-site water supply for land not served by public water.

5. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term "undeveloped" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, green way, or linear park.

SECTION 3. VALIDITY

Should any section, clause, or provision of this Ordinance be declared by the courts 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, if any.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final publication.

Dated: 11th of December, 2002.

Proposed by Township Board Trustee David Maquera

Supported by Township Board Trustee Robert Pagel

Roll Call Vote:

Ayes: Suzanne Renton, Robert Pagel, Rae Holman, David Maquera, Philipp Riess, David Ladd, Ernest Hildebrand.

Nays: None

Abstain: None.

Motion Carried

ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Charter Township of Oronoko, State of Michigan, on the 10th day of December, 2002, and entered by its Supervisor and Clerk on said date.

TOWNSHIP SUPERVISOR
Ernest Hildebrand

TOWNSHIP CLERK
Suzanne Renton

First published in the *Journal Era* on 27th day of November, 2002.

Final publication in *Journal Era* on 11th day of December, 2002, after passage by Charter Township Board at its meeting on the 10th, day of December, 2002.

**ORONOKO CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 76

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 2.03 TO ADD NEW DEFINITIONS AND AMEND AN EXISTING DEFINITION; TO AMEND SECTION 3.11 PERTAINING TO MINOR HOME OCCUPATIONS; TO AMEND SECTION 3.12 PERTAINING TO THE KEEPING OF ANIMALS; TO AMEND SECTION 4.07 PERTAINING TO EXISTING BUILDINGS, STRUCTURES AND USES; TO AMEND SECTION 5.07 PERTAINING TO THE TABLE OF DIMENSIONAL STANDARDS; TO AMEND SECTION 8.06 PERTAINING TO DISTRICT REQUIREMENTS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO AMEND SECTION 9.06 PERTAINING TO DISTRICT REQUIREMENTS IN THE R-2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT; TO AMEND SECTION 10.05 PERTAINING TO DIMENSIONAL STANDARDS IN THE R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT; TO AMEND SECTION 10.06 PERTAINING TO DISTRICT REGULATIONS IN THE R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT; TO AMEND SECTION 11.05 PERTAINING TO DIMENSIONAL STANDARDS IN THE BUSINESS DISTRICT; TO AMEND SECTION 11.06 PERTAINING TO DISTRICT REGULATIONS IN THE BUSINESS DISTRICT; TO AMEND SECTION 12.06 PERTAINING TO DISTRICT REQUIREMENTS IN THE UC UNIVERSITY-COLLEGE DISTRICT; TO AMEND SECTION 16.03 PERTAINING TO PARKING REGULATIONS; AND TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING MAP.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Amendment of Section 2.03. Section 2.03 is amended to include the following definitions, in alphabetical order:

Certificate of Occupancy: A certificate issued by the Township Building Official authorizing the occupancy and/or use of land and/or buildings or structures pursuant to the Township Building Code and the terms of this Ordinance.

Certificate of Completion: A certificate issued by the Township Zoning Administrator or Building Official certifying that all work pursuant to a zoning permit application or building permit application has been completed and is in compliance with the terms of this Ordinance and all other applicable local, state and federal regulations.

In addition, the definition for “Lot Types”, subsection A, in Section 2.03 is amended to read as follows:

- A. corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the

foremost point of the lot meet on an interior angle of less than one hundred thirty-five (135) degrees.

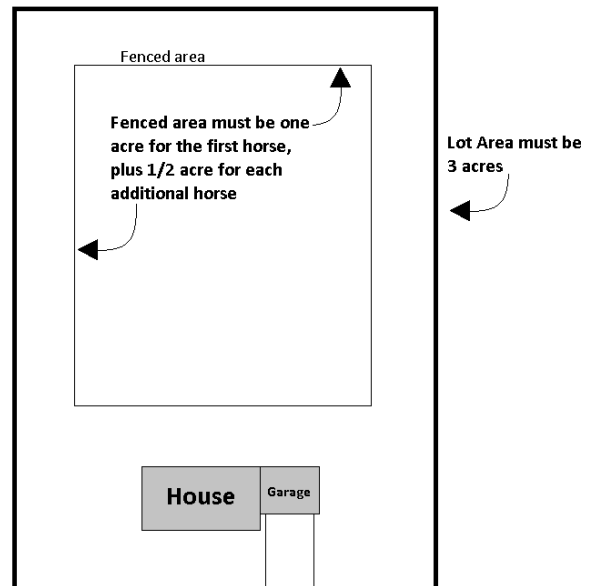
Section 2. Amendment of Section 3.11. Section 3.11 is amended to include subsections K and L, which reads as follows:

- K. Home occupations that meet the standards of this Section may be approved by the Zoning Administrator under the provisions of Section 19.03.
- L. Minor home occupations shall comply with all applicable local, state and federal regulations.

Section 3. Amendment of Section 3.12, D. Section 3.12, D, is amended to read as follows:

- D. The keeping of horses shall be permitted in the A-R and E-1 districts only, provided that the parcel on which the horses are kept maintains a minimum lot area of 3 acres.

Further, horses shall be kept within a fenced area that provides a minimum of one acre for the first horse and an additional ½ acre for each additional horse. The fenced area shall be set back at least ten (10) feet from any property line and shall not be within fifty (50) feet of any domestic well. Horses shall be provided with an accessory structure for protection against the weather.



Section 4. Amendment of Section 4.07, C. Section 4.07, C, is amended to read as follows:

- C. In any business or manufacturing district, where the building, structure or use is only nonconforming in that it does not meet the required minimum rear or side yard setback for lots that abut properties in the E-1, R-1, R-2 or R-3 district.

Section 5. Amendment of Section 5.07. The sixth row, pertaining to Business (B), in the Table of Dimensional Standards in Section 5.07 shall be amended to read as follows:

District	Lot Area		Width	Setback (in feet)		
	With Sewer	Without Sewer		Front	Side	Rear
Business (B)	12,500 sq ft		100 Feet	40	10	20

Section 6. Amendment of Section 8.06, C, 2. Section 8.06, C, 2 is amended to read as follows:

2. Side Yard - A side yard on each side of not less than ten (10) feet. On corner lots, there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street.

Section 7. Amendment of Section 9.06, C, 2. Section 9.06, C, 2 is amended to read as follows:

2. Side Yard - A side yard on each side of not less than ten (10) feet. On corner lots, there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street.

Section 8. Amendment of Section 10.05. Section 10.05 is amended to read as follows:

<u>Minimum Lot Area</u>	<u>Required Setbacks (in feet)</u>
12,000 sq ft for single and two family dwellings with sewer	Front 30 Feet
20,000 sq ft for single and two family dwellings without sewer	Side 10 Feet
	Rear 25 Feet
12,000 sq ft plus 3,000 sq ft per dwelling for multiple family dwellings with sewer	<u>Maximum Building Height</u>
25,000 sq ft plus 3,000 sq ft per dwelling for multiple family dwellings without sewer	4 stories or 40 feet, whichever is less
<u>Minimum Lot Width</u>	90 feet

Section 9. Amendment of Section 10.06, C, 2. Section 10.06, C, 2 is amended to read as follows:

2. Side Yard - A side yard on each side of not less than ten (10) feet. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet on the side adjacent to the street.

For multiple family dwellings, the side yard setback shall be ten (10) feet, plus an additional two (2) feet on each side for every story the building exceeds beyond two (2) stories.

Section 10. Amendment of Section 11.05. Section 11.05 is amended to read as follows:

<u>Minimum Lot Area</u>	12,500 sq ft	<u>Required Setbacks (in feet)</u>
<u>Minimum Lot Width</u>	100 feet	▪ Front 40 Feet
<u>Maximum Building Height</u>		▪ Side 10 Feet
3 stories or 45 feet, whichever is less		▪ Rear 20 Feet

Section 11. Amendment of Section 11.06, D, 2. Section 11.06, D, 2 is amended to read as follows:

2. Side Yard. A side yard on each side of not less than ten (10) feet. On corner lots there shall be maintained a side yard of not less than forty (40) feet on the side adjacent to the street.

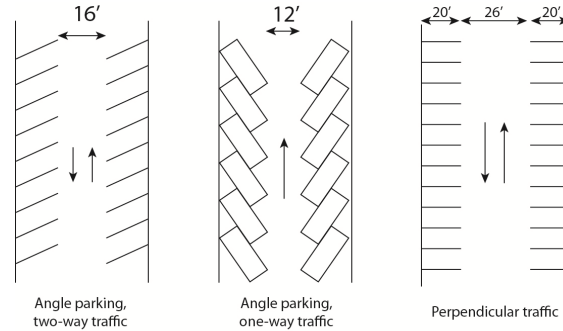
Section 12. Amendment of Section 11.06, F. Section 11.06, F is amended to read as follows:

- F. Maximum Lot Coverage: Forty-five percent (45%)

Section 13. Amendment of Section 12.06, A, 2. The first paragraph of Section 12.06, A, 2 is amended to read as follows:

2. Side Yard. A side yard for each side of the residential building of not less than ten (10) percent of the lot width, but not less than ten (10) feet. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet.

Section 14. Amendment of Section 16.03 (E). The graphic in Section 16.03, (E) is amended to be shown as follows:



Parking Area Dimensions
(for standard-sized vehicles)

Section 15. The Oronoko Charter Township Zoning Map is amended to color the various parts of streets, alleys and rights-of-way to reflect the zoning district of adjacent properties.

Section 16. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 17. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 18. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member – Trustee Richard Albers
Supported by Board member – Treasurer Lawrence Schalk

Roll Call:

Ayes: Trustee Richard Albers, Trustee Marc Kerlikowske, Trustee Robert Krause, Treasurer Lawrence Schalk, Trustee Don Damron, Clerk Suzanne Renton, Supervisor Mike Hildebrand.

Nays: None.

Abstain: None.

Absent: None.

ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 13th day of May 2014, and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Michael Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

First Reading: May 7, 2014

Second Reading: May 13, 2014

Publication of Notice: May 21, 2014

**STATE OF MICHIGAN
COUNTY OF BERRIEN
ORONOKO CHARTER TOWNSHIP**

ORDINANCE NO. 83

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 5.01 PERTAINING TO DISTRICTS; TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING MAP TO INCLUDE THE PLACE BASED CODE OVERLAY DISTRICT, AND TO ADD THE BERRIEN SPRINGS / ORONOKO TOWNSHIP (BSOT) PLACE BASED CODE TO SAID ZONING ORDINANCE.

CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1 **AMENDMENT OF SECTION 5.01.** Section 5.01 is amended to read as follows:

5.01 **DISTRICTS**

For the purpose and provisions of this Ordinance, Oronoko Charter Township, Michigan, is hereby organized into the following districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as indicated.

Residence Districts

E - 1	Estate Residence
R - 1	Single Family Residence
R - 2	Single and Two - family Residence
R - 3	General Residence

Business Districts

B	Business
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Manufacturing Districts

M	Manufacturing
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Other Zoning Districts

A - R	Agricultural - Residential District
F - 1	Flood Plain District
CD / UD	University / College District
PBC	Place Based Code Overlay District

5.01A ADOPTION OF BERRIEN SPRINGS / ORONOKO TOWNSHIP (BSOT) JOINT PLACE BASED CODE

The Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, attached hereto as Exhibit 1, is adopted as part of this Ordinance.

Lands within the PBC Place Based Code Overlay District shall be subject to the provisions of the Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, as amended.

SECTION 2 AMENDMENT OF THE ORONOKO CHARTER TOWNSHIP ZONING MAP

The Official Zoning Map of Oronoko Charter Township is amended to include the PBC Place Based Code Overlay District, attached as Exhibit 2, which is hereby made a part of this Ordinance.

SECTION 3 SEVERABILITY AND CAPTIONS

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

SECTION 4 REPEAL

Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5 EFFECTIVE DATE

This ordinance shall become effective seven (7) days after publication and notice of enactment as required by law.

SECTION 6 PUBLICATION OR POSTING

The Township Clerk shall certify this ordinance and cause the same to be published or posted as required by law.

MOTION TO ADOPT ORDINANCE

Proposed by Board member: Trustee Robert Palmer.

Supported by Board member: Trustee Don Damron.

Roll Call:

Ayes: Trustee Robert Palmer, Clerk Suzanne Renton, Trustee Marc Kerlikowske, Trustee Richard Albers, Treasurer Lawrence Schalk, Trustee Don Damron, Supervisor Mike Hildebrand.

Nays: None.

Abstain: None.

Absent: None.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 11th day of August, 2015, and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Michael Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

First Reading: July 30, 2015

Second Reading: August 11, 2015

Publication of Notice: August 19, 2015

STATE OF MICHIGAN
COUNTY OF BERRIEN

ORONOKO CHARTER TOWNSHIP LAND DIVISION
ORDINANCE NO. 90

An ordinance to amend the existing Oronoko Charter Township Land Division Ordinance, present Ordinance No. 57 by repealing said Ordinance No. 57 and replacing with this ordinance which is intended to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

CHARTER TOWNSHIP OF ORONOKO
BERRIEN COUNTY. MICHIGAN ORDAINS:

SECTION I
TITLE

This ordinance shall be known and cited as the Oronoko Charter Township Land Division Ordinance, Ordinance No. 90.

SECTION II
PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with the applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III
DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

"Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Non-Developmental Site"-Sites that cannot be built upon per Oronoko Township Zoning Ordinance Article III, Section 3.03. [Access to Public or Private Streets]
- F. "Governing body" - the Oronoko Charter Township Board.

SECTION IV **PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS**

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in 'existence on March 31, 1997 or resulted from exempt splitting under the State Act.

SECTION V **APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of land proposed to be divided.

- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee shall be set from time to time by the Oronoko Charter Township Board by resolution to cover costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI
PROCEDURE FOR REVIEW OF APPLICATIONS FOR
LAND DIVISION APPROVAL

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision to the Zoning Board of Appeals or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.
- F. All Land Division approvals expire on December 31 of the year of application. If the application expires, the applicant will forfeit all monies paid to the Township for the review of the Land Division Application. If, after this date, the applicant wishes to continue with the proposed division, a new application will need to be completed and approved.

SECTION VII
STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width of 90 feet as measured at the (road frontage; required front setback line, whichever is appropriate) unless otherwise provided for in an applicable zoning ordinance.
- B. All such parcels shall contain a minimum area of 12,000 square feet unless otherwise provided for in an applicable zoning ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The depth to width ratio requirements do not apply to a parcel larger than 10 acres and do not apply to the parent parcel or parent tract retained by the proprietor.
- D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles documented by an accurate and adequate legal description as provided by Act 288 560.109.
- F. Any parcel created must not land-lock a cemetery.
- G. All proposed parcels must contain an adequate and accurate legal description.
- H. The proposed division must not exceed the allowable number of divisions as provided by Act 288 560.108.

SECTION VIII
CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION
APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case however, shall costs of less than \$9.00 not more than \$500.00 be

ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION X
REPEAL

Existing Ordinance 57 is repealed as of the effective date of this Ordinance. However, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder or prosecutions pending or rights to prosecute existing violations either of which may exist as of the effective date hereof.

SECTION XI
EFFECTIVE DATE

This Ordinance is ordered to take effect immediately following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member: Trustee Robert Palmer

Supported by Board member: Trustee Richard Albers

Roll Call:

Ayes: Trustee Richard Albers, Trustee Robert Palmer, Treasurer Lawrence Schalk,
Trustee Don Damron, Clerk Suzanne Renton, Supervisor Mike Hildebrand.

Nays: None.

Abstain: None.

Absent: Trustee Marc Kerlikowske

ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 10th day of January 2017 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Michael Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

Public Hearing: December 6, 2016
First Reading: December 13, 2016
Second Reading: January 10, 2017
Publication of Notice: January 18, 2017

ORONOKO CHARTER TOWNSHIP
ORDINANCE NO. 95

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND ARTICLE VI TO CREATE A NEW SECTION 6.07, REQUIREMENTS FOR CERTAIN USES AND STRUCTURES; AND TO AMEND ARTICLE VII TO CREATE A NEW SECTION 7.07, REQUIREMENTS FOR CERTAIN USES AND STRUCTURES.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Article VI. Article VI of the Oronoko Charter Township Zoning Ordinance is amended to include a new Section 6.07, which reads as follows:

6.07 Requirements for Certain Uses and Structures

- A. **Uses.** The following uses shall be subject to the additional setbacks of subsection (B) when located in the A-R District:
- Educational Facility
 - Farm Product Processing Facility
 - Kennel/Animal Day Care
 - Place of Public Assembly, Large
 - Place of Public Assembly, Small
 - Recreational Facility
 - Restaurant
 - Tasting Room
 - Winery/Brewery
- B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the A-R district, shall meet the following setback requirements:
1. Front Yard – 100 feet
 2. Side Yard – 200 feet
 3. Rear Yard – 200 feet
- C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).
- D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

Section 2. Amendment of Article VII. Article VII of the Oronoko Charter Township Zoning Ordinance is amended to include a new Section 7.07, which reads as follows:

7.07 Requirements for Certain Uses and Structures

- A. **Uses.** The following uses shall be subject to additional setbacks when located in the E-1 District:
- Educational Facility
 - Place of Public Assembly, Large
 - Place of Public Assembly, Small
 - Recreational Facility
 - Winery/Brewery
- B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the E-1 district, shall meet the following setback requirements:
1. Front Yard – 100 feet
 2. Side Yard – 200 feet
 3. Rear Yard – 200 feet
- C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).
- D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

Section 3. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 4. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 5. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board Member: Treasurer Lawrence Schalk.

Supported by Board Member: Clerk Suzanne Renton.

Roll Call:

Ayes: Treasurer Lawrence Schalk, Trustee Don Damron, Trustee Richard Albers, Clerk Suzanne Renton, Trustee Robert Palmer, Supervisor Mike Hildebrand.

Nays: Trustee Marc Kerlikowske.

Abstain: None.

Absent: None.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 9th day of January 2018 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____

Michael Hildebrand, Supervisor

And

By: _____

Suzanne Renton, Clerk

First Reading: December 12, 2017

Second Reading: January 9, 2018

Publication of Notice: January 17, 2018

STATE OF MICHIGAN
COUNTY OF BERRIEN
ORONOKO CHARTER TOWNSHIP
ORDINANCE NO. 108

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 3.04 PERTAINING TO ACCESSORY BUILDINGS, STRUCTURES, AND USES; TO AMEND SECTION 5.06 TO AMEND THE TABLE OF USES TO INCLUDE GUEST HOUSES; TO AMEND SECTION 6.03 TO INCLUDE GUEST HOUSES; TO AMEND SECTION 7.03 TO INCLUDE GUEST HOUSES; TO AMEND CHAPTER 18 TO INCLUDE REGULATIONS FOR GUEST HOUSES; AND TO REPEAL ORDINANCE 89.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 3.04. Section 3.04 of the Oronoko Charter Township Zoning Ordinance is amended to read as follows:

3.04 ACCESSORY BUILDINGS, STRUCTURES, AND USES

Accessory buildings, structures, and uses shall be compatible with the principal use, and no accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory.

- A. Accessory buildings and structures shall be located in compliance with the setback requirements as stated in section B-3 below. Uses shall be in compliance with the applicable Zoning District.
- B. Except as otherwise required, accessory buildings shall comply with the following requirements:
 - 1. Accessory buildings shall not exceed twenty (20) feet in height and 1 ½ (1.5) stories. [see 2.03 Definitions Figure 2-2]
 - 2. Accessory buildings shall not occupy more than thirty (30) percent of the area of the yard in which it is located.
 - 3. All accessory buildings shall be located in the side yard or rear yard, and accessory buildings shall not be located less than ten (10) feet from a side or rear lot line, except:
 - a. On corner lots - not less than the required side yard setback.

- b. On through lots that do not have a rear lot line adjoining a nonaccess strip, not nearer to the rear lot line adjoining a street than the distance required for a front yard.
- 4. Except as otherwise provided in this Ordinance, not more than three (3) accessory buildings are permitted on a lot in any district.
- C. Accessory buildings or structures containing livestock that are not regulated by Generally Accepted Agricultural Management Practices (GAAMPs) shall be setback at least 50 feet from any property line, unless modified by the Zoning Administrator or Planning Commission.
- D. Guest Houses may be permitted as a special land use subject to the requirements of Section 18.35 of this Ordinance.
- E. All accessory buildings or structures shall be secured to the premises by an anchoring system approved by the Building Official, sufficient to retain the building/structure in place during high wind conditions.

Section 2. Amendment of Section 5.06. The table of uses in Section 5.06 of the Oronoko Charter Township Zoning Ordinance is amended such that a row containing “Guest House” is added in alphabetical order and reads as follows:

Use	AR	E-1	R-1	R-2	R-3	B	U-C	M
Guest House	S	S						

Section 3. Amendment of Section 6.03. Section 6.03 of the Oronoko Charter Township Zoning Ordinance is amended such that the special land use “Guest House” is added in alphabetical order and reads as follows:

- Guest House

Section 4. Amendment of Section 7.03. Section 7.03 of the Oronoko Charter Township Zoning Ordinance is amended such that the special land use “Guest House” is added in alphabetical order and reads as follows:

- Guest House

Section 5. Amendment of Chapter 18. Chapter 18 of the Oronoko Charter Township Zoning Ordinance is amended such that a section containing “Guest House” is added to read as follows:

18.35 GUEST HOUSES

- A. Guest Houses shall be subject to the following requirements:
 - 1. Only one (1) guest house shall be permitted per premises unless otherwise permitted.

Guest houses shall only be permitted on the second floor of an accessory building. Such buildings shall comply with the standards of Section 3.04 regulating Accessory Buildings, Structures, and Uses.

2. The residential living area of a guest house shall not comprise more than fifty (50) percent of the total cumulative area of the accessory building in which it is located. The guest house shall be clearly subordinate and incidental to the primary residential use of the property on which it is located.
3. The residential living area of a guest house shall not exceed the total floor area of the principal dwelling located on the property.
4. Guest houses shall comply with all Building Code requirements and any other applicable codes and regulations.
5. Guest houses shall not have potable water or sewer facilities that are separate from those serving the principal dwelling.
6. Guest houses shall not have an address which is separate from the principal dwelling.
7. Separate sale or ownership of a guest house from the principal dwelling on a lot or parcel is prohibited, as is division of the parcel unless each new lot with a dwelling complies with all applicable requirements of this Ordinance.
8. Guest houses located in accessory buildings that are nonconforming on the effective date of this Ordinance due to building height may be permitted.
9. Payment, Rent or Bartering of any kind is prohibited.
10. The Planning Commission may establish time limitations during which a guest house may be occupied.

Section 6. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 7. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 8. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Section 9. Repeal. Upon the effective date of this Ordinance, the provisions of Ordinance No. 89 of Oronoko Charter Township are hereby repealed.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member: Treasurer Lawrence Schalk
Supported by Board member: Clerk Suzanne Renton

Roll Call:

Ayes: Trustee Marc Kerlikowske, Treasurer Lawrence Schalk; Clerk Suzanne Renton,
Trustee Don Damron, Trustee Robert Palmer, Supervisor Mike Hildebrand.
Nays: None.
Abstain: None.
Absent: Trustee Richard Albers.


ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 12th day of November 2019 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: 
Michael Hildebrand, Supervisor

and

By: 
Suzanne Renton, Clerk

First Reading: October 8, 2019
Second Reading: November 12, 2019
Publication of Notice: November 20, 2019

STATE OF MICHIGAN
COUNTY OF BERRIEN
ORONOKO CHARTER TOWNSHIP
ORDINANCE NO. 111

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; AND TO AMEND SECTION 3.04 PERTAINING TO ACCESSORY BUILDINGS, STRUCTURES, AND USES.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 3.04. Section 3.04 of the Oronoko Charter Township Zoning Ordinance is amended to read in its entirety as follows:

3.04 ACCESSORY BUILDINGS, STRUCTURES, AND USES

Accessory buildings, structures, and uses shall be compatible with the principal use, and no accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory.

- A. Accessory buildings and structures shall be located in compliance with the setback requirements as stated in section B-3 below. Uses shall be in compliance with the applicable Zoning District.
- B. Except as otherwise required, accessory buildings shall comply with the following requirements:
 1. Accessory buildings shall not exceed twenty (20) feet in height and 1 ½ (1.5) stories. [see 2.03 Definitions Figure 2-2]
 2. Accessory buildings shall not occupy more than thirty (30) percent of the area of the yard in which it is located.
 3. Accessory buildings located in the R-1, R-2, R-3, U-C, B, M districts and on properties within the Place-Based Code overlay shall be located in the side yard or rear yard. Accessory buildings located in the A-R or E-1 districts outside of the Place-Based Code overlay may be located in the front yard only if the accessory building is located at least 100 feet from the adjacent street right of way.
 4. Accessory buildings shall be located not less than ten (10) feet from a side or rear lot line, except:
 - a. On corner lots, in which case the accessory building shall meet the required side yard setback.
 - b. On through lots that do not have a rear lot line adjoining a nonaccess strip, in which case the accessory building shall meet the required front yard setback.

5. Except as otherwise provided in this Ordinance, not more than three (3) accessory buildings are permitted on a lot in any district.
- C. Accessory buildings or structures containing livestock that are not regulated by Generally Accepted Agricultural Management Practices (GAAMPs) shall be setback at least 50 feet from any property line, unless modified by the Zoning Administrator or Planning Commission.
- D. Guest Houses may be permitted as a special land use subject to the requirements of Section 18.35 of this Ordinance.
- E. All accessory buildings or structures shall be secured to the premises by an anchoring system approved by the Building Official, sufficient to retain the building/structure in place during high wind conditions.

Section 2. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 4. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the *Journal Era*, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member: Treasurer Lawrence Schalk.

Supported by Board member: Trustee Robert Palmer.

Roll Call:

Ayes: Trustee Marc Kerlikowske, Treasurer Lawrence Schalk, Clerk Suzanne Renton, Trustee Donald Damron, Trustee Robert Palmer, Trustee Richard Albers, Supervisor Mike Hildebrand.

Nays: None.

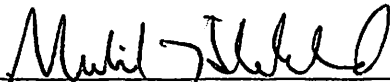
Abstain: None.

Absent: None.

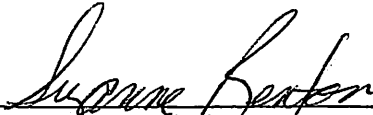
ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 9th day of December 2020 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: 
Michael Hildebrand, Supervisor

and

By: 
Suzanne Repton, Clerk

First Reading: November 10, 2020
Second Reading: December 9, 2020
Publication of Notice: December 16, 2020

**STATE OF MICHIGAN
COUNTY OF BERRIEN
ORONOKO CHARTER TOWNSHIP**

ORDINANCE NO. 113

AN ORDINANCE TO REZONE SEVERAL PARCELS FROM THE R-2 SINGLE & TWO FAMILY RESIDENTIAL DISTRICT AND THE M MANUFACTURING DISTRICT TO THE E-1 ESTATE RESIDENTIAL DISTRICT.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Zoning Map Amendment. The Zoning Map of Oronoko Charter Township, which is established by and made a part of the Oronoko Charter Zoning Ordinance, is hereby amended such that the parcels of land identified in the table below, and illustrated on the attached exhibit A, are rezoned to and included in the E-1 (Estate Residential) District.

PPN	Address	Existing Zoning	Proposed Zoning
11-15-0024-0005-00-1	n/a, N. Tudor	M Manufacturing	E-1 Estate Residential
11-15-0024-0009-02-3	4321 E. Tudor Road	R-2 Single & Two Family Residential	E-1
11-15-0024-0009-03-1	4367 E. Tudor Road	R-2	E-1
11-15-0024-0011-01-0	4146 E. Snow Road	R-2	E-1
11-15-0024-0011-02-8	4268 E. Snow Road	R-2	E-1
11-15-0024-0011-06-1	4184 E. Snow Road	R-2	E-1
11-15-0024-0011-07-9	4212 E. Snow Road	R-2	E-1
11-15-0024-0013-01-2	4330 E. Snow Road	R-2	E-1
11-15-0024-0013-02-1	4310 E. Snow Road	R-2	E-1
11-15-0023-0013-04-9	n/a, Tudor Road	R-2	E-1
11-15-0024-0014-00-1	4416 E. Snow Road	M	E-1
11-15-0024-0014-01-9	4376 E. Snow Road	R-2	E-1
11-15-0024-0014-02-7	4368 E. Snow Road	R-2	E-1
11-15-0024-0014-03-5	4380 E. Snow Road	R-2	E-1
11-15-0024-0015-03-1	10116 N. Tudor Road	R-2	E-1
11-15-0024-0023-07-0	4471 E. Tudor Road	R-2	E-1
11-15-0024-0023-08-0	4535 E. Tudor Road	R-2	E-1
11-15-0024-0023-09-0	4401 E. Tudor Road	R-2	E-1
11-15-0024-0032-00-9	n/a, Tudor Road	R-2	E-1

Section 2. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 4. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in *The Journal Era*, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member: Trustee Albers

Supported by Board member: Trustee Damron

ROLL CALL VOTE:

AYES: Trustee Kerlikowske, Clerk Renton, Trustee Damron, Trustee Palmer,
Trustee Albers, Supervisor Hildebrand.

NAYS: None.

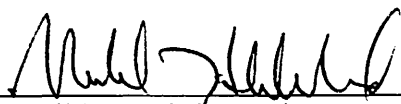
ABSTAIN: None.

ABSENT: Treasurer Schalk


ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 9th day of February, 2021 and approved by its Supervisor and Clerk on said date.

ORONOKO CHATER TOWNSHIP

By: 
Michael Hildebrand, Supervisor

and

By: 
Suzanne Renton, Clerk

First Reading: January 12, 2021

Second Reading: February 9, 2021

Publication of Notice: February 17, 2021

EXHIBIT A

PARCELS REZONED FROM R-2 AND M TO E-1





COUNTY OF BERRIEN
COMMUNITY DEVELOPMENT

Berrien County Administration Building
701 Main Street, St. Joseph, MI 49085

Katie Montoya, Assistant Director
Phone: 269-983-7111 ext. 8257 Fax: 269-982-8611
Email: cmontoya@berriencounty.org

February 9, 2021

Suzanne Renton, Clerk
Oronoko Charter Township
PO Box 214
4583 East Snow Rd.
Berrien Springs, MI 49103

SUBJ: REZONING OF PROPERTIES ALONG E. SNOW RD. AND E. TUDOR RD. FROM R-2, SINGLE FAMILY & TWO FAMILY RESIDENTIAL & M, MANUFACTURING TO E-1, ESTATE RESIDENTIAL. (PARCEL NUMBERS: 11-15-0024-0005-00-1, 11-15-0024-0009-02-3, 11-15-0024-0009-03-1, 11-15-0024-0011-01-0, 11-15-0024-0011-02-8, 11-15-0024-0011-06-1, 11-15-0024-0011-07-9, 11-15-0024-0013-01-2, 11-15-0024-0013-02-1, 11-15-0023-0013-04-9, 11-15-0024-0014-00-1, 11-15-0024-0014-01-9, 11-15-0024-0014-02-7, 11-15-0024-0014-03-5, 11-15-0024-0015-03-1, 11-15-0024-0023-07-0, 11-15-0024-0023-08-0, 11-15-0024-0023-09-0, 11-15-0024-0032-00-9)

Dear Ms. Renton:

At its meeting held virtually on February 9, 2021, the Berrien County Planning Commission reviewed and proposed rezoning of properties along E Snow and Tudor Rd. The Planning Commission concurred with the Township Planning Commission in recommending approval of the proposed rezoning.

If you have any questions, please feel free to contact us.

Sincerely,
BERRIEN COUNTY PLANNING COMMISSION

Katie Montoya

Katie Montoya.
Assistant Director, Community Development