Baroda Township Zoning Ordinance
TABLE OF CONTENTS

TITLE AND ORDINATION

ARTICLE I	**GENERAL PROVISIONS**	**PAGE**
1.01	Short Title	1
1.02	Purpose	1
1.03	Conflict with other Laws	2
1.04	Application of Regulations	2
1.05	Rules Applying to Text	3
1.06	Establishment of Districts	3
1.07	Official Zoning Map	4
1.08	Replacement of Official Zoning Map	4
1.09	District Boundary Lines	4
1.10	Special Land Uses	5
1.11	Administrative Liability	5
1.12	Severability	5
1.13	Savings Clause	6
1.14	Pending Building Permits	6
1.15	Private Streets	6

ARTICLE II	**DEFINITIONS**	(In Alphabetical Order)	20

ARTICLE III	**R-l, SINGLE-FAMILY RESIDENTIAL DISTRICT**	
3.01	Intent	39
3.02	Permitted Uses	39
3.03	Special Land Uses	39
3.04	Lot Area, Width, and Yard Requirements	40
3.05	Building Requirements	40
3.06	Supplemental Regulations	40

ARTICLE IV	**R-2, RURAL ESTATE RESIDENTIAL**	
4.01	Intent	41
4.02	Permitted Uses	41
4.03	Special Land Uses	41
4.04	Lot Area, Width, and Yard Requirements	42
4.05	Building Requirements	42
4.06	Supplemental Regulations	42

ARTICLE V R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT
5.01 Intent 43
5.02 Permitted Uses 43
5.03 Special Land Uses 43
5.04 Lot Area, Width, and Yard Requirements 44
5.05 Building Requirements 44
5.06 Supplemental Regulations 44

ARTICLE VI R-4, MANUFACTURED HOME PARK DISTRICT
6.01 Intent 45
6.02 Permitted Uses 45
6.03 Special Land Uses 46
6.04 Lot Area, Width, and Yard Requirements 46
6.05 Building Requirements 46
6.06 Supplemental Regulations 46

ARTICLE VII C, COMMERCIAL DISTRICT
7.01 Intent 47
7.02 Permitted Uses 47
7.03 Special Land Uses 48
7.04 Lot Area, Width, and Yard Requirements 49
7.05 Building Requirements 49
7.06 Supplemental Regulations 49

ARTICLE XIII I, INDUSTRIAL DISTRICT
8.01 Intent 50
8.02 Permitted Uses 50
8.03 Special Land Uses 50
8.04 Lot Area, Width, and Yard Requirements 51
8.05 Building Requirements 51
8.06 Supplemental Regulations 51

ARTICLE IX AG, AGRICULTURAL DISTRICT
9.01 Intent 52
9.02 Permitted Uses 52
9.03 Special Land Uses 53
9.04 Lot Area, Width, and Yard Requirements 54
9.05 Building Requirements 54
9.06 Supplemental Regulations 55

ARTICLE X SUPPLEMENTAL REGULATIONS

10.01	Accessory Buildings	56
10.02	One Dwelling per Lot	58
10.03	Height Exceptions	59
10.04	Lot or Parcel Access	59
10.05	Pets and Livestock	59
10.06	Swimming Pools	59
10.07	Restoring Unsafe Buildings	60
10.08	Yards	60
10.09	Temporary Dwellings	60
10.10	Visibility at Intersections	61
10.11	Required Lot Area or Space	61
10.12	Sewer and Water	61
10.13	Excavation of Topsoil Shorelines or Dredging	62
10.14	Essential Services	62
10.15	Power lines and Pipelines	62
10.16	Drainage	63
10.17	Home Occupations	63
10.18	Control of Heat, Glare, Fumes, Dust, Noise, Vibrations and Odors	64

ARTICLE XI SIGN REGULATIONS

11.01	General	65
11.02	Nonconforming Signs and Billboards	67
11.03	Signs in Residential Districts	67
11.04	Signs in Agricultural District	67
11.05	Signs in Commercial and Industrial Districts	68

ARTICLE XII OFF-STREET PARKING AND LOADING REGULATIONS

12.01	Parking and Storage of Unlicensed and Commercial Vehicles and Trailers	69
12.02	Required Off-Street Parking	69
12.03	Table of Required Off-Street Parking Spaces	70
12.04	Off-Street Parking Lot Layout, Construction and Maintenance	71
12.05	Off-Street Loading and Unloading	73

ARTICLE XIII SPECIAL LAND USES

13.01	Purpose	74
13.02	Application Procedures	74
13.03	Basis of Determination	77
13.04	Effective Date	79
13.05	Permit Validity	79
13.06	Compliance and Penalties	79

13.07	Status After Approval	80
13.08	Houses of Worship, Parish Houses, Convents, Schools, Government Buildings, Libraries, Museums, Public Utility Buildings, Transformer Stations, Gas Regulatory Stations, Hospitals, and Nursing Homes	80
13.09	Manufactured Home Parks	80
13.10	Public and Private Recreation Facilities	81
13.11	Cemeteries	81
13.12	Private Stables	81
13.13	Multi-Family Dwellings	82
13.14	Planned Unit Developments	82
13.15	Special Uses in the Commercial District	82
13.16	Special Uses in the Industrial District	82
13.17	Veterinarian Office and Animal Clinic	82
13.18	Airplane Landing Fields	82
13.19	Auto Transmission Repair, Wineries, Tool and Die Manufacture and Repair, and Other Special Uses in the Agricultural Zone	83
13.20	Campgrounds, Recreation Travel Trailer Parks, Gun Clubs and Ski Runs	83
13.21	Manufactured Homes for Special Needs and /or Disabled of Aged Family Members	83
13.22	Signs	84
13.23	Flag Lots	84
13.24	Telecommunication Towers	84
13.25	Removal and Processing Natural Resources (Topsoil, Stone, Rock, Sand, Gravel, Lime or Other Soil of Mineral Resources	85
13.26	Bed and Breakfast Establishment	86
13.27	Tourist Homes	90
13.28	Campgrounds	93

ARTICLE XIV PLANNED UNIT DEVELOPMENT

14.01	Intent: Minimum Requirements	99
14.02	Filing of Application	97
14.03	Action of Planning Commission	98
14.04	Action of Township Board	99
14.05	Effect of Approval	100

ARTICLE XV CONDOMINIUM PROJECTS

15.01	Definitions	101
15.02	Regulations	101

ARTICLE XVI SITE PLAN REQUIREMENTS

16.01 Intent 105
16.02 Applicability 105
16.03 Contents 105
16.04 Review Process 106

ARTICLE XVII NONCONFORMING LOTS, USES, AND STRUCTURES

17.01 Intent 108
17.02 Nonconforming Lots of Record 108
17.03 Nonconforming Uses of Land 109
17.04 Nonconforming Structures 109
17.05 Nonconforming Uses of Structures or of Structures and Premises in Combination 110
17.06 Repair and Maintenance 111
17.07 Uses Under Special Land Use Provisions are not Nonconforming Uses 111
17.08 Certificate of Occupancy for Nonconforming Structures and for Nonconforming Uses 111

ARTICLE XVIII TEMPORARY USES

18.01 Temporary Uses 112

ARTICLE XIX ADMINISTRATION AND ENFORCEMENT

19.01 Zoning Administrator 113
19.02 Zoning Permit Required 115
19.03 Building Permits Required 115
19.04 Application Requirements 115
19.05 Occupancy Permit 116
19.06 Issuance of Permit 116
19.07 Revocation of Permits 116
19.08 Amendments 116
19.09 Periodic Review 117
19.10 Permit and Fee Schedule 117

ARTICLE XX PLANNING COMMISSION

20.01 Establishment of Planning Commission 118
20.02 Membership 118
20.03 Organization and Procedure 118
20.04 Duties and Responsibilities 119
20.05 Standards and Consideration 120
20.06 Appeals of Decisions, Rehearings and Reapplications 121

ARTICLE XXI ZONING BOARD OF APPEALS

21.01 Creation and Membership 122
21.02 Organization and Procedure 123
21.03 Authority, Duties and Responsibilities 124
21.04 Variances 125
21.05 Appeals of Decisions and Actions of Zoning Officials 127
21.06 Appeals of Decisions, Rehearings and Reapplications 128

ARTICLE XXII VIOLATIONS AND PENALTIES

22.01 Violations 129
22.02 Penalties 129

ARTICLE XXIII AMENDMENTS

23.01 Amendment Process 130
23.02 Amendment Procedure 130

ARTICLE XXIV ADOPTION

24.01 Effective Date 133
24.02 Adoption Date 133
24.03 Publication 133

ARTICLE I. GENERAL PROVISIONS

SECTION 1.01 SHORT TITLE

This Ordinance shall be known as the "Baroda Township Zoning Ordinance", or Zoning Ordinance of Baroda Township, Berrien County, Michigan.

SECTION 1.02 PURPOSE

The basic purpose of this Ordinance is:

A. To promote and protect the public health, safety and general welfare of the inhabitants of the Township.

B. To encourage the use of the lands and natural resources of the township in accordance with their character and adaptability;

C. Provide for the orderly development of the township;

D. To reduce the hazards to life, health, and property;

E. To provide, in the interests of health and safety, conditions under which buildings and structures may hereafter be erected and used;

F. To facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;

G. To conserve life, property and natural resources, and the expenditure of funds for public improvements and service to conform with the most advantageous uses of land, resources and property.

H. To protect against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.

I. To conserve the value of land, buildings and structures throughout the Township.

J. To provide for the completion, extension, substitution or elimination of nonconforming uses.

SECTION 1.03 CONFLICT WITH OTHER LAWS

A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or impose a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this Ordinance shall govern. The Township of Baroda disclaims any responsibility for enforcement of any higher standard, requirement, or regulation imposed by any easement, covenant or private restriction.

C. The Baroda Township Zoning Ordinance adopted on May 28, 1980 is hereby amended except that such Ordinance shall remain in full force and effect as to violations which occurred prior to amendment, and the Township of Baroda reserves unto itself the right to institute or sustain any proper action for the enforcement or prosecution of any liability or penalty for such violations.

SECTION 1.04 APPLICATION OF REGULATIONS

A. The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a zoning district, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2 No building or other structure shall hereafter be erected or altered to:

a. exceed the height or bulk;
b. accommodate or house a greater number of families;
c. occupy a greater percentage of lot area; or
d. have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this ordinance.

5. Essential services as hereinafter defined in Section 10.14 shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention to exempt such essential services from the application of this ordinance.

B. Where the Building Official has issued a building permit for a permitted use or special land use, such permit shall become null and void unless work thereon is under way within one year of the date of the issuance of such permit.

SECTION 1.05 RULES APPLYING TO TEXT

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

A. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

B. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

C. The word "building" includes the word "structure",

D. A "building" or "structure" includes any part thereof.

E. The word "person" includes a corporation as well as an individual.

F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 1.06 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of the Ordinance, the following districts are hereby established:

R-l, Single Family Residential
R-2, Rural Estate Residential
R-3, Multiple Family Residential
R-4, Manufactured Home Park Residential
C, Commercial
I, Industrial
AG, Agricultural

SECTION 1.07 OFFICIAL ZONING MAP

A. The township is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk under the following words: "This is to certify that this is the Official Zoning Map referred to in Article I of Zoning Ordinance of the Township of Baroda, Berrien County, Michigan," together with the date of the adoption of this ordinance.

C. If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map within 10 days after the amendment has been approved by the Township Board, with an entry on the Official Zoning Map as follows: "On date, by official action of the Township Board the following changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Township Supervisor and attested by the Township Clerk. Amended February 2009.

SECTION 1.08 REPLACEMENT OF OFFICIAL ZONING MAP

In the event the Official 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 Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Zoning Ordinance Number 1979-1 of the Township of Baroda.

SECTION 1.09 DISTRICT BOUNDARY LINES

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

A. Boundaries indicated as following streets, highways, or alleys shall be construed as following such center lines;

B. Boundaries indicated as approximately following property, parcel, or lot lines shall be construed as following such lines;

C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries;

D. Boundaries indicated as following township section lines shall be construed as following

such section lines;

E. Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

F. Boundaries indicated as parallel to or extensions of features indicated in Rules 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Rules A through F above, the Board of Appeals shall interpret the district boundaries.

SECTION 1.10 SPECIAL LAND USES

A. To provide for the location of certain uses specifically listed as Special Land Uses or Special Uses, in this zoning ordinance under their district sections, which may be desirable for public welfare but which may have adverse effect upon nearby properties, or upon the character and future development of the district in which they are located. The Planning Commission shall consider applications for Special Land Uses, or Special Uses, individually following the application procedures established in Article XIII of this ordinance.

SECTION 1.11 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall render himself / herself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 1.12 SEVERABILITY

This Ordinance and various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby described to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 1.13 SAVINGS CLAUSE

The adoption of this Ordinance shall not affect or prevent any pending or future prosecution of, or action or abate or enjoin any existing violation of the previous Zoning Ordinance of the Township if the violation is also a violation of the provisions of this Ordinance, nor shall the adoption of this Ordinance grant nonconforming status to any existing violations of the previous Zoning Ordinance of the Township if the violation is also a violation of this Ordinance.

SECTION 1.14 PENDING BUILDING PERMITS

Any building permit issued prior to the effective date of this Ordinance shall be valid, provided that the construction shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of sixty (60) days.

SECTION 1.15 PRIVATE STREETS ** This section was added November 2001.

A. Purpose

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:

1. will not be detrimental to the public health, safety, or general welfare;

2. will not adversely affect the long term development policies of Baroda Township;

3. will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.

4. will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

B.

1. CONDOMINIUM PROJECT: “Condominium project” means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act (Public Act 59 of the Michigan Public Acts of 1978, as amended).

2. DRIVE**: "Drive", for the purpose of this Ordinance, means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to two (2) or three (3) lots or parcels. It does not include a single lot served by a single driveway. It does not include a driveway servicing a school, an apartment project, a commercial shopping plaza or a single family home.

3. FRONTAGE: As defined in the Baroda Township Zoning Ordinance, "Frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in the Zoning Ordinance; provided, however, that frontage for lake front lots shall be governed by Section 10.08 of the Zoning Ordinance.

4. LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. The word “lot” shall include plot or parcel. A lot need not be a “lot of record”. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

5. LOT OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

6. MAINTENANCE AGREEMENT: Maintenance Agreement means a legally prepared written agreement that provides who shall grade, plow, repair and otherwise maintain the private street in compliance with this Ordinance.

7. PERSON: Person shall mean any individual, firm, association, partnership, corporation, public corporations, schools, or any combination thereof.

8. PRIVATE STREET - RURAL*, **: "Private Street - Rural" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to four (4) and up to seven (7) lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, lane, boulevard, highway or other thoroughfare.

9. PRIVATE STREET - SUBURBAN*, **: "Private street - Suburban" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to eight (8) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, lane, boulevard, highway or other thoroughfare.

10. ROAD AUTHORITY: "Road Authority" means the Berrien County Road Commission, which has jurisdiction over the public roadway.

11. SAFE AND UNIMPEDED ROUTE OF TRAVEL: "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles in all weather conditions, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

* Where the term “private street” is exclusively used, it shall be taken to mean both rural and suburban private streets.

** See appendix illustration for examples of driveway, drive, rural private street and suburban private street.

C. Scope

1. Any lot or parcel of land which does not abut a public street shall abut a private street. This Ordinance shall not apply to access roads internal to any individual lot or parcel of land, as defined herein, which has direct public street frontage access and is under the control of one person, provided that the access road does not provide access to any abutting lot. Examples of access roads that may be exempted from the provisions of this Ordinance include those serving apartment complexes, manufactured home parks, office parks, schools and shopping centers, which are otherwise subject to site plan review and approval under the provisions of the Baroda Township Zoning Ordinance.

D. Frontage and Access

1. Any lot created after the effective date of this amendment shall have frontage on either a driveway, drive, private street, or public street.

2. All private streets shall have a minimum of one (1) point of access to a public street, as approved by the Township and the Road Authority.

E. Private Street Application, Review and Approval

1. APPLICATION:

a. No individual, association, corporation, or entity, either public or private, shall construct a private street or drive without first having obtained a private street permit from the Township Board.

b. Prior to consideration of a private street permit, an application shall be filed with the Township Clerk and shall contain the following:

1. A completed private street permit application, provided by the Township.
2. A detailed written description of the development to be served by the private street.
3. Twelve (12) copies of the private street construction plan, drawn to scale, prepared by a registered engineer. However, plans for a rural private street may be prepared by a registered surveyor, rather than a registered engineer if the Township Board waives said requirement in writing. Plans for a drive must be prepared by at least a registered surveyor. The private street plan shall show, at a minimum:

a. Precise location, grade, route, elevation, dimensions, and design of the private street;
b. Any proposed future extensions of the private street;
c. Existing and proposed curb cuts
d. Adjacent public streets which the private street is to intersect.
e. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
f. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the

instruments describing and granting such easements shall be submitted with the application.

g. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.

h. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

2. REVIEW and APPROVAL

a. The application, along with all other required information, shall be forwarded to the Planning Commission at its next scheduled meeting, and to the Township fire department, building inspector, zoning administrator, engineer, and/or planner. A copy of the proposed maintenance agreement, restrictive covenant, or other applicable legal instrument shall be forwarded to the Township attorney.

b. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing in a newspaper of general circulation in the Township and to all property owners within 300 feet of the subject property at least (5) days, but not more than fifteen (15) days prior to such hearing.

c. The Planning Commission shall consider the request based on conformance with the standards of Sec. 1.15(E)(2)(e), as well as the design requirements of Sec. 1.15(G); comments from the Township fire department, building inspector, zoning administrator, engineer, planner, attorney, or other applicable staff; and all other relevant provisions of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.

d. The Township Board shall review the application and such other information available to it through the public hearing or from any other sources, including recommendations and reports of the Planning Commission, and shall approve, approve with conditions, or deny the requests, and state the basis for the decision and any conditions which should be imposed. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private street. The Township Board may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee.

e. Review Standards: Prior to approving a private street permit application, the Township Board shall determine that the following standards have been met:

(1) The proposed private street will not be detrimental to the public health, safety, or general welfare.

(2) The proposed private street will not adversely affect the use of land.

(3) That the private street is constructed to assure a safe and unimpeded

route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

(4) That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

(5) The location, lots served, and construction of the private street will conform to the requirements of this Ordinance.

F. Permits

1. The building inspector shall not issue building permits for any residential unit or other structure on lots served by a private street until a safe and unimpeded route of travel as approved by the Township fire chief and engineer is available for emergency equipment.

2. The building inspector shall not issue occupancy permits for any residential unit or other structure requiring a building permits on lots served by a private street until construction of the private street as approved by the Township Board has been completed.

3. A permit shall be obtained from the Road Authority for any access to a public street.

4. A Soil Erosion and Sedimentation Control permit shall be obtained as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.

5. All other required permits from a State, County or Local Agency or Authority, shall be obtained.

6. Fees for the permits and approvals required by this Section shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, and/or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

7. The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

G. Design Requirements

The following are the design and construction specifications and materials for newly established or reconstructed drives and private streets:

1. Drive (2-3 lots or parcels)

a. Drives shall have a minimum traveled surface width of twelve (12) feet and constructed so as to provide a safe and unimpeded route of travel.

b. An access easement shall be provided for any drive. Should the drive have the potential to become a private street, then sufficient easement access should be maintained to allow for upgrading as provided for in this Ordinance, including the installation and maintenance of public or private utilities.

2. Private Streets (General Provisions)

a. Private streets which terminate at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty-two (42) feet of pavement, or by a continuous loop private street system, both of which must be constructed in accordance with the standards set forth in this Section.

b. The road surface shall have a minimum crown of .02 foot per foot from the centerline of the private street to the outside edge thereof.

c. The private street shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township Board and the Berrien County Drain Commission to ensure adequate drainage and runoff.

d. The private street shall be given a name and street signs shall be installed in accordance with the standards and approval of the Road Commission. Private streets shall have a standard stop sign where the private street abuts any public street and/or where two or more private streets abut. Street name signs shall be blue in color with white letters, except that the Planning Commission may provide for a decorative landscape street sign on a pole at least eight (8) feet tall with neutral colors. The landscape post shall contain a 2" hole, 12" from above the ground. This will allow for breakaway ease. The actual street sign shall be no larger than typical Road Commission street sign.

e. The maximum longitudinal road grade shall not exceed six percent (6%), provided that the Township Board may allow up to a ten percent (10%) grade provided that the applicant produces written justification, satisfactory to the Township engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the Township engineer approves thereof in writing.

f. The area in which the private street is to be located shall have a minimum cleared width of thirty-two (32) feet, which clearing shall always be maintained. A suburban private street shall provide for thirty-six (36) feet.

g. On any corner lot, a clear vision area shall be provided extending fifteen (15) feet back from the intersection of the street pavement allowing for safe vehicular and pedestrian movement.

h. No private street may be constructed as a gravel road.

i. If a proposed private street adjoins a vacant parcel(s) of land, then the Township Board may require that a legally dedicated public access easement be provided to connect to the vacant parcel. In addition, a roadway shall be constructed according to the suburban private street standards up to the property line. If the private street project adjoins an established private street project already containing the access easement and roadway, then the above mentioned elements shall be provided.

j. No private street may be gated with anything that would restrict emergency vehicles from responding to an emergency situation.

k. A clear, unobstructed envelope shall be maintained at a minimum height of at least fifteen (15) feet above the entire minimum road surface.

3. Rural Private Streets (4-7 lots or parcels)

a. Rural private streets shall have an easement width of not less than sixty-six (66) feet. The easement shall expressly permit the installation and maintenance of public or private utilities. The Township Board may, upon determination that there is no possibility of the rural private street becoming a suburban private street, reduce the easement width to forty (40) feet.

b. Rural private streets must be hard surfaced with either asphalt or concrete. A 3" minimum of bituminous mixture shall be used with a minimum of 6" aggregate base material. A minimum of 6" of concrete shall be used over a compacted sand base.

c. Rural private streets shall have a minimum width of twenty (20) feet of traveled surface.

4. Suburban Private Streets (8 or more)

a. Suburban private streets shall only be allowed in conjunction with an approved site condominium project or a planned unit development.

b. Suburban private streets shall have an easement width of not less than sixty-six (66) feet. The easement shall expressly permit the installation and maintenance of public or private utilities.

c. Suburban private streets must be hard surfaced with either asphalt or concrete. The street surface shall meet the minimum construction standards of the Berrien County Road Commission for paved local roads, excepting pavement width and grade standards.

d. Pavement widths

(1) Suburban private streets serving no more than twenty (20) lots or parcels shall have a minimum width of twenty (20) feet of traveled surface.

(2) Suburban private streets serving more than twenty (20) lots or parcels shall have a minimum width of twenty four (24) feet of traveled surface.

5. Drive / Private Street Combinations

a. The Township Board, in considering approvals for private streets, may allow a development project to contain a combination of drives, rural private streets, suburban private streets, and public streets.

b. The Township Board may separately consider each street segment within the development. For example, a suburban private street may be provided to serve a majority of the development. Rural private side streets off of this suburban private street, serving the appropriate number of lots stated in this Ordinance, may be provided.

6. Length of private streets

a. The length of any private street shall be governed by the following. Street lengths are measured from the edge of the public street right-of-way along the centerline of the private street to the furthest point of any private street. Private streets shall not exceed the maximum length without a private street access complying with this Section being provided to another public street.

b. Maximum private street lengths shall be:

(1) Rural private streets: not more than six hundred (600) feet.

(2) Suburban private streets: not more than nine hundred (900) feet.

c. The Township Board*, upon a finding that at least one (1) of the following conditions exists, may permit the maximum length of the private street to be exceeded. Upon reaching such finding, the Township Board shall establish the maximum length of the proposed private street.

(1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.

(2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Township Board prior to confirming this finding.

(3) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the fire chief and the recommendation forwarded to the Planning Commission.

* During the review process, the Planning Commission may use the same conditions to recommend to the Township Board extension of the private
street.

d. In the interest of public health, welfare and safety, any private street exceeding nine hundred (900) feet, measured from the nearest edge of the public street right-of-way to the center of the furthest cul-de-sac or street end, a vehicle turn-out shall be provided for the parking of an emergency vehicle and equipment and shall meet the following requirements:

1. shall be constructed of similar materials as the road surface;
2. shall be located along the shoulder of the private street at intervals not-to-exceed nine hundred (900) feet;
3. shall be an area of at least forty (40) feet long and twelve (12 feet wide;
4. shall be maintained in a usable condition year round, free of snow and debris;
5. shall not be used for parking or storage of no emergency vehicles or equipment.

7. Intersections with public streets

a. The layout and intersection of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer.

b. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than three-hundred (300) feet, as measured along the right-of-way line thereof.

H. Modification of private street requirements:
Upon application, the Township Board* may modify any of the private street requirements of this Section after finding that all of the following conditions exist:

1. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application of any such modification.

2. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.

3. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.

4. That the request for modification was reviewed by the fire chief or Township planner, or any other person or official designated by the Township Board.

* This does not prevent the Planning Commission from recommending modifications using the same conditions for determination.

I. Existing private streets

1. Status of existing private streets
   a. A private street existing on the effective date of this Section may continue in existence and be maintained and used, though it may not comply with the provisions of this Section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
   b. Private streets in existence as of the effective date of this amendment whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements.

2. Addition of lots or parcels of land to existing drives or private streets
   a. Any private street existing on the effective date of this Section shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

   b. Should a drive add a sufficient number of lots or parcels to change its status to either a rural or suburban private street, such private street shall be treated as a new private street and comply with all requirements for such private street for its entire length.

   c. Should a rural private street add a sufficient number of lots or parcels to change its status to a suburban private street, such private street shall be upgraded to meet the requirements of a suburban private street for the length of the private street up to and including the portion serving the new lots or parcels.

3. Extensions of existing private streets
   a. Any private street created in accordance with the requirements of this Ordinance and subsequently extended shall comply in all respects to this Section.

   b. If a private street existing on the effective date of this Section is extended by construction, the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of subsection G, Design Requirements.

J. Inspections/Certificate of Compliance
   1. Upon completion of construction of the private street, the Township engineer, building inspector or their designee shall inspect the completed construction to

determine whether it complies with the approved plans, specifications, permit, and this Ordinance. All street name signs and other regulatory signs shall be installed prior to this inspection.

2. For a suburban private street, the applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Authority.

3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.

4. If, at any time during the street construction, a material deviation from the information provided in the plan which has received preliminary approval by the Planning Commission occurs or is anticipated to occur, the applicant shall stop construction and submit on that portion of the private road which materially deviates from the plan and consult with the Building Inspector to determine whether the deviation is material. If, in the opinion of the Building Inspector, the deviation is not material, construction may continue. If the deviation in the opinion of the Building Inspector is material, the Applicant shall submit a request to materially deviate from the plan to the Planning Commission including:

   a. A revised site plan which conspicuously identifies location and nature of the material deviation.
   b. A written explanation of the cause of and reason justifying the material deviation.

5. Consideration of Request to Materially Deviate: The Planning Commission shall hear and decide whether to permit the material deviation within 45 days of receipt of the written request. If a special meeting is requested, the Township may require that the applicant pay any actual and necessary expenses for the meeting.

6. Stop Work Orders: The Township Supervisor, Building Inspector, or their designee shall have authority to stop construction of any portion of a private road which, in that person's opinion, materially deviates from the application or if the construction creates any unnecessary and unreasonable disturbance beyond the limits of construction.

K. Maintenance and Repairs

1. Private streets shall be maintained in a manner that complies with the provisions of this Section.

2. All drives and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants

of the Township. All drives and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.

4. Private street maintenance or restrictive covenant agreements
   a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.

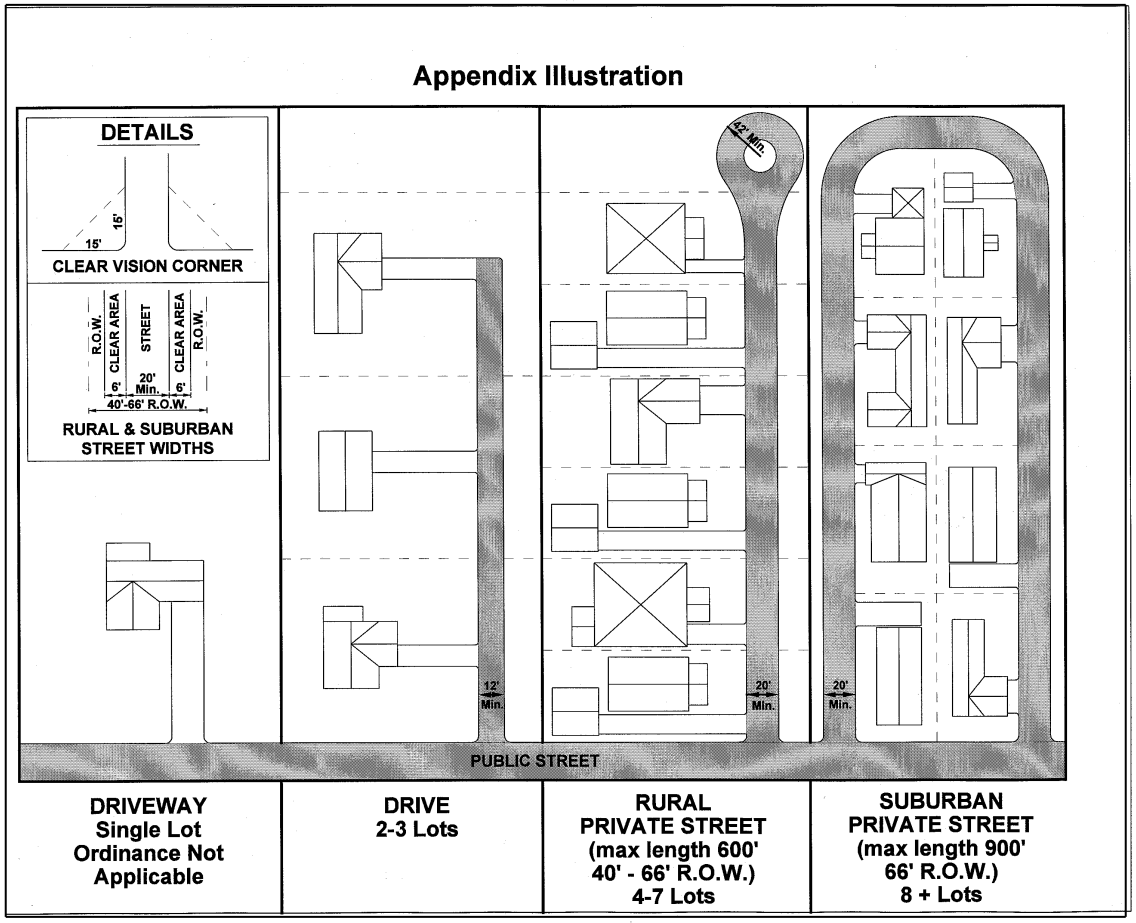
   b. The applicant(s)/owner(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the permit.

L. Fees, Severability, Penalty, Effective Date:

1. Fees: Fees to be charged pursuant to this Ordinance shall be set and amended from time to time by the Township Board.

2. Severability: This Ordinance and each of the various parts, subsections, sentences, phrases, and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

3. Penalty: Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day that a violation continues to exist, shall constitute a separate offense. Responsibility for the enforcement of this Ordinance shall be with the Township Board. If the person responsible for the private street shall refuse, upon demand, to provide for a requirement of this Ordinance, the Township Treasurer may be directed to assess the cost of the refused requirement(s) against the real estate involved in the same manner as taxes are assessed under the general laws of the State of Michigan.



ARTICLE ll. DEFINITIONS

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated. Amended July 3, 2007

1. **Accessory Building / Structure -** A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use. Detached garages are one example of accessory buildings / structures.

2. **Accessory Use -** A use of land or of a building or portion thereof which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

3. **Adult Foster Care Home** - A private home licensed by the State Department of Social Services for the care of sick, elderly or handicapped adults. A family home is defined as having one to six adults; a group home seven to twenty

4. **Agricultural Labor Camp** - A tract of land and all buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing under Part 124 of the Public Health Code (Act 368 of 1978).

5. **Agricultural Production** - The production for commercial purposes of plants and animals useful to man, including forages and sod crops; grains and feed crops, field crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, herbs, flowers, seeds, grasses, trees, shrubs and nursery stock; Christmas trees, and other similar agricultural uses.

6. **Alterations** - Any change, addition or modification in construction, any building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

7. **Anemometer** – A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and telemetry devises that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

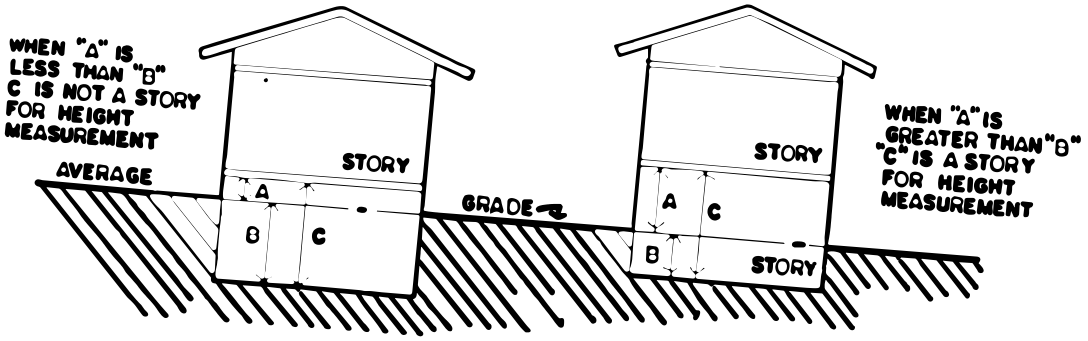
8. **Antenna** - Antennas permitted under this ordinance include all broadcast and communication antennas attached to existing or approved towers and structures which do not add more than ten feet to its overall height, does not require changes in the structure for loading, or increased visibility to satisfy building code, Federal Communications or Federal Aviation Administration regulations or requirements.

9. **Automobile Repair** - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service; such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

10. **Automotive Service Station** - An "automobile service station" is a building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto. The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles, or the washing of motor vehicles are permitted accessory uses. A public parking lot or public parking garage is not a permitted accessory use.

    Uses permissible at a filling station do not include motor vehicle sales, major mechanical and/or body work, straightening of body parts, painting welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automotive service stations. An automotive service station is not a repair garage nor a body shop.

11. **Basement** - That portion of a building which is partly or wholly below 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. A basement shall not be counted as a story.



12. **Bed and Breakfast Establishment** – an owner occupied and managed dwelling where in a maximum of four (4) bedrooms (2 persons per room. Maximum) are available for guest use for compensation and by pre-arrangement

13. **Boardinghouse** - A single family dwelling unit, providing sleeping accommodations for short term rental for compensation, without meals prepared or provided. The term boarding house means the same as lodging house, tourist home and vacation home. Amended July 3, 2007

14. **Buildable Area** - That portion of a lot remaining after required yard setbacks have been provided.

15. **Buildable Land** - Areas that naturally have soils and geological characteristics suitable for construction of foundations, individual septic systems, and other properties as may be required to properly accommodate the proposed construction.

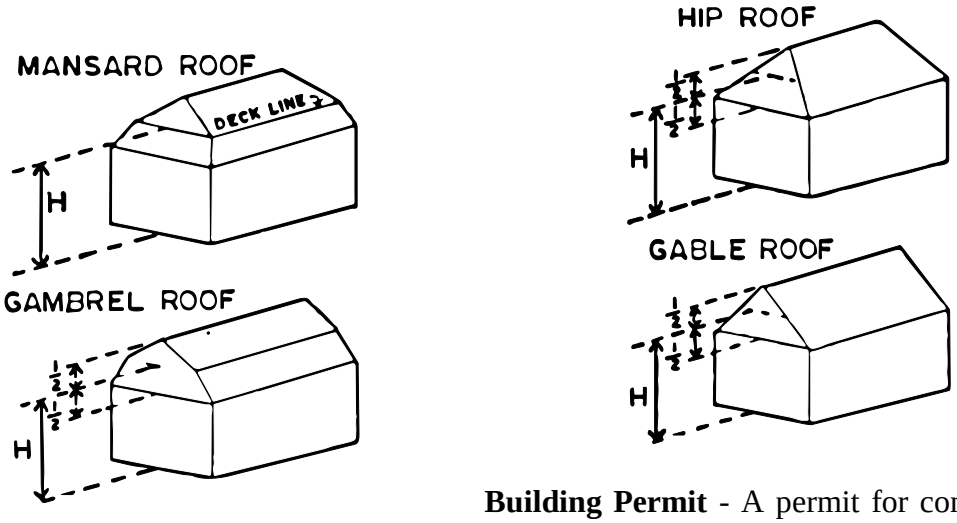
16. **Building** - Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattel, or property of any kind. This shall include; tents and awnings, of a permanent nature.

17. **Building Area** - The maximum area covered by a building and its accessory building, excluding open steps, and guttering.

18. **Building Coverage** - That percentage of the plot or lot area covered by the building area.

19. **Building Height** - The vertical distance measured from the established grade to the highest point of the roofs surface for flat roofs~ to the deck line of mansard roofs~ and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, height may be measured from the average ground level of the grade at the building wall.

20. **Building Line** - A line parallel to the lot line at a distance there from equal to the depth of the yard required for the district in which the lot is located.



21. **Building Permit** - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of the Baroda Township Building Code.

22. **Business** - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

23. **Campground** – for the purposes of this ordinance, a campground may be either of the following:

    A. Transient Campground - a privately or governmentally owned parcel or tract of land designed, maintained, intended, or used for the purpose of providing transient accommodations for tents or recreational vehicles for a limited period. Such areas are open to the public and may be operated free of charge, or for profit. A Recreational Vehicle Condominium project is a type of transient campground.

    B. Group Campground - a campground owned and operated by an agency that serves a specific population of religious or social interest, such as a church, scouting organization or an organization serving a population with specific needs (for example, disabled individuals). A group campground is generally not open to the general public, occupancy is usually provided within permanent or semi-permanent cabins or tents, and may include dining facilities, educational facilities, and similar supporting accessory uses.

24. **Club or Lodge, Private** - An association or persons, who are bona fide members paying dues, which owns or leases a building or portion thereof, the use of which shall be restricted to members and their guests.

25. **Commission** - The duly appointed Baroda Township Planning Commission.

26. **Condominium Project**: "Condominium project" means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act (Public Act 59 of the Michigan Public Acts of 1978, as amended).

27. **Day Care Center** - A facility, other than a Day Care Home, which is used by a person licensed by state or local government to provide care and maintenance of children (other than his or her own family and the children of close relatives) during a portion of the day for two or more consecutive weeks.

    Development Rights – means the rights to develop land to the maximum intensity of development authorized by law.

28. **District** - An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and/or open spaces are required; lot areas, building height limits, and other requirements are established. All of the foregoing being identical for the district in which they apply.

29. **Drive** – "Drive", for the purpose of this Ordinance, means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to two (2) or three (3) lots or parcels. It does not include a single lot served by a single driveway. It does not include a driveway servicing a school, an apartment project, a commercial shopping plaza or a single family home.

30. **Drive-In Restaurant or Refreshment Stand** - Any place or premises used for sale, dispensing or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

31. **Dwelling, Single-Family** - A structure containing not more than one dwelling unit designed for residential use, complying with the following standards:

a) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.

b) It has a minimum width across any front, side, or rear elevation of 20 feet and complies 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 regulations for construction and where such standards or regulations for construction are different than those imposed by the township building code, then and in that event such federal or state standard or regulations shall apply.

c) It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission, and shall have a perimeter wall as required above.

d) In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

e) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

f) The dwelling contains a storage capacity area in a basement located under the dwelling, 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 100 square feet, whichever shall be less.

g) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure and construction of a foundation as required herein.

h) The dwelling complied with all pertinent buildings and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CRF 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load or strength requirements.

i) The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

j) All construction required herein shall be commenced only after a building permit has been obtained with the applicable township building code provisions and requirements. Amended June 2007

32. **Dwelling, Two-Family** - A structure containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 18.05 "D", "Dwelling, Single-Family".

33. **Dwelling, Manufactured Home** - A structure, transportable in one or more sections, which is ten (10) body feet or more in width and is fifty (50) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, built pursuant to the Federal National Manufactured Horne Construction and Safety Standard Act of 1974 rules and regulations and containing the required manufacturer's certification of compliance. Amended June 2007

34. **Dwelling, Modular** - A detached residential dwelling composed of two or more units containing an assembly of materials or products intended to comprise part of a building or structure, which are assembled at other than the final location of the unit of the circumstances intended to insure conformity of quality and material content.

35. **Dwelling, Multiple - Family** - A structure containing three or more dwelling units designed for residential use and conforming in all other respect the standards set forth in "Dwelling, Single-Family".

36. **Dwelling Unit** - A room or rooms connected together constituting a separate, independent housekeeping establishment for one (1) family occupancy, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

37. **Easement** - A portion or strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities or services.

38. **Erected** - Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

39. **Essential Services** - The phrase essential services means the erection construction alteration or maintenance of Public Utilities regulated by the Michigan Public Utility commissions or municipal departments or commissions of underground or overhead gas, electric, steam, water, sewer, or telephone transmission or distribution systems or collection systems. This includes; towers and poles not exceeding the height restrictions of the District, wires, main spines, drains, pipes common cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such utility, or municipal department or commission; or for the public health, safety or general welfare.

40. **Family** –

    A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or

    B. A collective number of individuals domiciled together in one (1) dwelling whose relationship is of a continuing domestic character and who are cooking and living as a single nonprofit housekeeping unit.

    C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature. Amended March, 2009

41. **Family Child Care Home** and **Group Child Care Home** - Mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.

42. **Farm** - All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming and agricultural operations are carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, parcel of not less than 5 acres in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries; but

establishments keeping furbearing animals or game or operating fish hatcheries, stock yards, stone quarries or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide operations on the same contiguous track of land. Amended February 2009.

43. **Farm Building** - Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of this type for the purpose of their agricultural and farming activities.

44. **Fence** - A structure partially or completely surrounding a part of or the whole of a lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

45. **Filling Station** - Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where other incidental services may be rendered and sales made.

46. **Flood Plain** - Flood plains may be either riverine or inland depression areas. Riverine flood plains are those areas continuous with a lake, stream or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100-year flood elevation. Inland depression flood plains are flood plains not associated with a stream but which are low points to which surrounding land drains.

47. **Floor Area** - For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be 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.

48. **Floor Area, Usable (For the purpose of computing parking space)** -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 al that area devoted to employee work space. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators or stair bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

49. **Frontage** - As defined in the Baroda Township Zoning Ordinance, "Frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in the Zoning Ordinance; provided, however, that frontage for lake front lots shall be governed by Section 10.08 of the Zoning Ordinance.

50. **Grade (adjacent ground level) -** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building between the building and a line 5 feet from the building.

51. **Home Occupation -** An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purposes.

52. **Hotel** – A building or group of buildings offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restraints, meeting rooms and recreational facilities.

53. **Improvement** – means those features and actions associated with a project that ate considered necessary by the governing body or official granting zoning approval to protect natural resources or the health safety and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

54. **Inn -** The term inn means the same as a hotel.

55. **Junk Yard -** A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

56. **Kennel** – Any lot or premises on which three (3) or more dogs, cats or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for a fee or other consideration. The term "kennel" includes any lot or premises where household pets are bred or sold for a fee or other consideration.

57. **Loading Space, Off-Street -** Space logically and conveniently located for bulk pickups and deliveries- scaled to delivery vehicles expected to be used. and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

58. **Legislative body** – means the board of trustees of a township, the elected governing body of a city or village or a county board of commissioners.

59. **Lodging House –** the term lodging house means the same as boarding house. Amended July 3, 2007

60. **Lot** - For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces, parking spaces and loading spaces required by this Ordinance. as are herein required. The word lot includes the words plot and parcel. Such lot shall have frontage on a recorded public or private street. In no case of division or combination shall any new or residual lot or parcel be created which does not meet the requirements of this ordinance. A lot need not be a "lot of record". A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

61. **Lot Area** - The area of land within the boundary of a lot excluding any part under water or the area of land bounded by any front lot line, the center line of the highway or roadway on which it fronts and the side lot lines intersecting the front lot line at its ends extended to the centerline of the highway or roadway.

62. **Lot Line** - A line marking a boundary of a lot.

63. **Lot Frontage** - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under 'Yards' in this section; provided, however, that frontage for lake front lots shall be governed by Section 10.08.

64. **Lot Measurements -**

a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line. In the case of a curving street, the width shall be determined by a straight line connecting the two points established by measuring the minimum setback along the two straight lines connecting the front and rear lot lines at each side of the lot.

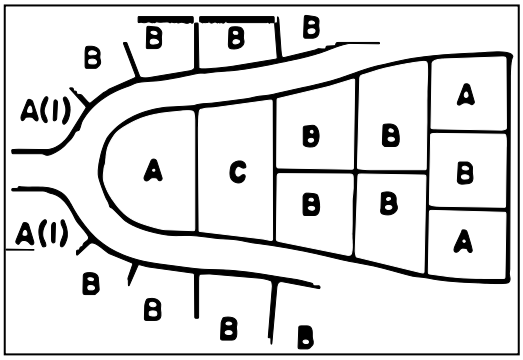
65. **Lot of Record** - A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

Every single-family, two-family dwelling structure or unit shall be located upon a Lot of Record as defined in this Ordinance, and no more than one such structure or unit shall be erected upon such Lot of Record. Tenant houses located upon premises which are being actively farmed, which are designated for and occupied by farm labor personnel and their

families may be located upon the same Lot of Record as the main dwelling house on said farm premises.

The creation of a Lot of Record as defined in this Ordinance on a premises or parcel of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of creating a Lot of Record creates five (5) or more Lots of Record each of which is ten (10) acres or less in area are created by successive acts within a period of ten (10) years shall be deemed subdividing as defined in Act 288 of 1967, being the Subdivision Control Act for the State of Michigan, even in the event said Lots of Record shall be required by said Act 288 of 1967 and the Ordinances of Baroda Township.

66. **Lot Types -** The diagram below illustrates terminology used in this ordinance with reference to corner lots, interior lots, and through lots:



In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or 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. See lots marked A (1) in the diagram. B = interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street. 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.

67. **Maintenance Agreement** - Maintenance Agreement means a legally prepared written agreement that provides who shall grade, plow, repair and otherwise maintain the private street in compliance with this Ordinance.

68. **Mezzanine** - An intermediate floor in any story occupying space not to exceed one-third (1/3) of the floor area of such story.

69. **Manufactured Home** - A vehicular, portable structure built in accordance with standards of the National Fire Protection Association No. 501B-1973, American National Standards Institute No. A 119 .1-1974, as indicated on the manufacturer's data plate as required by the Michigan Construction Code Commission Rule No. R. 408.31136, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground to

another structure, or to a utility system on the same premises for more than thirty consecutive days.

70. **Manufactured Home Park -** Any parcel or tract of land licensed and regulated under provisions of the State Manufactured Home Park Act, being Act 243 of the Public Acts of 1959, as amended, under the control of any person, upon which 3 or more occupied manufactured homes are harbored on a 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.

71. **Manufactured Home Subdivision -** A "subdivision" as defined by the state Subdivision Control Act, being Act 288 of the Public Acts of 1967, 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.

72. **Motel** – A building or group of buildings offering lodging accommodations to the general public for a daily rate, primarily for automobile transient users. Amended February 16, 2009

73. **Non-Conforming Lot -** A lot of record which does not conform to the lot area or lot width regulations or this Ordinance.

74. **Non-Conforming Structure -** A structure on land which lawfully existed at the time of its construction, but which by terms of the ordinance or any amendment is not now allowed or does not meet certain regulations such as minimum square footage, etc.

75. **Non-Conforming Uses -** The use of a building or of land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

76. **Nursing Home -** An institution licensed by the State Department of Health for the care of sick or elderly adults, having seven or more beds.

77 **Open Space -** The portion of the gross site area that is landscaped or that is usable and maintained or recreational purposes (including lawns and patios).

78. **Parking Space, Off-Street** - For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for 3 or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk, or alley, and so that any automobile may be parked and removed without moving another. Each parking space shall

comprise a net area of at least 10 feet by 20 feet.

79. **Person** - Means any natural individual, firm, trust, partnership, association or corporation, public corporation, schools, governmental entity or other legal entity.

80. **Planning Act** – the Michigan Planning Enabling Act 33 of 2008 Amended February 2009.

81. **Principal Building or Structure** - A building or structure in which is conducted the principal use of the lot upon which it is situated.**"**

82**.** **Principal Use -** The primary or predominant purpose to which a parcel of land is devoted as distinguished from an Accessory Use.**"**

83. **Private Street** – a rural or suburban undedicated privately controlled and maintained right of way or other interest in land that provides a means of access to a number of lots or parcels. Means the same as road, avenue, place, way, lane, boulevard, highway, or thoroughfare.

84. **Private Street - Rural*, **:** "Private Street - Rural" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to four (4) and up to seven (7) lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, lane, boulevard, highway or other thoroughfare.

85. **Private Street - Suburban***, **: "Private street - Suburban" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to eight (8) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, lane, boulevard, highway or other thoroughfare.

86. **Public Sewer System** - A public sewer system shall be defined as a central or community sanitary sewage and collection system of structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

87. **Public Utility** - Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

88. **Recreational Vehicle** - A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facility, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers and tent trailers.

89. **Recreational Vehicle Condominium** – A transient campground within which owners have title to a condominium unit, upon which a recreational vehicle may be parked for camping purposes and within which all other land consists of common elements or limited common elements owned by a condominium association or other entity. See **Campground.**

90. **Residential Occupancy -** Means those activities customarily conducted in living quarters in an urban setting and excludes such activities as the keeping of wildlife, livestock or fowl, activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials, and excludes the keeping on any lot of more than four household pets per family, but this shall not be construed to prevent the keeping of the litter of a household pet until able to be separated from their mother.

91. **Restaurant -** A building in which food is prepared and sold for consumption within the building, as opposed to a drive-in restaurant establishment where food may be taken outside of the building for consumption either on or off the premises.

92. **Right-of-Way Line -** The dividing line between a lot and a public street, legally open or officially plotted by the Township, County or State over which the owners or tenants or two (2) or more lots held in single or separate ownership have the right-of-way.

93. **Road Authority -** Road Authority" means the Berrien County Road Commission, which has jurisdiction over the public roadway.

94. **Roadside Stand -** A structure which is used seasonally for the sale of produce, and lacks heat and running water. The use of a roadside stand shall not constitute a commercial district.

95. **Safe and Unimpeded Route of Travel -** "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles in all weather conditions, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

96. **Short Term Rental** – Rental of any dwelling unit or hotel, inn or motel for a period of less than 30 days.

97. **Sign -** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

    a) Signs not exceeding (1) square foot in area and bearing only property numbers, post box numbers, name of occupants of premises or other identification of premises or other identification of premises not having commercial connotations;

    b) Flags and insignias of any government except when displayed in connection with commercial promotion; by governmental bodies;

d) Integral decorative or architectural features of buildings, except erected or required by governmental bodies;

e) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

98. **Signs, Number and Surface Area -** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Framed and structural members not bearing advertising matter shall not be included in computation of surface area.

99. **Sign, On-Site -** A sign relating in its subject matter to the premises on which it is located, to products, accommodations, services or activities on the premises.

100. **Sign, Off-Site -** A sign other than an on-site sign.

101. **Sign, Permanent -** Permanent signs are described as any sign left up for longer than six consecutive months.

102. **Site Plan** – A Site Plan includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. See Article XVI in this ordinance

103. **Special Land Use -** A Special Land Use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted upon the issuance of a Special Land Use Permit by the Planning Commission in such zoning district as Special Land Uses, if specific provision of such Special Land Use is made in this ordinance.

104. **State Licensed Residential Facility** – a structure providing residential services for six (6) or fewer individuals under 24-hour supervision of care, which is licensed by the Sated under the adult foster care facility act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA116, MCL 722.111 to 722.128

105. **Story -** Is that part of a building, except a mezzanine, as defined herein, included

between the surface of one (1) floor and the surface of the next floor, or if no floor above, then the ceiling next above. A story, thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content is below the height level of the adjoining ground.

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

107. **Street, Highway, and Roadway -** A public dedicated right-of-way or right-of-way meant for public use other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

108. **Structure -** Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50 percent solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

109. **Travel Trailer -** Vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes.

110. **Undeveloped State** – means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or similar use of condition. Land in an undeveloped state doses not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be used, but is not required to be, dedicated to the use of the public

111. **Use -** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be, used, occupied or maintained.

112. **Vacation Home** – Vacation Home means the same as boarding house, or tourist home.

113. **Variance -** A variance is a relaxation of the terns of the zoning ordinance where, in the judgment of the Board of Appeals, such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement to the ordinance would result in undue hardship or practical difficulty. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces~ establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

114. **Yard** - A required open space, between a lot line and a structure or group of structures, other than a court, unoccupied and unobstructed by any structure or portion of a structure, except as provided within this ordinance, provided however that fences, walls, poles, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

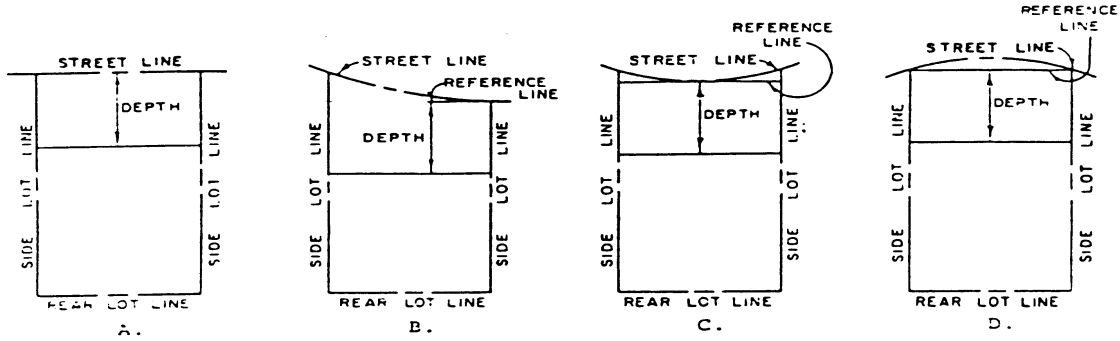
115. **Yard, Front** - A yard extending between side lot lines across the front of a lot adjoining a public or private street or drive; or, in the case of lake front lots, which shall be considered as through lots, a public street on one frontage and the lake front on the other frontage.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Every corner lot in a residential district having on its side street an abutting interior lot shall have minimum setbacks from both streets equal to the minimum required front setback of the district in which it is located; provided, however, that this does not reduce the buildable width of any lot of record to less than 25 feet. On corner lots where a rear lot line abuts a side lot line on the adjoining lot, accessory buildings on the corner lot shall have a rear yard setback from the rear lot line a distance equal to the side yard setback required for the district.

Depth of required front yards shall generally be measured from the innermost point of the street line (right-of-way line) inward for a distance of the required front yard depth, as in diagrams 18, 26, A, B, C, and D.

In the case of rounded property corners at street intersections, reference points for



measurements shall be placed as though the side lot lines would have met the street line if the corner were not rounded, as in diagram 18, 26, E. The front and rear lines of the front yard shall be parallel.

116. **Yard, Side** - A yard extending from the rear line of the required front yard to the front line of the required rear yard. In the case of through lots, side yards shall extend between the rear lines of the required front yards. Width of a required side yard shall be measured in

such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the side lot line.

117. **Yard, Rear -** The yard extending across the rear of a lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.

118. **Zone -** Same as district

119. **Zoning Act** – The Michigan Zoning Enabling Act. Public Act 110 of 2006 as amended

120. **Zoning Jurisdiction** – means the area encompassed by the legal boundaries of a city or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities or villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance. Amended February 16, 2009

121. **Zoning Permit -** A permit for commencing construction or use, issued in accordance with the finding of all information necessary to insuring compliance with this Zoning Ordinance. Actual construction cannot be commenced until issuance of a Building Permit, Health Department Permits and satisfaction of other statutory and regulatory requirements which may apply to the specific use.

ARTICLE III. R-l, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 3.01 INTENT

To provide for a suitable residential environment for families typically with children. To this end, uses are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds which provide a neighborhood environment. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses tending to be incompatible with the intent of this district are prohibited.

SECTION 3.02 PERMITTED USES

A. Single Family dwellings

B. Attached or unattached private garages.

C. Adult Foster Care Homes (State Licensed Residential Facility) for not more than six (6) residents.

D. Garden house, tool house, play house, greenhouse, boat house, pump house.

E. Automobile parking for the domestic use of occupants of the dwelling.

F. Similar accessory uses customarily incidental to the permitted principal use.

G. Swimming Pools.

H. Home Occupations.

I. Family Day Care Home (Does not apply to adult foster care facilities)

Amended March 2009

SECTION 3.03 SPECIAL LAND USES

The following uses are permitted in the R-I Single Family Residential District upon issuance of a Special Land Use Permit in accordance with Article XIII. All applications for a Special Use Permit shall be accompanied by a Site Plan as required and specified in Article XVI.

A. Houses of worship, parish houses, and convents.

B. Schools.

C. Public or private recreation uses such as parks, playgrounds, golf courses, ball fields, stadiums and community centers.

D. Government buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire stations, gas regulator stations.

E. Hospital, nursing or convalescent homes.

F. Cemeteries.

G. Planned Unit Development.

H. Manufactured Homes for use by aged or disabled parents.

I. Group Day Care Homes.

SECTION 3.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100ft.
Minimum Front Yard:	35 ft.
Minimum Side Yard:	10 ft.
Minimum Rear Yard:	40 ft.

SECTION 3.05 BUILDING REQUIREMENTS

Minimum Floor Area:	1,000 sq. ft.
Maximum Height:	2-1/2 stories or 32 ft. whichever is less

SECTION 3.06 SUPPLEMENTAL REQUIREMENTS

A.	Vision Clearance:	See Article X Section 10.10
B.	Off-Street Parking:	See Article XII
C.	Signs:	See Article XI
D.	Other:	See Article X Supplemental Regulations

ARTICLE IV. R-2, RURAL ESTATE RESIDENTIAL

SECTION 4.01 INTENT

The intent of this district is to provide for a rural residential environment for families typically with children. To this end, uses are basically limited to single-family dwellings and small scale agricultural activities. This District shall also protect and enhance significant natural features of the township from degradation due to excessive urbanization.

SECTION 4.02 PERMITTED USES

A Single-family dwellings.

B. Attached or unattached private garages.

C. Garden house, tool house, play house, greenhouse, boat house, pump house.

D. Automobile parking for the domestic use of occupants of the dwelling.

E. Small scale agricultural uses.

F Similar accessory uses customarily incidental to the permitted principal use.

G Home Occupations.

H Swimming Pools.

I. Adult Foster Care Home (State Licensed Residential Facility) for 6 or fewer persons.

J. Family Day-Care Home (Does not apply to adult foster care facilities) Amended March 2009

SECTION 4.03 SPECIAL LAND USES

The following uses are permitted in the R-2 Rural Estate Residential District upon issuance of a Special Use Permit in accordance with Article XIII. All applications for a Special Use Permit shall be accompanied by a Site Plan as specified in Article XVI.

A Houses of worship, parish houses, and convents.

B. Schools.

C. Public or private recreation uses such as parks, playgrounds, golf courses, ball fields, stadiums and community centers.

D. Government buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire stations, gas regulator stations.

E. Hospital, nursing or convalescent homes

F. Cemeteries.

G. Private stables for not more than three (3) horses or ponies.

H. Manufactured homes for use by aged or disabled parents.

I. Flag lots. Amended March 2009

J. Bed and Breakfast Establishment (Amended July 3, 2007)

K. Tourist Homes (Amended July 3, 2007)

L. Group Day Care Homes. Amended March 2009

SECTION 4.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

Minimum Lot Area:	one acre
Minimum Lot Width:	150 ft.
Minimum Front Yard:	35 ft.
Minimum Side Yard:	20 ft.
Minimum Rear Yard:	40 ft.

SECTION 4.05 BUILDING REQUIREMENTS

Minimum Floor Area:	1200 sq. ft.
Maximum Height:	2-1/2 stories or 35 feet whichever is less

SECTION 4.06 SUPPLEMENTAL REGULATIONS

A. Vision Clearance: See Article X Section 10.10

B. Off-Street Parking: See Article XII

C. Signs: See Article XI

D. Other: See Article X Supplemental Regulations

ARTICLE V. R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 INTENT

Intent is primarily the same as the R-I District, but permitting a relatively higher density, diversification and variety of the community's housing stock through certain special uses.

SECTION 5.02 PERMITTED USES

A. Single-family dwellings.

B. Two-family dwellings.

C. Attached or unattached private garages.

D. Adult foster care homes (State Licensed Residential Facility) for not more than six (6) residents.

E. Garden house, tool house, play house, greenhouse, boat house, pump house.

F. Automobile parking for the domestic use of occupants of the dwellings.

G. Similar accessory uses customarily incidental to the permitted principal use.

H. Home Occupations - in single-family dwellings only.

I. Swimming pools.

J. Family Day-Care Homes. Amended March 2009

SECTION 5.03 SPECIAL LAND USES

The following uses are permitted in the R-3 Multiple-Family Residential District under issuance of a Special Land Use Permit in accordance with Article XIII. All applications for a Special Use Permit shall be accompanied by a Site Plan as required and specified in Article XVI.

A. Houses of worship, parish houses, and convents.

B. Schools.

C. Public or private recreation uses such as parks, playgrounds, golf courses, ball fields, Stadiums and community centers.

D. Governmental buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire stations, gas regulator stations.

E. Hospital, nursing or convalescent homes.

F. Cemeteries.

G. Multiple family dwellings, and accessory structures thereto.

H. Planned Unit Development.

I. Group Day Care Homes. Amended March 2009

SECTION 5.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

	Single Family	Two Family & Over
Minimum Lot Area	10,000 sq. ft.	15,000 sq. ft. *
Minimum Lot Width	75 ft.	100 sq. ft.
Minimum Front Yard	35 ft.	33 ft.
Minimum Side Yard	10ft.	10 ft.
Minimum Rear Yard	40 ft.	40 ft.

*6,000 sq. ft. per unit over the two units.

SECTION 5.05 BUILDING REQUIREMENTS

Minimum Floor Area:	800 sq. ft. per unit single family
	800 sq. ft. per unit two-family
	600 sq. ft. per unit multiple-family
Maximum Height:	2-1/2 stories or 35 ft. whichever less

SECTION 5.06 SUPPLEMENTAL REGULATIONS

A. Vision Clearance: See Article X Section 10.10

B. Off-Street Parking: See Article XII

C. Signs: See Article XI

D. Other: See Article X Supplemental Regulations

ARTICLE VI. R-4, MANUFACTURED HOME PARK DISTRICT

SECTION 6.01 INTENT

To make provisions for manufactured homes in state licensed manufactured home parks in an appropriate, safe, sanitary, and attractive manner.

SECTION 6.02 PERMITTED USES

Residential manufactured homes, constructed in accordance with applicable provisions of the Michigan Construction Code Act, Act 230, P. A. 1972, located within state licensed manufactured home parks, which have been approved by Special Land Use Permit. Manufactured home parks shall be limited to the use and occupancy of manufactured homes and shall be used for no other purposes.

A. A manufactured home located in a manufactured home park for permanent occupancy shall be adequately secured, front, rear and at each corner, with tie-downs to a concrete slab. Permanent patios, porches, carports and expandable living units may be attached to a manufactured home provided such attachments are prefabricated by a trailer manufacturer or other supplier for the express purpose for which they are intended, or are so designed by the owner or an architect to be compatible in design with the manufactured home to which they are to be attached, and so finished in appearance as to blend in with the manufactured home to which they are to be attached so as to present a neat, orderly and attractive appearance when completed.

   Any such attachments shall be first approved by the township building inspector who shall issue a permit therefore. Separate garages and accessory buildings such as tool and storage sheds may be constructed on the lot on which the manufactured home is located provided a building permit is first secured and all applicable ordinances observed in the construction thereof. All manufactured homes shall be equipped with properly installed skirting of a material, design, and finish which is compatible with the manufactured home and the aesthetic appeal of the manufactured home subdivision or park. Installation of such skirting shall be completed within 90 days after the manufactured home is placed on the lot in the subdivision or park.

B. Accessory and support facilities necessary to the proper operation of a manufactured home park and indoor and outdoor recreation facilities designed for use by the residents.

C. Adult Foster Care Home (State Licensed Residential Facility) for 6 or fewer persons. Amended March 2009

D. Family Day-Care Home Amended March 2009

SECTION 6.03 SPECIAL LAND USE

The following uses are permitted in the R-4 Manufactured Home Park District upon issuance of a Special Land Use Permit in accordance with Article XIII. All application for a special use permit shall be accompanied by a site plan as specified in Article XVI.

Manufactured home parks, for manufactured home dwellings (see definitions) and customary accessory buildings subject to the requirements as established and regulated by the Manufactured Home Commission Act, Act 419, P. A. 1976, as amended.

SECTION 6.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

Minimum Lot Area:	6000 sq. ft.
Minimum Lot Width:	50 ft.
Minimum Front Yard:	12 ft.
Minimum Side Yard:	10 ft.
Minimum Rear Yard:	20 ft.

SECTION 6.05 BUILDING REQUIREMENTS

Minimum Floor Area:	720 sq. ft.
Maximum Height:	2-1/2 stories or 35 feet whichever is less

SECTION 6.06 SUPPLEMENTAL REGULATIONS

A.	Vision Clearance:	See Article X Section 10.10
B.	Off-Street Parking:	See Article XII
C.	Signs:	See Article XI
D.	Other:	See Article X Supplemental Regulation Amended March 16, 2009

ARTICLE VII. C, COMMERCIAL DISTRICT

SECTION 7.01 INTENT

To encourage and facilitate the development and maintenance of sound and efficient shopping, business and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside such areas.

SECTION 7.02 PERMITTED USES

A. Mercantile establishments for the sale of goods at retail or wholesale.

B. Personal service establishments, such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops.

C. Professional service establishments such as offices of doctors, dentists, accountants, brokers and realtors.

D. Funeral homes, clinics, medical centers, nursing homes, convalescent homes.

E. Hotels, motels, lodging houses, boarding houses, tourist homes.

F. Open air markets, retail shops which make or fabricate merchandise for sale of same upon the premises.

G. Restaurants, delicatessens and other dispensaries of food at retail.

H. Banks, savings and loan associations and similar financial institutions or offices.

I. Uses customarily incidental to the permitted principal use.

J. A single-family dwelling unit may be occupied as an integral part of a commercial building.

K. Theaters, night clubs, bowling alleys, skating rinks and similar places of entertainment or recreation.

L. Showrooms and workshops of plumbers, electricians, painters, printers and similar tradesmen.

M. OPEN Amended January 16, 2012

N. Private clubs and organizations operated not for profit.

O. Floriculture, berry culture or horticultural nursery.

P. Golf courses.

SECTION 7.03 SPECIAL LAND USES

The following uses are permitted in the C - Commercial District upon issuance of a Special Land Use Permit under Article XIII. All application for a special use permit shall be accompanied by a site plan as specified in Article XVI.

A. Outdoor sales permitted for specified duration.

B. Outdoor recreation such as trampolines and miniature golf, subject to such operating and special regulations as may be imposed in the public interest; motor vehicle race tracks.

C. Circus, fair, carnival or similar use provided such use and occupancy:

1. is temporary and/or seasonal only.
2. is not detrimental to adjacent surrounding property.
3. is not disturbing to the general peace and tranquility.
4. will not create undue traffic hazard and congestion.

Permits for such use may be granted for periods not to exceed eight (8) days consecutively and may be renewable for not more than eight (8) days.

D. Electric power generator and transformer stations and substations and gas regulator stations with service yards, water and sewerage pumping stations and telephone exchange buildings. In permitting such use(s) the Township Board may vary the area, height, bulk and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district.

E. Public parking garage or parking lot for paid parking.

F. Used car, manufactured home, motor home and travel trailer or recreational vehicle sales, service or rental.

G. Office of veterinarian.

H. Kennels

I. Summer Resorts.

J Planned Unit Development.

K. Other uses similar to permitted principal uses which are deemed compatible with the character and intent of the district.

L. Telecommunications towers

M. Campgrounds

N. Automobile service garages and filing stations, provided all gasoline storage tanks must be underground; automotive parts and accessory shops; bicycle, motorcycle and similar small recreational equipment sales, service and repair shops. Amended Jan 16, 2012

O. Farm implement sales and service. Amended January 16, 2012

SECTION 7.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

Minimum Lot Area: 10,000 sq. ft.
Minimum Lot Width: 75 ft.
Minimum Front Yard: 25 ft.
Minimum Side Yard: 10 ft. adjacent to commercial or industrial districts, 25 ft. adjacent to any other residential districts.
Minimum Rear Yard: 30 ft.

Campgrounds condominium units are subject to the minimum requirements set forth in Section 13.29(B)(7a,b)

SECTION 7.05 BUILDING REQUIREMENTS

Maximum Height: 35 ft.

SECTION 7.06 SUPPLEMENTAL REGULATIONS

A. Vision Clearance: See Article X Section 10.10

B. Off-Street Parking: See Article XII

C. Signs: See Article XI

D. Other: See Article X Supplemental Regulation

ARTICLE VIII. I, INDUSTRIAL DISTRICT

SECTION 8.01 INTENT

To encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, and non-industrial encroachment, and efficient traffic movement including employee and truck traffic.

SECTION 8.02 PERMITTED USES

A. Generally recognized industrial warehousing, storage, manufacturing, or fabrication uses subject to the above limitations, excluding uses requiring Township Special Land Use Permit.

B. Storage of materials or equipment, excluding waste or junk, enclosed within a building or a substantial fence not less than six (6) feet in height. Storage of oil, gasoline or chemicals, provided such facilities are constructed in conformity with regulations of the State Fire Marshall, and further provided that above ground storage shall be entirely enclosed within a building or substantial fence not less than six (6) feet in height, and shall be located at least five hundred (500) feet distant from any Residential District.

C. Electric power generator and transformer stations, gas regulator stations with service yards, water sewerage pumping stations and telephone exchange buildings. The Board of Appeals may vary the area, height, bulk and placement regulations for uses(s) as reasonably necessary to relieve practical difficulties and unnecessary hardship and to secure compatibility with the character and intent of the district.

D. Uses customarily incidental to the permitted principal use.

E. Enclosed storage for goods processed on the premises.

F. Living quarters of a watchman or caretaker employed on the premises.

SECTION 8.03 SPECIAL LAND USES

The following uses are permitted in the I - Industrial District upon issuance of a Special Land Use Permit in accordance with Article XIII. All application for a special use permit shall be accompanied by a site plan as specified in Article XVI.

A. The following uses may be permitted only upon conclusive demonstration through specific plans that the proposed use shall not be obnoxious, hazardous or detrimental to the public

health, safety and welfare. No such use shall be placed closer than one thousand feet (1,000) to a residential district: junk, scrap paper or rag baling or handling; poultry killing, dressing or live storage; slaughter houses; ammonia, bleaching powder or chlorine manufacture or refining; boiler works, forge works, aluminum, brass, copper, iron or steel foundry; brick, tile or terra-cotta manufacture; disinfectant or insecticide manufacture; creosote treatment of manufacture; distillation of bones, coal tar or wood; dye manufacture; electroplating; fat rendering, fertilizer manufacture; lime, cement or plaster of paris manufacture; molten bath plating; oil cloth or linoleum manufacture; plastic manufacture or article therefrom; raw hides or skins or the storage, curing or tanning thereof; rock crushing; rolling mills; rubber manufacture; slaughtering of animals or fowl; smelting of iron; soap manufacture; stockyards, sulfuric nitric or hydrochloric acid manufacture; tallow, grease or lard manufacture or refining; tar distillation or manufacture of dyes; tar roofing or tar waterproofing manufacture; yeast manufacturing; food processing employing more than ten (10) people; concrete ready-mix plants, and similar uses.

B. Telecommunication towers.

SECTION 8.04 LOT AREA, WIDTH AND YARD REQUIREMENTS

Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	120 ft.
Minimum Front Yard:	25 ft.
Minimum Side Yard:	20 ft. abutting a commercial or industrial district and 50 ft. abutting all other districts.
Minimum Rear Yard:	40 ft. abutting a commercial or industrial district and 50 ft. abutting all other districts.

SECTION 8.05 BUILDING REGULATIONS

Maximum Height:	35 ft. except as additional height may be required for special facilities and operations unique to the type use or processing involved.

SECTION 8.06 SUPPLEMENTAL REGULATIONS

A. Where any Industrial District abuts a Residential District along a common lot or property line, a substantial fence of not less than five (5) nor more than seven (7) feet shall be constructed, and no building, storage, or industrial activity shall be located within fifty (50) feet thereto; however, off-street parking of private passenger vehicles may be located closer than ten (10) feet thereto.

B. See Article X.

ARTICLE IX. AG, AGRICULTURAL DISTRICT

SECTION 9.01 INTENT

To conserve and enhance the low density and agricultural use of substantial portions of the township that do now and for a substantial period of time should have such character. By conserving such character, the township and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas and encourage the preservation of agricultural land for agricultural productivity.

SECTION 9.02 PERMITTED USES

A. Generally recognized farming including livestock and poultry raising, dairying, horticulture, forestry and similar agricultural use of land and structures except a farm operated wholly or in part for the disposal of garbage, sewerage, rubbish, offal and wastes from rendering plants. No piles or accumulation of refuse or manure shall be closer than one hundred (100) feet from any property lines of the parcel.

B. A building or structure employed for the use of seasonal farm labor, as part of an agricultural labor camp, provided however such uses shall be located a minimum of fifty (50) feet from the right-of-way line of a public road or any abutting residential property line or residential zoning district boundary.

C. A single family dwelling on an active farm for use by full time or year round farm laborers or managers. Said dwelling shall meet all applicable Township zoning and building codes.

D. Accessory uses customarily incidental to the permitted principal use. All accessory buildings housing livestock shall be at least fifty (50) feet from any property line of the parcel.

E. Roadside stands (no more than one) for sale of agricultural products.

F. Single-family dwellings subject to the regulations of this district.

G. Attached or unattached private garages.

H. Adult foster care homes for not more than six (6) residents.

I. Garden house, tool house, play house, greenhouse, boat house, pump house.

J. Automobile parking for domestic use of the occupants of the dwelling and/or farm labor.

K. Swimming pools.

L. Home occupations.

M. Family Day Care Homes. Amended March 2009

N. Manufactured homes for farm laborers on operating farms.

SECTION 9.03 SPECIAL LAND USES

The following uses are permitted in the AG- Agricultural District upon issuance of a special use permit in accordance with Article XIII. All application for a special use permit shall be accompanied by a site plan as specified in Article XVI.

A. Stables of horses for hire, riding academies, parks, gun clubs, golf courses and golf driving ranges, athletic and recreation clubs, cemeteries, raising of fur bearing animals, kennels, boat liveries and similar uses.

B. Office of a veterinarian, animal clinic and similar uses.

C. Airplane landing fields and appurtenances.

D. Churches, schools, hospitals, clinics and similar institutional uses.

E. Houses of worship, parish houses and convents.

F. Recreation uses such as parks, playgrounds, golf courses, ball fields, tennis courts, stadiums and community centers.

G. Governmental buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power generator and transformer stations, gas regulator stations.

H. Sewerage lagoons.

I. Auto transmission repair.

J. Wineries.

K. Tool and die manufacture and repair.

L Other uses which meet the following requirements:

1. No more than two nonresident employees.
2. The use is fully contained in a structure which meets all applicable building, health and other codes or regulations
3. Does not exceed 800 sq. ft. in area.
4. Does not result in any perceptible noise, dust, glare, or vibration beyond the property line of the primary property.

M. Open

N. Campgrounds

O. Manufactured homes for special needs and/or disabled immediate family members and/or aged parents.

P. Flag lots. Amended March 2009

Q. Broadcast and communications towers.

R. Bed and Breakfast Establishments.

S. Tourist Homes.

T. Group Day Care Homes. Amended March 2009

SECTION 9.04 LOT AREA, WIDTH. AND YARD REQUIREMENTS

Minimum Lot Area:	2 acres (Amended May, 17, 2010)
Minimum Lot Width:	165 ft.
Minimum Front Yard:	35 ft.
Minimum Side Yard:	20 ft
Minimum Rear Yard:	40 ft

Campground condominium units are subject to the minimum requirements set forth in Section 13.29(B)(7a, b)

SECTION 9.05 BUILDING REGULATIONS

Maximum Height: 35 ft. except as additional height may be required for special facilities associated with a permitted or special land use, which due to their nature or use require additional height.

Minimum Floor Area:	Single Family Dwelling - 720 sq. ft.
Maximum Floor Area:	Agricultural Use - 32,000 sq. ft.
	Nonagricultural Use - 1,200 sq. ft.

SECTION 9.06 SUPPLEMENTAL REGULATIONS

A. Vision Clearance: See Article X Section 10.10

B.	Off-Street Parking:	See Article XII
C.	Signs:	See Article XI
D.	Other:	See Article X
E.	Campgrounds	See Article XIII Section 13.03 and Section 13.28

ARTICLE X. SUPPLEMENTAL REGULATIONS

SECTION 10.01 **ACCESSORY BUILDINGS**
Amended October 1996

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the

following regulations: **Residential Accessory Buildings** (Districts allowing residential uses, including the AG district).

1. Accessory buildings may be erected in any residential zoning district only as accessory to an existing residence (which includes being built simultaneously with the construction of the residence).

2. Where an accessory building is attached to a principal building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building. For the purposes of this ordinance, an accessory building that is attached to a main building is not counted towards the total number of accessory buildings or overall accessory building square footage.

3. Accessory buildings may not be constructed on a lot or parcel without a principal building or structure.

4. All uses for accessory buildings must be accessory to the use of the residence. No accessory building or structure shall be used in the operation of a home occupation, or business (except in the AG District) or include residential or living quarters for human habitation.

5. Size Requirements. The total floor area of a residential accessory building shall be dependent on the lot size, as outlined in the table below.

Lot Size in Acres	Maximum Size of all Accessory Building/Structure(s)
Less than one (1) acre.	900 square feet
One (1) acre, but less that two (2) acres.	1,200 square feet
Two (2) acres, but less than five (5) acres.	2,000 square feet
Five (5) acres, but less than ten (10) acres.	3,000 square feet
Ten (10) acres and greater.	No restriction

The term "total floor area" as used in this subsection, means the total useable floor area of the ground floor of all residential accessory buildings situated or permitted on a lot or parcel.

6. Height Regulations - Must meet District requirements.

7. Location Requirements.

   i. Accessory buildings are not allowed in any front yard, required or non-required.

   ii. A detached accessory building shall not be located closer than twenty-five (25) feet to any main building nor closer than twenty five (25) feet to the edge of any street right-of-way, public or private.

8. Setbacks.

i. Setbacks shall be measured from the point of the accessory building which projects furthest from the accessory building, such as the outer edge of the roof eave of the accessory building.

ii. Accessory buildings shall be set back in accordance with the following table:

Accessory Building Size	Setback from:		
	Principal Structure	Side Lot Line	Rear Lot Line
Regardless of size	25 ft.	10 ft.	10 ft.

B. **Non-Residential Accessory Buildings.**

1. Accessory buildings and structures may be erected only as accessory to an existing principal building or structure (which includes being built simultaneously with the construction of the principal building or structure).

2. Accessory buildings and structures may not be constructed on a lot or parcel without a principal building or structure.

3. If the accessory building or structure is integrated into the permitted principal building, it shall comply in all respects with the requirements of this Ordinance that apply to the permitted principal building, including but not limited to setback requirements, unless specifically stated to the contrary herein.

4. No accessory building or structure shall exceed the permitted height for main buildings in the district in which it is located.

5. Location Requirements.

i. Except for canopy roofs (such as would be typically used with gas pump islands), accessory buildings or structures are not allowed in any front yard.

ii. Accessory buildings and structures shall meet all setback requirements for the zone district in which they are located.

iii. Setbacks are measured from the point of the accessory building that projects furthest from the accessory building. Typically, this means the setback requirement will be measured from the outer edge of the roof eave of the accessory building.

iv. An accessory building or structure shall not be located closer than twenty-five (25) feet to any main building, and at least eighteen (18) feet from another accessory building.

6. Canopy roofs.

   i. Canopy roofs, such as those accessory to automobile service stations, drive-in restaurants, banks, and other similar uses, shall be permitted to encroach into any required yard, provided that a minimum setback of fifteen (15) feet is maintained from any property line.

   ii. The height of the canopy roof shall not exceed eighteen (18) feet and be open on all sides.

   iii. The colors and design of the canopy shall be compatible with the main building on the parcel or lot.

   iv. Lights used for canopies shall be completely recessed in the canopy structure and shall not extend lower than the underside surface of the canopy.

   v. Signs on the canopy shall comply with the wall sign provisions of this Ordinance.

SECTION 10.02 ONE DWELLING PER LOT

A. Every single-family, two-family and multiple dwelling structure shall be located upon a lot of record, being a premises or parcel of real estate the description of the boundaries of which is on record at the office of the Register of Deeds of Berrien County, Michigan, and no more than one such structure shall be erected upon a lot of record. Seasonal farm labor housing or structures located upon premises which are being actively farmed, and in conjunction with Article IX, which are designated for and occupied by farm labor personnel may be located upon the same lot of record as the main dwelling structure on the farm premises.

B. The creation of a lot of record as described in paragraph A above on a premises or parcel of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of creating a lot of record creates five (5) or more lots of record each of which is ten (10) acres or less in area are created, or created by successive acts, within a period of ten years shall be deemed subdividing as defined by Act 288, P .A. 1967, being the Subdivision Control Act of the State of Michigan, even in the event said lots of record shall be surveyed and a plat thereof submitted, approved and recorded as required by said Act 288, P.A. 1967.

SECTION 10.03 HEIGHT EXCEPTIONS

The height limitations contained in Section 5.05 do not apply to spires, belfries, cupolas, antennas, water tanks, silos, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 10.04 LOT OR PARCEL ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public or private street or drive, or with access to a public or private street or drive and all structures shall be so located on the lot as to provide safe and convenient access or servicing, fire protection and required off-street parking.

SECTION 10.05 PETS AND LIVESTOCK

The keeping of customary household pets such as cats, dogs, household fish and household birds is expressly permitted in any zoning district; however, the keeping of any other animals or poultry shall be permitted only in the Agricultural and R-2 Residential - Rural Estate zoning districts.

SECTION 10.06 SWIMMING POOLS

A. It shall be unlawful for any person or persons to install, place or maintain a swimming pool upon any lot or parcel of land in Baroda Township without first securing a Certificate of Approval therefore from the township building inspector.

   In granting such certification the building inspector shall consider, among other things, the availability of water and adequate drainage. No certificates for such use shall be granted unless the plans provide for the construction of a suitable fence or enclosure around the pool of at least four (4) feet in height with a gate or gates that may be locked. The construction of the fence or enclosure shall be prerequisite to the use of any such swimming pool. The purpose of this provision is to provide for the safety and protection of small children.

B. The location of a swimming pool on any lot or parcel of land must comply with the yard requirements of the respective district in which it is situated.

C. After determination by the building inspector that all applicable requirements of this Ordinance and the township building code, including provisions regarding plans and permits have been met, the building inspector may issue the necessary permit for the construction, installation, enlargement or alteration of a swimming pool.

SECTION 10.07 RESTORING UNSAFE BUILDING

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector, subject to nonconforming requirements. Amended March 2009

SECTION 10.08 YARDS

A. Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street. On streets less than sixty-six (66) feet in width, the required front yard shall be increased by one-half the difference between the width of the street and sixty-six (66) feet.

B. The front yards of all water front lots shall be determined by the distance from the ordinary high water mark, if it has been established, or from the water's edge to the building or structure to be erected upon the lot. On all water front lots in improved areas, no building or structure, except a boat house, shall be constructed or erected with a water side setback less than the average setback of existing similar buildings or structures within 200 feet on each side of the property. Provided, however, in no event shall any building or structure be constructed or erected so as to obstruct the view of the occupants of existing dwellings measured at an angle of 45 degrees from the nearest water front corner of such existing dwellings facing the water front.

To unimproved areas yard requirements for water front properties shall be the same as specified in the district in which it is located, but in no instance shall any building or structure, except a boat house, be constructed or erected within 20 feet of the water line.

SECTION 10.09 TEMPORARY DWELLINGS

No building, garage, cellar, basement or other structure which does not conform to the provisions of this ordinance relative to permanent dwellings shall be erected, altered or moved upon any premises and used for dwelling purposes except under the following applicable limitations:

A. Temporary use of a building, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period which a permanent dwelling conforming to the provisions of this ordinance is in process of erection and completion, provided, however, such period shall not exceed 12 consecutive months beginning with the date of issuance of the permit.

B. Use of any building, garage, basement or other structure for temporary occupancy shall not be adverse to health, safety or the public welfare.

C. The location of each such building, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which it is situated.

D. Recreational vehicles may be used to provide temporary housing of guests or visitors on a not for hire non-commercial basis by the owner of the premises where such vehicle is located. Such use for temporary housing shall not exceed one (1) such vehicle at any one time and shall not continue for more than two consecutive weeks in any thirty (30) day period. Occupants of such recreational vehicles shall have restricted use of the sewage disposal and water supply facilities of the principal dwelling located on said premises. Prior to such use a permit therefore shall be obtained from the Township Clerk, which permit shall state the type of vehicle, license number, dates during which occupation is authorized and other pertinent information.

E. Application for the erection, movement, alteration and use of such building, garage, basement or other structure intended for temporary occupancy shall be made to the township

building inspector on an appropriate form signed by the applicant which shall indicate the applicant has read, understands and agrees to abide by all applicable provisions of this ordinance and that failure to abide by such applicable provisions constitutes a violation of this ordinance.

SECTION 10.10 VISIBILITY AT INTERSECTIONS

On any corner lot in any district no fence, accessory structure, plant, shrub or similar object over two (2) feet in height shall hereafter be placed, erected, planted or allowed to grow in the area bounded by the street lines of such corner lot and a line joining points along the street lines for a distance of twenty (20) feet from the point of the intersection.

SECTION 10.11 REQUIRED LOT AREA OR SPACE

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

SECTION 10.12 SEWER AND WATER

Where municipal utility services are available, no Building Permit shall be issued for any building or be occupied by human beings, in whole or part, or commercial, residential, industrial or recreational purposes unless provisions have been made to install public sewers and water service to such buildings. In the absence of public sewer and/or water, no Building Permit shall be issued for any building to be occupied by human beings in whole or in part for residential, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system. Evidence of compliance with the requirements of the Berrien County Health Department shall accompany the applicable for a building permit.

SECTION 10.13 EXCAVATION OF TOPSOIL, SHORELINES, OR DREDGING

Topsoil shall not be stripped, excavated or otherwise removed on any premise for sale or for use other than on the premises except when in connection with construction and grading operations. Any person proposing to alter, change transform, or otherwise vary the edge, bank or shore of any lake, river, or stream shall do so in accordance with the Inland Lakes and Streams Act, Act 291 of the Public Acts of: 1965, as amended. Evidence of any permits shall be provided to the zoning administrator upon request.

SECTION 10.14 ESSENTIAL SERVICES

Essential services as defined in Article II are permitted in any Zoning District subject to the following conditions.

A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.

B. Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 10.15 POWERLINES AND PIPELINES

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any Zoning District. However, all such pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untilled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines of pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location, and the time for hearing thereon not less fifteen (15) days from the date of the public hearing. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then the Planning Commission shall notify the utility company of the comments received at the public meeting.

SECTION 10.16 DRAINAGE

No premises shall be filled or graded so as to discharge surface runoff on abutting premises or roads in such a manner as to cause pounding or surface accumulation of such runoff thereon.

SECTION 10.17 HOME OCCUPATIONS

It is the intent of these regulations to insure the compatibility of home occupations with other permitted uses in the area and with the character of the neighborhood. To this end, any home occupation shall be clearly incidental to the principal residential use of the property and shall be so located and conducted that neighbors, under normal circumstances, would not be aware of its existence.

A home occupation shall be permitted in single-family residential dwelling units in the R-I, R-2, R-3, and AG Districts. In addition, a home occupation shall comply with all of the following regulations:

A. The home occupation shall be conducted entirely in the dwelling by members of the family residing in such building.

B. No home occupation shall occupy more than twenty-five (25) percent of the usable floor area of the home building; provided, however, that in no event shall the occupation occupy more than three hundred (300) square feet.

C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area in the R-I District, four (4) square feet in area in the R-2 District, two (2) square feet in area in the R-3 District, and six (6) square feet in area in the AG District, non-illuminated, and mounted flat against the wall of the principal building in the R-I District only.

D. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

SECTION 10.18 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.

ARTICLE XI. SIGN REGULATIONS

SECTION 11.01 GENERAL

A. No sign shall project into or be placed within the right-of-way of a street.

B. There shall be no interference with clear driver vision along highway, street or at any intersection of two (2) or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom being cast upon neighboring residences within a residential district; shall be placed so as to not cause distraction or confusion to vehicular traffic in the public right-of-way, and shall be located not less than one hundred (100) feet from such residential district.

C. The color saturation and hue of any illuminated sign shall be such as to preclude confusion with traffic signals.

D. All signs are subject to the height regulations of principal buildings for the district in which located.

E. The placement, frequency, size, height and design of signs shall not deteriorate the scenic environment or contribute to general traffic hazards.

F. The general regulations provided by Section 11.01 apply to all signs except where the regulations provided by Sections 11.02 through 11.06 establish more stringent requirements in which case the latter shall apply.

G. Permits Required - A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and after a permit for the same 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.

H. 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 in his opinion such information is necessary to insure compliance with this code. Standard plans may be filed with the Township Office.

SECTION 11.02 NONCONFORMING SIGNS AND BILLBOARDS

A. All signs and billboards 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 the provisions of Section 4.04 of this ordinance.

SECTION 11.03 SIGNS IN RESIDENTIAL DISTRICTS

A. On-site signs are permitted for the following uses only:

1. For home occupations subject to the provisions of Section 10.17 Paragraph C,

2. One bulletin or announcement board not exceeded thirty-two (32) square feet in area, in the Manufactured Home Park District.

3. "For Sale" or "For Rent" signs, not to exceed six (6) square feet in area, advertising only the premises on which erected.

4. In subdivision developments, one (1) subdivision sign advertising the sale of dwellings having an area of not more than one hundred forty eight (48) square feet and having an overall height of not more than twelve (12) feet above the ground.

5. Trespassing, safety or caution signs not over two (2) square feet in area shall be permitted.

6. One permanent subdivision identification sign, design of which is submitted and approved as part of the subdivision approval process.

SECTION 11.04 SIGNS IN AGRICULTURAL DISTRICT

A. Any sign permitted in residential districts and signs for home occupations subject to provision of Section 10.17 Paragraph C.

B. Permanent off-site advertising 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; and only by special land use permit issued under the provisions and procedures of Article XIII.

C. Temporary signs and signs advertising farm products for sale on a seasonal basis not to exceed thirty-two (32) square feet and not exceeding eight (8) feet in height; placed not closer than one hundred (100) feet apart.

D. Directional signs not exceeding four (4) square feet; not illuminated; not exceeding five (5) feet in height; providing directions to businesses not more than five (5) miles from the sign's location; not more than three (3) such signs per applicant.

E. One permanent sign not to exceed thirty two (32) square feet and not exceeding eight (8) feet in height.

SECTION 11.05 SIGNS IN COMMERCIAL & INDUSTRIAL DISTRICTS

A. Any sign permitted in residential districts and signs for home occupations subject to provisions of Section 10.17 Paragraph C.

B. One or more signs, accessory to the business conducted on the property; and the total of which shall not exceed fifteen (15) percent of the square footage of the wall surface area facing the front lot line.

C. All signs shall be mounted in one of the following manners

1. flush with the front of the principal building and not exceeding the building height requirements.

2. free standing on the ground not to exceed forty eight (48) square feet exceeding eight (8) feet in height, at least ten (10) feet from the front property line and outside the clear vision triangle.

3. on a pylon at least ten (10) feet above the ground and not to exceed sixteen feet (16’) in height; not extending into the right-of-way and not more than forty eight (48) square feet in size.

4. electronic message boards: The lighted portion shall not exceed thirty (30) square feet in size and the overall sign size not exceeding forty eight (48) square feet placed outside of the road right-of-way so as not to interfere with or cause distraction or confusion to vehicular traffic on the public right-of-way.

5. non municipal portable signs or event signs not to exceed thirty two (32) square feet in size, and unlighted; may be placed not more than 14 days prior to the event and must be removed within 48 hours after the event.

ARTICLE XII. OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 12.01 PARKING AND STORAGE OF UNLICENSED AND COMMERCIAL VEHICLES AND TRAILERS

A. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. In residential zones it shall be illegal to garage or park more than one (1) commercial vehicle larger than a regularly manufactured pickup or panel truck of one (1) ton capacity per lot; said commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel.

SECTION 12.02 REQUIRED OFF-STREET PARKING

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

A. The minimum number of off-street parking spaces shall be determined in accordance with Section 12.03. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Administrative Official from requirements for similar uses.

B. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operating of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.

C. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual

functioning of off-street parking where operating hours do not overlap, the Township Board may grant a Special Land Use Permit.

D. Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major streets.

SECTION 12.03 TABLE OF REQUIRED OFF-STREET PARKING SPACES USE

Spaces Per Unit Of Measurement (Rounded Off to Nearest Unit**)**

Multiple residential	1	Bedroom
Other residential, including dwelling units, in all other types of buildings	2	Dwelling unit
Hospitals, homes for aged, convalescent homes	2	Each bed
Private clubs	1	100 square feet usable floor area
Tourist homes, motels	1.2	Each rooming dwelling unit
Theaters, auditoriums	1	4 seats
Houses of worship, mortuaries	1	4 seats; or 28 square feet of usable floor area of auditorium, whichever is greater
High schools	1	Per teacher, employee and administrator; plus 1 space per 5 students; or 28 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Elementary, Junior	1	Per teacher, employee, administrator; High Schools or 28 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Dance halls and assembly halls without	1	100 square feet of usable floor area

fixed seats

Banks, business offices	1	200 square feet of usable floor area, plus 1 parking space for each employee
Office of architects attorneys, accountants, real estate, and insurance offices	1	500 square feet of usable floor area, plus 1 parking space for each employee
Professional Office of dentists and physicians	4	First dentist or physician
	3	Second dentist or physician
	2	Third dentist or physician
	1	Each additional dentist or physician

Spaces Per Unit Of Measurement (Rounded Off to Nearest Unit)

Stadiums and sports arenas	1	4 seats; or 12 feet of benches
Bowling alleys	5	Lane
Nonresidential swimming pools	1	30 square feet of water area surface
Establishments for sale and consumption on the premises of beverages, food or refreshment	2	100 square feet of usable floor area
Hotel, rooming house	1	Each rooming unit
Retail stores, except as otherwise specified herein	1	150 square feet of usable floor area
Furniture and appliance retail stores; Exclusive household equipment repair shops; showroom of a plumber, decorator, electrical similar trade; clothing and shoe repair; cleaners and laundry; motor vehicles sales room	1	500 square feet of usable floor area of usable floor area occupied in processing or manufacturing, for or which requirements see industrial establishments below
Beauty parlor or barber shops	2	Barber or beauty shop chair
Industrial establishments, including	1	Employee, computed on the basis of greatest manufacturing, research and testing number of persons employed at any one laboratories; printing, plumbing, or period during the day or night. electrical workshops

SECTION 12.04 OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

A. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives.

B. Parking spaces in nonresidential districts will be set back from abutting residential districts as follows:

1. Ten (10) feet from each side lot line.
2. A front lot line setback equal to the adjoining residential required setback, or if no adjoining residential district exists, the setback will be equal to the setback requirements of the district in which the lot is located.
3. Ten (10) feet from the rear lot line.

C. The land between the setback line and the lot line in a parking lot is, for the purpose of this ordinance, called a buffer strip. There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.

D. Where buffer strips are not provided, bumper stops or wheel chocks shall be provided and located so as to prevent any vehicle from projecting over the lot line.

E. Where the parking lot boundary adjoins property zoned for residential use, a suitable fence shall be provided but shall not extend into the required front open space of the abutting residential lot.

F. The parking lot shall be drained to eliminate surface water.

G. The surface of the parking lot, including drives and aisles, except buffer strips, shall be constructed of asphalt, concrete or gravel.

H. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which located.

I. A plan for all new off-street parking lots shall be required specifying the landscaping to be installed in the buffer strip, including the placement and specifications of landscape materials, and shall be subject to approval by the Zoning Administrator. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, completion of the buffer strips may be deferred for not more than six (6) months. In

reviewing and approving plans for the landscaping and improvement of required buffer strips, the Zoning Administrator shall be guided by the following criteria:

1. The buffer strip shall include landscape materials of shrubs and trees which will result in substantial screening of the parking lot and vehicles from the abutting residential districts.

2. The owner of the premises upon which the buffer strip is located shall maintain such landscaping in good condition so as to present a neat and orderly appearance - free from refuse and debris. All diseased and dead material shall be replaced within one year of the next appropriate planting period, whichever comes first.

SECTION 12.05 OFF-STREET LOADING AND UNLOADING

A. One the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, wholesaling or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening uses for loading and unloading in order to avoid interference with public use of highways, streets or alleys.

ARTICLE XIII. SPECIAL LAND USE

SECTION 13.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which is applicable to the special land use under consideration.

This Article hereby requires Baroda Township, hereinafter referred to as the Township, to issue special land use permits, provided:

A. the proposed use is one listed as a special land use for that district in which said use is proposed to be located; and

B. the Baroda Township Planning Commission insures before approving a special land use permit request that both

1. The standards of the district in which the special land use is to be located are fulfilled; and
2. The standards or other requirements of this Article are fully complied with.

SECTION 13.02 APPLICATION PROCEDURES

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

A. Applicant. - Any person owning or having an interest in the subject property may file an application for one or more special land use permits provided for in this Ordinance in the zoning district in which the land is situated.

B. Application. - Applications for special land use permits shall be submitted through the Baroda Township Clerk hereinafter referred to as the Township Clerk, to the Baroda Planning Commission. Fees:

1. Each application shall be accompanied by the payment of a fee in accordance with the schedule of feeds adopted by the Township board to cover the costs of processing application. No part of any fee shall be refundable.

2. Staff Professionals, Agency Reviews: Prior to Planning Commission taking action on an applicant's final site plan, the Zoning Administrator and/or Planning Commission may have Township staff support professionals or government agencies provide reviews on the plans. Reviews may also be placed as a condition of approval. The Township Board, Planning Commission, Zoning Administrator and/or Township Clerk may establish an escrow fee to recover reasonable and necessary costs for reviews related to a proposed special land use. Amended October 2004

C. Required Information. - Eight (8) copies of an application for a special land use permit shall be presented to the Township Clerk and accompanied by, but not limited to, the following documents and information:

1. A special land use permit application form supplied by the Township Clerk which has been completed in full by the applicant.

2. A site plan in conformance with Article XVI of this Ordinance.

3. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section–13.03 and other standards imposed by this Ordinance affecting the special land use under consideration.

D. Incomplete Application - 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 paid in full.

E. Copy of Application to Township - The Township Clerk shall forward a copy of the application for the special land use request to the Township Planning Commission within seven (7) days of receiving the request. The Planning Commission shall review the application, in compliance with Section 13.03, and hold a public hearing thereon, within sixty (60) days after receipt thereof. Based on the hearing and the need for additional information or deliberation thereon, take final action in a reasonable and timely manner.

F. Hearing - After a preliminary review of the site plan and an application for a Special Land Use Permit, the Township Planning Commission shall hold a hearing on the site plan and special land use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which Special Land Use Permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice of the public hearing shall also be published in a newspaper of general distribution in Baroda Township.

Public notice shall be given not less than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall

1. describe the nature of the special land use request;

2. indicate the property which is the subject of the special land use request;

3. state when, where and at what time the public hearing on the special land use request will be considered; and

4. indicate when and where written comments will be received concerning the request

Notice is considered given when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.

G. Review and Approval - The review of an application and site plan requesting a Special Land Use Permit shall be made by the Township Planning Commission in accord with the procedures and standards specified in Section 13.03. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a Special Land Use Permit shall be approved by the Township Planning Commission if they comply in all respects with the requirements of this Ordinance and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a Special Land Use Permit shall signify prior approval of the application and site plan therefore, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as

approved, and any statements of conditions and modifications shall become part of the Special Land Use Permit and shall be enforceable as such.

The decision to approve or deny a request for a Special Land Use Permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify; the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Planning Commission and is documented as such.

H. Issuance of a Special Land Use Permit - Upon approval by the Township Planning Commission, the Zoning Administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special land use permit and take any enforcement action necessary in the event of a violation of the special land use permit.

I. Appeals - Any person, firm, corporation or department, board or bureau of the township aggrieved by the decision of the Township Planning Commission and the Township Board on special land uses may seek review by the Township Board of Appeals in the manner prescribed in Section 21.06. Amended March 2009

SECTION 13.03 BASIS OF DETERMINATION

Prior to approval of a special land use application and required site plan, the Township Planning Commission shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

A. General Standards - The Township Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2. The special land use shall not inappropriately change the essential character of the surrounding area.

3. The special land use shall not interfere with the general enjoyment of adjacent property.

4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

5. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare.

6. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

7. The special land use shall not place demands on public services and facilities in excess of available capacity.

8. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.

B. Conditions –

1. The Township Planning Commission may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.

2. The conditions may include 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.

3. The Planning Commission, at its discretion, may require greater setbacks than otherwise established for the district in which the proposed special land use would be located where it is determined that one or more of the following conditions exist:

   a. the proposed use will create noise, light, odor or similar potential nuisances affecting adjoining properties, the effects of which could be reduced or eliminated by increasing the separation from those uses;
   b. adjacent property, even if vacant, is zoned Residential and the compatibility of the proposed special land use with existing or future dwellings could be substantively improved by increasing the setback for the special land use along the Residential property line;

c. due to the nature of the special land use, there is the potential threat to the health, safety or welfare of adjoining properties because of traffic, litter, trespassing or similar impacts that could be reduced or eliminated by increasing the separation from those uses; or
d. natural features, such as a significant vegetative screen, wetlands or topographic variations that would moderate the impacts of the special land uses could be preserved by modifying the setback requirement.

C. Performance Guarantee - In authorizing a special land use permit, the Township Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

SECTION 13.04 EFFECTIVE DATE

The special land use permit shall become effective when the application has been approved by the Township Planning Commission.

A. A building permit shall not be issued until approval of such special land use permit by the Township Planning Commission

B. Until a building permit has been granted pursuant to the special land use permit, there shall be no construction or excavation of said land, nor shall use of the land be made toward the intended purposes of such special land use permit.

C. Land subject to a special land use permit may not be used or occupied for purposes of such special land use until after a certificate of occupancy for same has been issued pursuant to the provisions of this Ordinance.

SECTION 13.05 PERMIT VALIDITY

A. Approval of a special land use permit shall be valid regardless of change of ownership. provided that all terms and conditions of the permit are met by any subsequent owner.

B. In instances where development authorized by a special land use permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the Township Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Ordinance applicable to the special land use permit under review, such that the permit is no longer in conformance with the requirements of this Ordinance, the Planning Commission may begin the process to revoke the special land use permit, as required by Section 13.06 B. Where it is determined that such permits are in conformance with the provisions of this Ordinance and there has not been a change in conditions affecting the validity of the permit, the special land use permit shall remain valid, subject to periodic review in accord with the provisions of this subsection. Amended March 2009

SECTION 13.06 COMPLIANCE AND PENALTIES

A. It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) of land and uses subject to a special land use permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in Article XXII and the continuance thereof is declared to be a nuisance per se.

B. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification requirements for the original approval. Amended March 2009

SECTION 13.07 STATUS AFTER APPROVAL

Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:

A. such permit was issued in conformity with the provisions of this Ordinance, and

B. such permit shall be deemed to effect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted, and

C. such permit authorizes a use which is subsequently built, operated and maintained in compliance with the ordinance, the special land use permit it, and all conditions established with its approval.

SECTION 13.08 HOUSES OF WORSHIP. PARISH HOUSES. CONVENTS. SCHOOLS. GOVERNMENTAL BUILDINGS. LIBRARIES. MUSEUMS. PUBLIC UTILITY BUILDINGS. TRANSFORMER STATIONS. GAS REGULATOR STATIONS. HOSPITALS. AND NURSING HOMES

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied.

C. The side yard set back in all cases to be located in a residential district shall be double that for a permitted use.

D. Proper certifications as to control or elimination of health and safety concerns shall be provided as requested.

E. No required parking spaces shall be located in a required front, side or rear yard.

SECTION 13.09 MANUFACTURED HOME PARKS

A. Manufactured home parks shall be established in full compliance with all applicable requirements of the State Manufactured Home Commission Act, Act 419, and P.A. 1976, as amended. Further, manufactured home parks shall be established only after the issuance of a Special Land Use Permit by the Planning Commission. The following uses may be permitted by the issuance of a Special Land Use Permit on the basis of a specific park plan (submitted in triplicate) which has been reviewed and approved by the Planning Commission. The park plan shall specifically locate the uses intended for such permit, the layout and location of buildings, off-street parking and other improvements, manufactured home spaces, traffic circulation, adequate lighting, traffic ingress and egress, setback from lot lines, method of disposing of storm water and sewerage water supply, time schedule for development, and the specific uses intended by the site plan.

B. Comply with all requirements for a special use, Section 13.03. Amended March 2009

SECTION 13.10 PUBLIC AND PRIVATE RECREATION FACILITIES

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied

C. The side yard set back in all cases to be located in a residential district shall be double that for a permitted use.

D. Proper certifications as to control or elimination of health and safety concerns shall be provided as requested.

E. No required parking spaces shall be located in a required front, side or rear yard.

SECTION 13.11 CEMETERIES

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.12 PRIVATE STABLES

A. For use by property owner only.

B. No more than three horses or ponies with a minimum of three (3) acres per animal properly fenced.

C. Meet the minimum set back requirements for a permitted principal use.

D. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.13 MULTIPLE FAMILY DWELLINGS

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied.

C. Proper certifications as to control or elimination of health and safety concerns shall be provided as requested.

SECTION 13.14 PLANNED UNIT DEVELOPMENT

A. All requirements of Article XIV shall be addressed.

B. All requirements for a special land use, Section 13.03, shall be satisfied.

SECTION 13.15 SPECIAL USES IN THE COMMERCIAL DISTRICT - C

A. Shall comply with all requirements specific to the proposed use enumerated in Section 7.03.

B. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

C. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.16 SPECIAL USES IN THE INDUSTRIAL DISTRICT - I

A. Shall comply with all requirements specific to the proposed use enumerated in Section 8.03.

B. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

C. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.17 VETERINARIAN OFFICE AND ANIMAL CLINIC

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.18 AIRPLANE LANDING FIELDS

A. Requirements of the Federal Aviation Administration and State of Michigan.

B. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

C. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.19 AUTO TRANSMISSION REPAIR. WINERIES. TOOL AND DIE MANUFACTURE AND REPAIR. AND OTHER SPECIAL USES IN THE AGRICULTURAL ZONE

A. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

B. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.20 GUN CLUBS AND SKI RUNS

A. All applicable State requirements as appropriate, particularly those of the Department of Natural Resources.

B. All applicable requirements for a permitted use in the district in which the special use is to be located shall apply.

C. All general requirements for a special use, Section 13.03, shall be satisfied.

SECTION 13.21 MANUFACTURED HOMES FOR SPECIAL NEEDS AND/ OR DISABLED IMMEDIATE FAMILY MEMBERS AND / OR AGED PARENTS

A. Identification and certification of occupant and hardship conditions.

B. County approved sewer system

C. County approved water system

D. Parcel of sufficient size to accommodate use.

E. Only one manufactured home per property.

F. Manufactured home shall meet applicable building and construction requirements.

G. Shall not exceed density requirements of the area.

H. Shall be removed within ninety (90) days when a change in conditions under which the permit was granted occurs such as 1) relocation or death of resident for whom the permit was obtained or 2) change of resident.

I. Definition of Immediate Family Member: This term shall include Parents, Step-Parents, Spouse, Children, Brother, Sister, Father-in Law, Mother-in Law, Daughter-in-Law, Son-in-Law, Brother-in Law, Sister-in-Law, and Stepchildren

SECTION 13.22 SIGNS

Permanent off-site signs are permitted as a special land use in the Agricultural District, see Article XI.

SECTION 13.23 FLAG LOTS

Flag lots are those lots which do not meet the required minimum lot width required by this ordinance for the district in which they are located. More specifically they are lots which have a narrow access to a public right-of-way. Flag lots may be permitted in the R-2 Rural Estate Residential District and Ag Agricultural District subject to the following conditions:

A. The topography of the area is found to create a unique condition which justifies this approach to development of the area.

B. A minimum thirty (30) foot wide access strip shall be provided for and as part of each such lot.

C. All resulting lots shall meet the appropriate area, width and setback requirements. The private access strip shall be excluded from calculation of area, width and setback requirements.

D. An improved gravel or paved drive shall be provided. Said drive shall be inspected and approved by the Township to insure access for fire and other emergency equipment.
Amended March 2009

SECTION 13.24 TELECOMMUNICATION TOWERS

A. All general requirements for a special use, Section 13.03 shall be satisfied.

B. The setback for each tower (excluding guy cables and anchors) from adjacent right-of-way and/or property lines shall be not less than the height of the tower plus ten feet.

Accessory buildings or other accessory structures shall comply with the general setback requirements set forth for the zone in which it is located.

C. Applicant must present to the Planning Commission copies of all state and federal permits (FCC, FAA, etc.), licenses, approvals, conditions, and rulings pertaining to the proposed use, and must guaranty compliance therewith.

D. No commercial activities shall be conducted on the site and no offices or studios are permitted.

E. The transmitting facilities shall not interfere with any radio or TV transmission or reception in the surrounding area.

F. When the transmitting facilities cease to operate, they shall be removed within three months.

G. A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than $500,000.00 for each person or property injured or damaged and not less than $1,000,000.00 for injury or damage to more than one person or person's property arising out of one occurrence.

H. The base of any tower(s) shall be fenced by chain link fencing of at least six feet in height and shall have at least three strands of barbed wire angled at the top.

I. Tower height for commercial broadcasting may be erected to the height required or allowed in the Federal Communications Commission license. Tower or pole height for communications antenna including cellular, PCS, paging data transfer, etc. shall not exceed one hundred and ninety feet.

J. All applications shall include: a study identifying documenting that collocation is not possible; an independent propagation study identifying the need for the facility proposed; design to insure potential future collocation and the terms for same.

K. There shall be no high intensity flashing or strobe-type lighting, and all lighting shall be red in color at night.

SECTION 13.25 REMOVAL AND PROCESSING NATURAL RESOURCES (TOPSOIL, STONE, ROCK, SAND, GRAVEL, LIME OR OTHER SOIL OR MINERAL RESOURCES)

In addition to the standards of this Section, the Planning Commission shall consider the following factors in their consideration of the special land use:

(1) The size of the property which such topsoil, sand, gravel, or other such materials are to be removed:
(2) The amount of topsoil, sand , gravel or other such materials which is to be removed;
(3) The purpose of such removal;
(4) The effect of such removal on adjoining property;
(5) The effect of such removal in causing a safety hazard, creating erosion problems, of altering the groundwater table;
(6) The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
(7) The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
(8) Potential traffic congestion and problems because of trucks and other vehicles or means utilized to haul and transport the materials removed;

Operations granted a special land use permit by the Planning Commission shall meet the following conditions:

(1) Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity;
(2) No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located;
(3) No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty(50) feet of any other adjacent property;
(4) All f the operation shall be screened with wire screen or uniformly painted wood fence at least six(6) feet in height, with evergreen screen planting on any side adjacent to residential District or use;
(5) As the natural resources are being removed, the property shall be restored by the placement of topsoil when feasible, and all excavations shall be sloped to a gradient with not more than thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion.
(6) All truck operations shall be directed away from residential streets and utilize county primary roads whenever possible;
(7) The Planning Commission may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.;
(8) Topsoil or sand may be removed fro a lot for the purpose of erection or construction a building or structure on the lot, provided a permit is first obtained from the Zoning

Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause or be likely to cause sand blows, stagnant water pools, bogs or possible future injury to adjoining properties;

(9) The applicant shall secure all necessary permits from Township, County, State and Federal authorities.

SECTION 13.26 BED AND BREAKFAST ESTABLISHMENT.

A. Unless modified by the specific requirements set forth in this Section, all applicable requirements for a permitted use in the zoning district where the special use will be located shall apply. A bed and breakfast establishment shall only be located in the following zoning districts: R-2**,** Rural Estate Residential Zoning District; and AG, Agricultural Zoning District.

B. All general requirements for a special land use of Section 13.03 shall be satisfied.

C. An application for a special land use for a bed and breakfast establishment shall also include the following information:

1. A floor plan of the dwelling unit, drawn to an appropriate scale to adequately show details, and showing the layout of the dwelling. The location of the guest room(s) and bathroom(s) and such other information as requested by the Township Planning Commission, and as required herein to facilitate a proper review of the application must also be depicted.

2. A site plan of the property drawn to an appropriate scale to adequately show details or conforming to current site plan requirements of Article 16, (change made as site plans not required in every circumstance) and showing the principal dwelling unit, any accessory structures and the location of all public or private roads, driveways and designated parking areas. Dimensions to all property lines, as well as to all adjoining structures, shall be depicted.

3. Proof of ownership, such as deed, land contract or other instrument which demonstrates the applicant's ownership.

D. The proposed bed and breakfast establishment shall comply with the following:

1. No more than sixty-six percent (66%) of the floor area of the dwelling shall be devoted to the bed and breakfast establishment. Floor area shall be determined as defined in Article II, Definitions. Floor area is devoted to the bed and breakfast establishment use if the guests can use or occupy the floor area, excluding common hallways.

2. No more than four (4) guest bedrooms (2 persons per room, maximum) will be permitted in a bed and breakfast establishment. Capacity of these bedrooms is limited by applicable Township, county, state, federal and other adopted regulations.

3. A bed and breakfast establishment shall be accessed directly from a paved, public road or paved, private road meeting the Baroda Township private road standards. All driveways and parking areas serving a bed and breakfast establishment shall be accessed directly from a paved, public road, or a paved, private road meeting the private road standards of Baroda Township.

4. The bed and breakfast establishment shall contain at least two (2) exit doors to the outdoors which are readily accessible by guests at all times. Such exit doors shall comply with all state, federal and local building code standards, as adopted and applied by the Township from time to time.

5. No separate cooking facilities shall be provided for guests. The owner/operator of the bed and breakfast establishment may provide one (1) meal to registered guests only, as a part of the normal and customary operation of the bed and breakfast establishment.

6. Smoke detectors shall be installed in each guest bedroom and outside of each separate sleeping area in the immediate vicinity of the guest bedrooms and on each additional story of the dwelling, including basements, cellars and attics. All smoke detectors shall be kept in properly maintained and working order at all times, per current applicable building code.

7. No more than one (1) unlighted sign which notifies the public of the bed and breakfast establishment may be posted on the lot or dwelling. The sign shall not exceed a size of three (3) square feet. The sign shall not be located within any public or private right of way or from the front or rear property lines; nor shall the sign be located within twenty (20) feet of a side lot line.

8. In addition to the parking requirements for residential purposes, there shall be at least one (1) off-street parking space for each guest sleeping room. Such off-street parking space must be located in areas and yards that are allowable under the Baroda Township Zoning Ordinance. The Township Planning Commission may recommend screening for parking areas abutting residential properties, as a condition of approval of a special land use permit.

9. All off street parking spaces must be depicted on the site plan submitted with the special land use application and must be provided in accordance Article XIII of this Ordinance. Appropriate barrier free parking shall also be provided.

10. If a municipal water and/or municipal sewer system is available to serve the bed and breakfast establishment, the bed and breakfast establishment must be connected to the municipal water and/or municipal sewer system.

11. If no municipal water and/or municipal sewer system is available to serve the bed and breakfast establishment, and the bed and breakfast establishment is served by a private well and/or private wastewater treatment system or septic tank and drain field, the applicant must demonstrate that the water and/or wastewater systems have

been approved by the appropriate agencies. After approval, the applicant must annually resubmit proof of the water and/or wastewater systems' continued approval to the Township Planning Commission for review.

12. The Township Building Official, Township Zoning Administrator, Township Fire Chief and/or their designees shall conduct an on site inspection to determine compliance with all applicable requirements of this Ordinance, other Township ordinances and all applicable laws and regulations of local, federal and state governments. No certificate of occupancy shall be issued until these required inspections are completed and compliance with all required regulations has been met. An inspection fee shall be established and assessed in conjunction with these inspections.

13. As a condition of approval of a special land use permit for a bed and breakfast establishment, the Township Building Official, Zoning Administrator and/or Township Fire Chief, or their designees, may inspect the bed and breakfast establishment as needed, upon prior reasonable notice to the property owner, to insure continued compliance with Township and all other applicable regulations.

14. The bed and breakfast establishment shall not have an adverse impact on surrounding property owners or the adjacent neighborhood as a result of noise, traffic generation, appearance of excessive number of parked vehicles, physical alterations that may change the appearance and character of a residential area or any other attendant effects.

15. The bed and breakfast establishment shall be contained within the single family dwelling unit which is the principal structure on the property. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the owner and the owner shall live in that principal residence when the bed and breakfast establishment is in operation.

16. The sale of food (other than one (1) meal included as part of the normal and customary operation of a bed and breakfast establishment, as supplied solely to registered guests), or any items of any kind is prohibited. The operation of a gift store, or any similar activity conducted within the bed and breakfast establishment is not permitted. However, minor items incidental to the marketing of promotional materials for the bed and breakfast establishment by way of example, such as t-shirts, may be sold on the premises to registered guests.

17. No outdoor gatherings (i.e., weddings, receptions, family reunions, business meetings) may be held in conjunction with the operation of the bed and breakfast establishment.

18. No loudspeaker or outside amplification may be used on the property on which the bed and breakfast establishment is located.

19. The Planning Commission may require, among other things, screening (landscape buffering and/or fencing) between the property requesting special land use approval for a bed and breakfast establishment and adjoining properties, as a condition of approval of a special use permit for a bed and breakfast establishment.

20. The maximum stay for any occupant of a bed and breakfast operation shall be fourteen (14) consecutive days and not more than thirty (30) days in one (1) year.

21. The Special Land Use Permit for a bed and breakfast home shall be review by the Planning Commission annually to determine if the operation continues to meet the requirements of this ordinance and /or conditions attached to the Special Land Use Permit. If operation is found to be in violation of this ordinance and/or any conditions imposed thereon, the Planning Commission may enforce the special land use in accordance with Article XIX including, if necessary, revocation of the special land use. Amended July 3, 2007; March 2009

Section 13.27 Tourist Homes

A. Unless modified by specific requirements set forth in this Section, all applicable requirements for a permitted use in the zoning district where the special land use will be located shall apply. A tourist home shall only be located in the following zoning districts: R-2, Rural Estate Residential Zoning District; and AG, Agricultural Zoning District.

B. All general requirements for a special land use permit of Section 13.03 shall be satisfied

C. An application for a special land use permit for a tourist home shall also include the following information:

1. A floor plan of the dwelling unit, drawn to an appropriate scale to adequately show details and showing the layout of the dwelling. The location of the guest room(s) and bathroom(s) and such other information as requested by the Township Planning Commission and as required herein to facilitate a proper review of the application must also be depicted.

2. A site plan of the property drawn to an appropriate scale to adequately show details ~~,~~ or conforming to current site plan requirements of Article 16, (change made as site plans not required in every circumstance) and showing the principal dwelling unit, any accessory structures and the location of all public or private roads, driveways and designated parking areas. Dimensions to all property lines, as well as to all adjoining structures, shall be depicted.

3. Proof of ownership, such as deed, land contract or other instrument which demonstrates the applicant's ownership.

4. The **local emergency contact person** and local person responsible for maintenance and daily management of the tourist home shall also be provided.

D. The proposed tourist home shall comply with the following:

1. No more than four (4) guest bedrooms (2 persons per room, maximum) will be permitted in a tourist home. Capacity of these bedrooms is limited by applicable Township, county, state, federal and other adopted regulations.

2. A tourist home shall be accessed directly from a paved, public road, or a paved private road that is in compliance with the Baroda Township private road standards. All driveways and parking areas serving a tourist home shall be accessed directly from either a paved public road or a paved private road that is in compliance with the Baroda Township private road standards.

3. A tourist home shall contain at least two (2) exit doors to the outdoors, which are readily accessible by guests at all times. Such exit doors shall comply with all state, federal and local building code standards, as adopted and applied by the Township from time to time.

4. Smoke detectors shall be installed in each guest bedroom and outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements, cellars and attics. All smoke detectors shall be kept in properly maintained and working order at all times, per current applicable building code.

5. No more than one (1) unlighted sign which notifies the public of the tourist home may be posted on the lot or dwelling. The sign shall not exceed a size of three (3) square feet. The sign shall not be located within forty (40) feet of any public or private right of way or from the front or rear property lines; nor shall the sign be located within twenty (20) feet of a side lot line.

6. There shall be at least two (2) off-street parking spaces for each guest sleeping room in the tourist home. Such off street parking space must be located either in a rear or side yard. The Township Planning Commission may recommend, and the Township Board may approve, screening for parking areas abutting residential properties, as a condition of approval of a special land use permit.

7. All off street parking spaces must be depicted on the site plan submitted with the special land use application and must be provided in accordance Article XII of this Ordinance. Appropriate barrier free parking shall also be provided.

8. If a municipal water and/or municipal sewer system is available to serve the tourist home, the tourist home must be connected to the municipal water and/or municipal sewer system.

9. If no municipal water and/or municipal sewer system is available to serve the bed tourist home, and the tourist home is served by a private well and/or private wastewater treatment system or septic tank and drain field, the applicant must demonstrate that the water and/or wastewater systems have been approved by the appropriate agencies. After approval, the applicant must annually resubmit proof of the water and/or wastewater systems' continued approval to the Township Planning Commission for review.

10. As a condition of approval of a special land use permit for a tourist home, the Township Building Official, Zoning Administrator and/or Township Fire Chief, or their designees, may inspect the tourist home as needed, upon prior reasonable notice to the property owner, to insure continued compliance with Township and all other applicable regulations. An inspection fee shall be assessed per the current fee schedule in conjunction with these inspections.

11. The tourist home shall not have an adverse impact on surrounding property owners or the adjacent neighborhood as a result of noise, traffic generation, an excessive number of parked vehicles and other physical alterations that may change the appearance and character of a residential area or any other attendant effects.

12. One tourist home is permitted per minimum two (2) acre parcel in the AG, Agricultural Zoning District.
13. Each tourist home in the AG, Agricultural Zoning District must comply with the required frontage on either a paved, public road or a paved, private road that is in compliance with the Baroda Township private road standards.

14. The tourist home shall be completely contained within the single family dwelling unit, which is the principal structure on the property. Accessory structures on the property may not be used for residential purposes.

15. One (1) tourist home is permitted per minimum one (1) acre parcel in the R-2, Rural Estate Residential Zoning District per Section 4.04 of the Baroda Township Zoning Ordinance.

16. Each tourist home in the R-2 Rural Estate Residential Zoning District must have a minimum of one hundred fifty (150') feet of frontage on either a paved, public road or a paved, private road that is in compliance with the Baroda Township private road standards.

17. No outdoor gatherings (i.e., weddings, receptions, family reunions, business meetings) may be held in conjunction with the operation and/or rental of the tourist home.

18. No loudspeaker or outside amplification may be used on the property on which the tourist home is located.

19. The Planning Commission may require screening

(landscape buffering and/or fencing) between the tourist home property and adjoining properties, as a condition of approval of a special land use permit for a tourist home in an AG zoning district.

20. The sale of food (other than a meal included as part of the normal and customary operation of a tourist home, as supplied solely to registered guests), articles, gift store, or any similar activity conducted within the tourist home is not permitted. However, minor items incidental to the marketing of promotional materials for the tourist home by way of example, such as t-shirts, may be sold on the premises to registered guests.

20. The Special Land Use Permit for a tourist home shall be reviewed by the Planning Commission on an annual basis, to determine if the operation continues to meet the requirements of this ordinance and any conditions attached to the Special Land Use Permit. If an operation is found to be in violation of this ordinance and /or any conditions imposed thereon, the Planning Commission may enforce the Special use in accordance with Article XIX, including, if necessary, revocation of the Special Land Use. Amended July 3, 2007; March 2009

SECTION 13.28 CAMPGROUNDS

A. Requirements for all campgrounds:

1. Minimum lot size for a campground project shall be thirty (30) acres and the lot shall have direct vehicular access to a public street or road. Lot requirements for condominium units: see Section 13.29 (B)(7)

2. Public stations shall be provided, housed in all-weather structures with toilet and shower facilities, and containing an adequate water outlet, waste container or connection to a sanitary sewer system; All sanitary facilities shall be designed and constructed in strict conformance to all applicable State and County health regulations.

3. All camp sites, condominium units and campground related facilities or operations, including play sets, buildings and storage areas, shall comply with minimum setbacks as designated in each zoning district unless modified by the Planning Commission per section 13.03 B. 1-3

4. Non-motorized trails or paths shall not be located less than one hundred (100) feet from side and rear property lines. Motorized use of trails and paths is prohibited.

5. All parking spaces shall meet the dimensional and access requirements of this ordinance; however, parking spaces located on a campsite or condominium unit are allowed to use the adjacent access road for backing and maneuvering

Except as otherwise required by this section, access drives and parking areas may be paved with a hard surface, or may be paved with an aggregate material, provided that dust control measures are employed. Parking spaces that are not paved with a hard surface need not be marked; however, required handicapped-accessible spaces shall meet State and Federal requirements.

6. Drop-off and parking areas designed to accommodate any number of buses or vehicles with a capacity of twenty (20) passengers or more shall be paved. The Planning Commission and Township Board may waive the paving requirement, if it finds that one or more of the following applies:

   1) Aggregate surfacing and potential problems arising from dust or scattered gravel will not impact the site or neighboring properties. The Planning Commission may require a dust control plan to be provided.
   2) Hard surfacing will significantly increase storm water runoff and create a potential for flooding and/or soil erosion.

7. There may be no more than one (1) permanent dwelling unit on the project site, which shall be for housing a resident manager and his/her family. This unit shall be arranged so that the residence is set back from access roads and surrounding campsites with the same front, side and rear setback requirements as the R-1, Single Family Residence District. Within a Recreational Vehicle Condominium, this unit (if provided) shall be located on a condominium unit that meets the minimum lot area and lot width requirements of the R-1 District.

8. Other than the resident manager's dwelling as allowed above, no campsite may be used for year-round or permanent dwelling. Campsites may be used only as temporary dwellings (<u>less than six months</u>) for recreational purposes.

9. All campgrounds shall conform to the requirements of the Michigan Campground Act (PA 162 of 1990), Part 125 of the Michigan Public Health Code (PA 368 of 1978) and all related State of Michigan administrative rules.

10. All campgrounds must comply with all other requirements for a special land use set forth in Article XIII of this Zoning Ordinance.

B. Transient campgrounds:

1. A commercial enterprise shall not be permitted to operate on the property, however, for a development with more than sixty five (65) camp sites and/or condominium units, a convenience shopping and/or laundry facility, which is intended for use by patrons of the campground, may be allowed.

2. Sites designed to accommodate motor homes, travel trailers or similar recreational vehicles shall have direct access to a dust-free roadway of at

least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking on the roadway shall not be allowed. Sites that are specifically designated and used for tent camping are not required to have direct vehicular access to a street or road.

3. A ratio of at least one and one-half (1½) parking spaces per camp site shall be provided in addition to the space on each campsite designated for the recreational vehicle.

    a. At least one (1) of the required parking spaces shall be located on each camp site or condominium unit.
    b. The remaining required spaces shall be in designated guest parking areas and shall be located for convenient access by campers and guests.
    c. Primitive or "pack in" campsites, designed for tent camping only, shall not be required to provide a parking space on site, provided the minimum parking space requirement is met within the development.

4. For accessory office and retail uses that serve the campground, a minimum of two (2) parking spaces shall be provided per each five hundred (500) square feet of usable floor area

5. Up to two access roads shall be permitted to connect the internal circulation roads with the public right-of-way.

6. Campsites and condominium units shall be arranged on the site to protect and preserve natural features, provide access to open space and preserve views.

7. Additional Requirements for Recreational Vehicle Condominiums:

    a. Setbacks. Each condominium unit shall be arranged so that no campfire or portion or extension of a recreational vehicle shall be located within or extend into the following required setbacks.

        1) Front setback: Fifteen (15) feet, measured from the front line of the condominium unit adjacent to the access drive
        2) Rear and side setbacks: Five (5) feet.

    b. Except for one (1) condominium unit which may be developed to accommodate a dwelling for a resident manager as permitted above, no condominium unit within the site may be developed with a permanent structure, other than the following accessory structures:

        1) One (1) storage shed, with a maximum gross floor area of one hundred forty four (144) square feet, set back a minimum of three (3) feet from a side or rear unit property line and fifteen (15) feet from the front unit property line;

2) One (1) gazebo or deck, covered or uncovered, with a maximum floor area of two hundred (200) square feet, meeting the setbacks for a recreational vehicle as outlined in subparagraph a, above.
3) No permitted accessory structure shall exceed sixteen (16) feet in height.

c. Each condominium unit shall provide the following:

1) A paved area for parking a recreational vehicle, either hard surfaced or aggregate.
2) Electrical and water connections.

d. Each condominium unit shall be a minimum of 3,200 square feet in area.

e. The applicant shall submit a copy of the proposed condominium Master Deed, covenants and restrictions, which shall contain, at minimum, the requirements for ownership, maintenance and use of common elements and limited common elements. Upon approval of the project and before any sale of condominium units, a copy of the recorded Master Deed shall be submitted to the Township.

f. The condominium development shall be established according to the requirements of the Condominium Act (PA 59 of 1978).

C. Group campgrounds:

1. Parking and Drives:

a. Offices, dining halls and other administrative uses shall provide one (1) parking space per employee.
b. Indoor or outdoor theaters or similar performance spaces that are intended to be open to persons other than campers shall provide one (1) parking space per each three seats.
c. Staff camps or similar accommodation areas shall provide one (1) parking space per each three (3) staff beds.
d. Administration and registration centers shall provide parking and stacking spaces adequate to serve bus and passenger vehicle drop-off and parking.
e. The site plan shall clearly delineate all drop-off and patron parking areas. The site plan narrative shall include maximum camper and staff populations and shall show how the provision of parking will be adequate to serve the maximum population.
f. At minimum, any drive accessing a public right-of-way shall be hard-surfaced for the first one-hundred (100) feet from the public street or

road right-of-way line. Any other internal drive may be paved with an aggregate material.

2. An outdoor amphitheater or similar performance space shall have a minimum setback of two-hundred (200) feet from any property line.

3, Meals may be served only to campers and staff, or for events that are clearly accessory to the operation and mission of the group camp, such as parent dinners, organizational celebrations, and similar. Dining halls or other facilities shall not be used for any commercial purpose.

ARTICLE XIV. PLANNED UNIT DEVELOPMENT

SECTION 14.01 INTENT: MINIMUM REQUIREMENTS

A. The intent of this Article is to provide a degree of flexibility with regard to the use, area, height, bulk and placement regulations for relatively large-scale developments which qualify as Planned Unit Developments. These may include, but are not limited to, housing developments, shopping centers, industrial districts, office districts and medical and educational campuses.

B. The use, area, height, bulk and placement regulations of this ordinance are primarily applicable to the usual situation of one principal building on one lot. These requirements would in certain large developments have results which would less serve the public health, safety and welfare than if a controlled degree of flexibility were allowed. As an example, a large-scale residential development might better serve the public health, safety and welfare if a portion of the open space requirement for individual dwellings were consolidated into playgrounds or community parks.

C. A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. Permitting these uses as Special Land Uses can in certain cases increase convenience, be compatible with the overall character of the district and not be injurious to adjoining properties. As an example, a large office building or multiple development might include a coffee shop, food store or barber shop primarily intended for occupants or residents of the premises.

D. Subject to the foregoing statement of intent and the following limitations and requirements, the Planning Commission may, upon application, approve Special Land Uses and Exceptions in reference to the use, area, height, bulk and placement regulations of this ordinance.

E. A Planned Unit Development must constitute a land area of at least 5 acres to be occupied by principal building(s) with more than 25,000 square feet of usable floor area; the development shall be designed as a entity, intended to be substantially completed within 3 years if less than 50 acres, and 5 years if more than 50 acres.

SECTION 14.02 FILING OF APPLICATION

A. An application and site plan shall be filed in triplicate with the Township Clerk via the Zoning Administrator and shall contain the following:

1. Covering letter signed by owner and/or prospective developer holding an equitable interest in the property in question indicating:

   a) Legal description, showing location and acreage of property,

   b) Existing zoning classification(s),

   c) General description of proposed development and estimated timetable of construction.

2. Requirements as established by Article XIII, Special Land Uses.

3. A site plan prepared in accordance with Article XVI, and in addition:

   a) On the site plan there shall be the proposed schedule of: usable floor areas and land areas by category of use, building ground coverage, square feet net lot area and preserved open space per dwelling unit, number of parking spaces and such other information necessary to satisfy the intent and requirements of this Article.

   b) A declaration of restrictions to be placed on a property when subdivided to assure the planned character and uses will be preserved and protected.

B. The Zoning Administrator shall refer the application and site plan to the planning commission.

SECTION 14.03 ACTION OF PLANNING COMMISSION

A. Upon receipt of the application and site plan the planning commission shall schedule and hold a public hearing on the proposal in accordance with the procedures and requirements set forth in Article XIII Special Land Use, and Article XVI Site Plan requirements.

B. The planning commission shall review the application and site plan and prepare a report on whether or not the proposed development best serves the intent of this ordinance and the public health, safety and welfare with respect to the requested Special Land Use and Exceptions.

1. Does the proposal constitute a bona fide Planned Unit Development?

2. Is the public health, safety and welfare better served by the proposal?

3. Have the following considerations been evaluated: location, density of population, adequacy of school, park, and other public facilities, traffic volumes and circulation, compatibility with existing development, adequate provision for light and air and accessibility for fire and police protection?

4. Is the proposal compatible with objectives of the Sketch Development Plan or specific elements thereof which have been officially adopted by the planning commissions?

5. Is adequate provision made for dedication of land for streets, flood plains and parks?

6. Are there exceptions from district regulations within the limitations of this ordinance?

7. What other conditions should be required for issuance of a Special Land Use Permit or exceptions in regard to use, area, height, bulk or placement?

C. The planning commission shall then transmit the application and site plan, together with its recommended approval or disapproval and the report to the Township Board. If approval is recommended, the planning commission shall have made an affirmative finding on Items 1 through 8 inclusive of Section13.03 Paragraph A.

SECTION 14.04 ACTION OF TOWNSHIP BOARD

A. The Township Board, upon receipt from the planning commission of its report and findings, may then approve such Special Land Uses and Exceptions for such Planned Unit Development subject to the following limitations.

1. Residential District Planned Unit Development - All Planned Unit Developments in residentially zoned districts shall be subject to the following limitations:

   a) A maximum of 5 percent of the total developed may be utilized for uses permitted in the "C" commercial district.
   b) No business use or any building devoted primarily to a commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.

c) 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 result under the district regulations. Land accruing from reductions in lot requirements shall be laid out, developed and perpetually reserved for open space, recreational and conservation purposes, with such land dedicated to the municipality or conveyed to another competent public or private entity.

d) A minimum of 20 percent of the land developed in any residential Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed. e) Under no circumstances shall industrial uses be permitted within a Residential District Planned Unit Development.

2. Commercial District Planned Unit Development - All Planned Unit Developments in commercially zoned districts shall be subject to the following limitations:

a) The use, area, height, bulk and placement regulations of the district may be varied to allow for a variety of architectural designs.

b) Notwithstanding any other provisions of this Section, every lot abutting the perimeter of a commercial Planned Unit Development shall maintain all yard requirements of Section 7.04 for commercial zoning districts.

c) A maximum of 15 percent of the total developed area may be utilized for multiple-family residential use.

d) A maximum of 5 percent of the total developed area may be utilized for industrial uses which are deemed compatible with the commercial and/or residential character of the Planned Unit Development.

e) A minimum of 15 percent of the land developed in any commercial Planned Unit Development shall be reserved and utilized for common open space and noncommercial recreational facilities for the uses of the area being developed.

3. Industrial District Planned Unit Development - All Planned Unit Developments in industrially zoned districts shall be subject to the following limitations:

B. The use, area, height, bulk and placement regulations of the district may be varied to allow for a variety of architectural design.

b) Notwithstanding any other provisions of this Section, every lot along the perimeter of the industrial Planned Unit Development shall maintain all yard requirements of Section 8.04 for industrial zoning districts.

c) A maximum of 10 percent of the total developed area may be utilized for uses that are permitted in the "C" commercial zoning district.

d) A minimum of 5 percent of the land developed in any industrial Planned Unit Development shall be utilized for common open space and noncommercial recreational facilities for the users of the area being developed.

SECTION 14.05 EFFECT OF APPROVAL

A. The approval of the application by the Township Board shall allow the Zoning Administrator to issue a Zoning Compliance Permit in conformity with the application as approved. Upon the abandonment of a particular Planned Unit Development authorized under this Section or upon the expiration of 6 months from the authorization hereunder of a Planned Unit Development which has not by then been commenced, the authorization shall expire.

ARTICLE XV. CONDOMINIUM PROJECTS

SECTION 15.01 DEFINITIONS

The following terms are defined in the context of the Condominium Act, being Act 59 of the Public Acts of 1978, and in a manner intended to make comparison possible with the terms of this Ordinance, the Subdivision Control Act, and the Condominium Act.

A. Clerk: The Clerk of the Township

B. Condominium Structure or Building Envelope: The principal building or structure intended for or constructed upon a lot or condominium unit, together with any attached accessory structures, e.g., in a residential development, the condominium structure or building envelope would refer to the house and any accessory buildings.

C. Condominium Unit: That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

D. Lot(s): That portion(s) of a condominium project designed and intended for separate ownership interest and/or exclusive use, as described in the Master Deed, which contains no less than the minimum square footage and road frontage as indicated in this ordinance.

E. Master Deed: The legal document prepared and recorded pursuant to Act 59 of the Public Act of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

F. Site Condominium Subdivision Project: A condominium project developed under Public Act 59 of 1978, as amended, comprising of more than two (2) condominium units which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

G. Setback - Front, Side and Rear Yard: Front, side and rear yard setbacks shall mean the distance measured from the respective front, side and rear yard area lines associated with the "condominium structure" or "building envelope" to the respective front, side and rear of the lot.

SECTION 15.02 REGULATIONS

The following regulations shall apply to all condominium projects within Baroda Township.

A. This section does not apply to recreational vehicle condominiums, as alowed by this Ordinance

B. Initial Information. - Concurrently with notice required to be given Baroda Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
   a) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optioner, or land contract vendee).
   b) All engineers, attorneys, architects or registered land surveyors associated with the project.
   c) The developer or proprietor of the condominium project.

2. The legal description of the land on which the condominium project will be developed.

3. The acreage of the land on which the condominium project will be developed.

4. The purpose of the project (for example, residential, commercial, industrial).

5. The number of condominium units to be developed on the subject parcel.

6. Method to provide sewer and water service, and also storm drainage control

C. Subsequent Information - After the condominium project has been approved, the developer or proprietor shall furnish the Zoning Administrator with the following: 1) one (1) copy of the recorded Master Deed; 2) one (1) copy of all restrictive covenants, and 3) two (2) copies of an "as built survey". The "as built survey" shall be reviewed for compliance with Township Ordinance.

D. New Projects Approval Process - Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Article XVI of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Building Permit. Fees for this review shall be established by resolution of the Township Board.

E. Expandable or Convertible Projects - Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article VI of this Ordinance.

F. Monuments Required - All Condominium units which are building sites, manufactured home sites, or recreational sites shall be marked with monuments as provided in this subsection

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

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

3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line at the intersection of all limited common elements and all common elements.

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

5. All required monuments shall be placed flush with the ground where practical

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

7. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Item (2) above.

8. The Township Board of Baroda may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash, certified check, or irrevocable bank letter of credit running to the Baroda Township, whichever the proprietor selects, in an amount not less than one hundred dollars ($100) and the total amount shall be figured at the rate of twenty-five dollars ($25) per monument. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

9. Compliance with Federal, State and Local Law. All condominium projects shall comply with Federal and State Statutes and local ordinances.

10. State and County Approval. The Developer or proprietor of the condominium project shall prove that appropriate state, county, and township approvals have been received with regard to the water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

11. Temporary Occupancy. The Planning Commission may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted in sufficient amount and type as required by the Planning Commission to provide for the installation of improvements before the expiration of the Temporary Occupancy permit without expense to the Township.

12. Single Family Detached Condominiums. Single family detached condominiums shall be subject to all requirements and standards of the underlying Zoning District. Individual lot areas may be reduced by up to 30% if the reduced amount is reserved as developed common open space. Linear dimensions for lots and yards may be reduced 15%.

13. Manufactured Home Condominiums. Manufactured home condominium project shall conform to all requirements of this ordinance and shall be located only in the R-3 Manufactured Home Park District.

    a. Roads. All roads, public or private, shall meet the standards of the Berrien County Road Commission.

14. Copy of final Site Plan. After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13x16) inches with an image not to exceed ten and one-half by fourteen (10-1/2x14) inches.

15. Posting of Financial Guarantee. The Planning Commission may require a performance bond, irrevocable letter of credit, or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project or approved phase or portion thereof. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved plan. If conditions set forth in the approved plan are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as tested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the acquired improvements and to enforce the Zoning Ordinance and the balance, if any, shall be returned to the Applicant.

ARTICLE XVI. SITE PLAN REQUIREMENTS

SECTION 16.01 INTENT

A. The intent of requiring site plan submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this ordinance.

B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Baroda Township.

SECTION 16.02 APPLICABILITY

A. A site plan shall be prepared and submitted in accordance with Section 16.03 and 16.04 with any application for a Special Land Use, not involving a single-family, two-family or agricultural permitted principal use; with any application for rezoning, other than rezoning two- family, or agricultural permitted principal use; with any application for a zoning compliance permit or building permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and with any application for a Planned Unit Development.

SECTION 16.03 CONTENTS

A. A required site plan shall be drawn at a scale of 1 inch equals 100 feet and shall contain the following information:

1. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.

2. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than 2 feet.

3. The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.

4. Natural features such as woodlots, trees of more than 1 foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.

5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.

6. The size and location of all existing and proposed public and private utilities and required landscaping.

7. A vicinity sketch showing location of the site in relation to the surrounding street system.

8. A legal description of the land and lots included in the site plan.

9. Any other information necessary to establish compliance with this and any other ordinances and the availability of adequate utility capacity.

10. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development of 5 acres or more in land area shall be prepared by a registered architect, engineer, professional community planner or land surveyor. A site plan for a development of less than 5 acres may, at the discretion of the Zoning Administrator, be prepared by a qualified person who is not a registered architect, engineer, professional community planner, or land surveyor.

SECTION 16.04 REVIEW PROCESS

A. Any required site plan shall be submitted in triplicate, of original quality, to the Zoning Administrator along with a covering letter in triplicate signed by the owner of the land and/or prospective developer providing an explanation and background information on the proposed development along with all necessary documents required by this ordinance.

B. The Zoning Administrator shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of the ordinance.

C. If the proposed development does not require the issuance of a Special Land Use Permit or rezoning of land by the Township Board or a Variance by the Zoning Board of Appeals, 30 days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan. If the site plan is disapproved the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this ordinance.

D. If the proposed development requires issuance of a Special Land Use Permit or Variance, the Zoning Administrator shall transmit his findings as described in Paragraph C. above, to the Township Clerk along with three copies of this site plan and covering letter and Article XIII procedures will be followed. The proposer of the development shall be notified of the status of his requested site plan approval.

E. If the proposed development requires a rezoning of land the Zoning Administrator shall transmit his findings as described in Paragraph C., above, to the Township Clerk which shall follow the amendment procedure as provided in Article XXIII. A copy of the site plan and covering letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan approval.

F. If the proposed development requires the issuance of a Variance, the Zoning Administrator will transmit his findings to the Board of Appeals along with one copy of the site plan and covering letter. The Board of Appeals shall follow the Variance procedure as provided in Section XXI. The proposer of the development shall be notified of the status of his requested site plan approval.

G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 16.03 and the requirements for the proposed use or other uses in the district of the proposed use, or statutorily authorized and properly adopted local unit of government planning documents.

H. A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed zoning ordinance, other statutorily authorized and properly adopted local units of government planning documents, other applicable ordinances, and state and federal statutes.

I. The site plan as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan,

unless a change conforming to this ordinance receives the mutual agreement of the landowner and approving body, or official that initially approved the site plan.

J. Upon approval of a site plan the Zoning Administrator shall within 5 days file with the secretary of the township planning commission a copy of the approved site plan for planning commission notification and/or review. The Zoning Administrator may, at his discretion, request consultation with and advice of the planning commission prior to his approval or disapproval of the site plan.

K. The decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals, pursuant to the process outlined in Section 21.05. Amended March 2009

ARTICLE XVII. NONCONFORMING LOTS, USES, AND STRUCTURES

SECTION 17.01 INTENT

A. Within the districts established by this Ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land and structures, 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 future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuation. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

C. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 17.02 NONCONFORMING LOTS OF RECORD

A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance, provided erection of such dwellings and buildings is in accordance with all other applicable township, county, and state regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the issuance of a variance by the Board of Appeals in accordance with the requirements of this Ordinance.

B. If two or more lots or combinations of lots and portions of lot with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminished compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

SECTION 17.03 NONCONFORMING USES OF LAND

A. Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations of this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land. Amended March 2009

SECTION 17.04 NONCONFORMING STRUCTURES

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 17.05 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving individual structures or structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any additional land outside such building;

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a Special Land Use be changed to another nonconforming use provided the Planning Commission either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district. than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not hereafter be resumed;

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months (except when circumstances beyond the control of the owner impede access to or occupation of the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.
Amended March 2009

SECTION 17.06 REPAIR AND MAINTENANCE

A. Except as provided by Section 17.04, A. 2, and paragraph B., below, on any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided the cubic content existing when it became nonconforming shall not be increased.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 17.07 USES UNDER SPECIAL LAND USE PROVISIONS ARE NOT NONCONFORMING USES

Any use which is approved by the Planning Commission after the effective date of this ordinance as a Special Land Use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such District but shall without further action be considered a conforming use. The Planning Commission may approve as a Special Land Use a use existing prior to the effective date of this ordinance, subject to the limitations and conditions of this ordinance as though such existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for above.

SECTION 17.08 CERTIFICATE OF OCCUPANCY FOR NONCONFORMING STRUCTURES AND FOR NONCONFORMING USES

A. In order to establish a record of lawfully existing nonconforming structures, and nonconforming uses of structures and land, the Zoning Administrator shall upon application by the owner, within one (1) year of the time of passage of this ordinance, issue a Certificate of Occupancy for such lawfully existing nonconformance.

B. If such Certificate of Occupancy is not so obtained, the burden of proof of the lawful existence of a nonconforming structure or use shall rest upon the owner.
Amended March 2009.

ARTICLE XVIII. TEMPORARY USES

SECTION 18.01 ANEMOMETERS

The Following is permitted in all zoning areas as a temporary use, in compliance with the provisions contained herein.

A. Anemometers
   1. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to applicable local, state and federal applicable safety, construction, environmental, electrical, communications and FAA requirements.
   2. An anemometer tower shall be subject to the minimum requirements for setback, separation, location, safety requirements and decommissioning.
   3. An anemometer with tower shall be permitted for no more than thirteen (13) months.

4. An anemometer tower shall be exempt from height restrictions pertaining to the zoning area in which such tower may be installed
5. Data collected from anemometers shall be shared with the Baroda Township Board.

ARTICLE XIX. ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 ZONING ADMINISTRATOR

A. Duties and powers - Administration

The Zoning Administrator shall have the responsibility for the duties necessary in administering this ordinance and to that end shall have powers necessary for such administration. The Zoning Administrator shall:

1. **Site Plan Review:** Review all applications for zoning permits and approve or disapprove such applications that do not require review by the Planning Commission, based on compliance or noncompliance with the provisions of this ordinance and issue approvals when there is compliance with this ordinance.

Evaluate proposals for uses in all districts as to compliance with standards in those districts. If the application requires Planning Commission review, conduct field inspections, surveys, and investigations; prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations; evaluate proposals for uses in all districts as to compliance with standards in those districts. Report to the Planning Commission with recommendations; and notify the applicant, in writing, following any decision of the Planning Commission.

2. **Special Land Use Review:** Receive all applications for special land use permits; conduct field inspections, surveys and investigations; prepare maps, charts and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations; when the provisions of this ordinance require a hearing on an application for a special land use permit or amendment to the zoning ordinance, give notice of time and place of such hearing, in accordance with requirements of this ordinance and the provisions of the Zoning Enabling Act, report to the Planning Commission with recommendations; and notify the applicant, in writing, following any decision of the Planning Commission.
3. **Zoning Board of Appeals Reviews:** Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this ordinance; conduct field inspections, surveys and investigations; prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the Board for determination; and notify the applicant, in writing, following and decision made by the Zoning Board of Appeals.
4. **Zoning Ordinance Amendment Reviews:** Receive all applications for amendments to this ordinance, including both zoning ordinance text and zoning map changes; conduct field inspections, surveys and investigations prepare maps, charts, and other pictorial material when necessary or desirable and otherwise formulate recommendations; report to the Planning Commission and Township Board all such applications together with recommendations of the Planning Commission.
5. **Propose Zoning Ordinance Amendments:** Propose and recommend the enactment of amendments of this ordinance for the purpose of improving its administration or enforcement.
6. **Notice Public Hearings:** When the provisions of this ordinance or the state law require a hearing on any application provided for in this ordinance, give notice of such hearing in the manner prescribed by this ordinance or by law; maintain an affidavit of mailing as required.
7. **Maintain Zoning Map:** Maintain a zoning map or maps as the official zoning map(s) showing the current zoning classifications of all land in the Township. Provide the Township and Planning Commission members with updated map(s).
8. **Maintain Written Records:** Maintain written records of all actions taken in performing the duties of the Zoning Administrator and make sure that the Township with a complete record of all Planning Commission and Zoning Board of Appeals actions.

9. **Provide Necessary Application Forms:** Be responsible for providing forms necessary for the various applications to the Planning Commission or Zoning Board of Appeals as required by this ordinance and shall be responsible for determining what information is necessary on such forms for the effective administration of this ordinance, subject to the general policies of the Planning Commission and Zoning Board of Appeals.
10. **Attend Public Meetings:** In carrying out the administration of this Ordinance, it is deemed necessary that the Zoning Administrator attend all Planning Commission and Zoning Board of Appeals meetings as reasonably possible, along with necessary Township Board meetings.
11. **Provide Necessary Assistance:** Assist the Planning Commission, Zoning Board of Appeals, Township Board, Planning Consultant, Township Attorney and general public with other similarly related matters and duties as requested.

B. Duties and powers- Enforcement

The Zoning Administrator shall have the responsibility for the duties necessary in enforcing this ordinance and to that end shall have powers necessary for such enforcement. The Zoning Administrator shall:

1. **Conduct investigations:** Conduct investigations to determine compliance or non compliance with the provisions of this ordinance and of any requirements or conditions in connection with any action taken by the Planning Commission, Zoning Board of Appeals or the Township Board under this ordinance.
2. **Order Correction:** Order correction, in writing, of all conditions found to be in violation of this ordinance, and of any requirements or conditions in connection with any action taken by the Planning Commission, Zoning Board of Appeals, or Township Board. These written orders shall be served personally or by registered mail upon the person, firm or corporation deemed by the Zoning Administrator to be violating the provisions of this ordinance. If such person, firm or corporation is not the owner of the land on, or the structure in which the violation is deemed to exist or have occurred, a copy of the order shall be sent by registered mail to the owner of such land or structure. The date of mailing shall be deemed the date of service of any order served by registered mail.
3. **Enforce correction time period:** All violations shall be corrected within a period of ten (10) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township attorney, who is hereby authorized to and shall initiate procedures to eliminate such violation.
4. **Other enforcement agents, authorities:** The provisions of this ordinance may also be enforced by: The Berrien County Health Department, Berrien County Building Department, the Township Police Department, Berrien County Sheriff's Department, Township Fire Marshall, the Township Attorney, and/or the Berrien County Prosecutor.

SECTION 19.02 ZONING PERMIT REQUIRED

No land shall be changed in use, except changes in agricultural crops, and no structure or building or structure erected, altered, extended, or changed in use until a zoning permit shall have been issued by the Zoning Administrator stating that the building and/or land and its proposed use complies with the provisions of the ordinance. The zoning permit shall become null and void if work for which the permit was issued is not started within six (6) months after the date of the issuance of the permit by Zoning Administrator, or if a certificate of occupancy is not issued for the proposed use within eighteen (18) months after the date of issuance of the permit by the Zoning Administrator. The zoning Administrator may issue an extension of up to ninety (90) calendar days as to time limits specified in this section when the Zoning Administrator determines the extension is warranted and that work on the proposed use is proceeding meaningfully toward completion. Further extensions of up to one hundred eighty (180) calendar days may be granted when deemed appropriate by the Planning Commission.

SECTION 19.03 BUILDING PERMIT REQUIRED

The Township shall issue a zoning permit before the Township building inspector issues a building permit.

SECTION 19.04 APPLICATION REQUIREMENTS

A. The Zoning Administrator may require, if deemed appropriate to the purpose and intent of this ordinance, that there shall be submitted with all applications for land use permits a site layout or plot plan, drawn to scale, showing the location, shape, area and dimensions of the lot; the location, dimensions and height of any structures; the yard, open area, and parking space dimensions; the proposed number of sleeping rooms, dwelling units, occupants, employees and other users; and the existing and intended uses plus any additional information deemed necessary to the Zoning Administrator to determine and provide for the enforcement of this ordinance.

B. All applications for permits shall include, with submission, the payment of the appropriate permit fee as set by Township Resolution, and evidence of ownership or contract right to ownership to the property covered by the permit.

SECTION 19.05 OCCUPANCY PERMIT

A zoning compliance certificate shall be required to be completed by the Zoning Administrator prior to partial or final occupancy of a site or a premise to assure all Zoning Ordinance and Planning Commission and/or Zoning Board of appeals requirements and conditions for the use of the site or premise have been completed and, when applicable, in accordance with the approved site plan. The certificate of occupancy shall not be issued by the Township Building Inspector until the structure complies with all applicable provisions of this ordinance, as well as all other Township, county and state codes, regulations, ordinances, and laws, and the structure is ready for occupancy.

SECTION 19.06 ISSUANCE OF PERMIT

No permit shall be issued by the Township or the county, or any official thereof, for the erection, alteration, placing or moving of any building or other structure upon any parcel of land for the use of any building or structure or land unless such structure or land is designed and the proposed location on its lot is arranged to conform with the provisions of this ordinance and such use of structure or land conforms with the use and location requirements of this ordinance. In the event a permit is issued in violation of this ordinance, it is "void ab initio" (void from the beginning).

SECTION 19.07 REVOCATION OF PERMITS

A. Any permit issued under the provisions of this Section may be revoked by the Zoning Administrator at any time whenever the holder thereof:
   1. Shall have made any false or fraudulent statement in the application for such permit or in the exercise of such permit;
   2. Shall have violated any provisions of this ordinance;
   3. Shall have failed to satisfy the requirements of this ordinance or of any rules or conditions adopted pursuant thereto; or
   4. Shall have caused, created or maintained, in exercise of such permit, a menace or danger to the public health, safety or welfare.

   C. The Zoning Administrator may recommend revocation of any Special Land Use Permit to the Planning Commission for the same reasons as listed above
   Amended March 2009

Section 19.08 AMENDMENTS

Amendments to this Ordinance shall be submitted, reviewed and adopted or denied according to the process in Article 22. Amended March 2009

Section 19.09 PERIODIC REVIEW

The Planning Commission shall annually prepare for the Township Board a report of its operations and the status of planning activities, including recommendations as to the enactment of amendments or supplements thereto. Amended March 2009.

Section 19.10 PERMIT AND FEE SCHEDULE

All fees required by this ordinance, being the zoning ordinance of Baroda Township, Michigan, as amended, or otherwise required to administer this ordinance, shall be as provided in the zoning ordinance fee schedule. The zoning ordinance fee schedule shall be established by and revised as deemed necessary by resolution of the Township Board.

ARTICLE XX. PLANNING COMMISSION

SECTION 20.01 ESTABLISHMENT OF PLANNING COMMISSION

The Baroda Township Planning Commission, herein referred to as the "Planning Commission", or "Commission" having been established pursuant to the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended, and all the authority, duties, and responsibilities delegated to it by said Michigan Planning Enabling Act and the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as they may be amended, and under this Ordinance and under all other acts of this State and ordinance of this Township. Amended March 2009.

SECTION 20.02 MEMBERSHIP

The Planning Commission shall consist of seven (7) members who shall be representative of the Township population and of the major interests present in the Township. All members shall be residents and qualified electors within Baroda Township. One (I) member of the Township Board shall be a member of the Planning Commission. The Township Board member's term of service shall be concurrent with his/her service on the Township Board. All members of the Planning Commission shall be appointed by the Township Supervisor with approval by the Township Board. Planning Commission members shall be appointed with staggered terms by the Township Board, but members shall continue to serve until their successors have been appointed. Members' terms may be extended if reappointed by the Township Board. In the event that a member of the Planning Commission can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Planning Commission for that unexpired term. If a Planning Commission member moves outside the jurisdictional boundaries of the Township, this shall constitute a resignation from the Planning Commission effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board. Should a member have three (3) consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent of the meetings within any twelve (12) month period, it shall constitute reasonable grounds for removal. To initiate this action, the Chairman shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor, with a request that an appointment be made to fill the vacancy. Members of the Planning Commission may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. Failure of a member to disqualify himself/herself from a vote in which he/she has a conflict of interest shall constitute malfeasance in office. Amended March 2009.

SECTION 20.03 ORGANIZATION AND PROCEDURE

The Planning Commission shall adopt rules of procedure consistent with the provisions of the Planning Act, the Zoning Act, this Ordinance, and any other local ordinances as it may deem necessary to the proper performance of its duties, powers, and responsibilities. The Planning Commission shall also keep minutes of its meetings. These minutes shall show its decisions, the reasoning on which its decisions are based, and the vote of each member upon each decision, including if a member is absent or fails to vote on indication of such fact. The Planning Commission shall also keep other records of its proceedings and other official actions, all of which including the minutes, shall be maintained and shall remain in the possession of the Secretary of the Planning Commission and said record shall be a public record. The Planning Commission shall not conduct business unless a majority of the members of the Planning Commission are present. The concurring vote of a majority of the members of the Planning Commission shall be necessary to reach a decision on any application or other matter being considered by the Planning Commission in its rules or procedure may specify. The Chairman, or in his/her absence, the Vice-Chairman, or in their absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Planning Commission shall be open to the public. The Planning Commission shall fix a reasonable time for the hearing of the application for relief, give due notice thereof to all interested parties, and decide the matter being considered by the Planning Commission within a reasonable time. but no later than thirty (30) days from the date of the hearing. Notice of hearings on all applications shall be given to all interested parties as specified in this Ordinance or as specified in the Planning Act or Zoning Act. A member may be excused from voting on a particular issue by a majority vote of the remaining members present for reasons of conflict of interest if: (I)

the member has a direct financial interest in the outcome of the matter at issue; or (2) the matter at issue involves the member's business or place of employment; or (3) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) the member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest. Amended March 2009.

SECTION 20.04 DUTIES AND RESPONSIBILITIES

A. Planning Duties

The Planning Commission shall be responsible for the following planning activities:

1. Preparation of the Township's master plan for recommendation to the Township board.

2. Monitoring and overseeing the effectiveness of the master plan and recommending to the Township Board such changes to the plan as may be required.

3. Reviewing proposed land development regulations or amendments thereto and making recommendations to the Township Board as to the consistency of the proposal with the master plan.

4. Performing any other planning functions, duties, and responsibilities which may be assigned to it by the Township Board, this Ordinance and other Township ordinances, or as authorized by the Planning Act or the Zoning Act. Amended March 2009

B. Zoning Duties

The Planning Commission shall have the following prescribed zoning administrative duties and responsibilities under this Ordinance.

1. Review and decide applications for special uses.

2. Review and make recommendations on Planned Unit Developments and Condominium Subdivisions.

3. Review and make recommendations as to amendment of this Ordinance as to specific properties (rezonings) and to the text.

4. Initiate studies and prepare recommendations to the Township Board regarding changes in the Zoning Map or zoning district boundary lines and other amendments of the Township Zoning Ordinance. (changes in the text of the Ordinance).

5. Perform any other zoning functions, duties, and responsibilities which may be assigned to it by the Township Board, this Ordinance and other Township

ordinances, or as authorized by the Planning Act or the Zoning Act. Amended March 2009

SECTION 20.05 STANDARDS AND CONSIDERATION

In all cases where the Planning Commission is required to make a decision either as a planning or zoning body, the Planning Commission shall be guided by the following standards and considerations:

A. Standards

1. Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Baroda Township master plan:

2. Whether a proposed land use change meets or exceeds all performance and location standards set forth for the proposed use:

3. Whether a proposed land use change is consistent with the densities and general uses set forth in the Baroda Township master plan.
4. Whether a proposed land use change will protect, conserve, or preserve environmentally sensitive areas and natural resources:

5. Whether a proposed land use change will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property:

6. Whether the location of a proposed land use change places an undue burden upon existing transportation or other public services and facilities and will be served by streets with the capacity to carry traffic generated by the development:

7. Whether a requested use will be in compliance with all applicable General Provisions and Special Use Regulations pertaining to the use, as set forth elsewhere in this Ordinance: and

8. Whether there exists changed or changing conditions which make approval of a proposed Zoning Ordinance amendment or rezoning appropriate:

9. Whether or not the proposed use is economically feasible for the area.

B. Considerations

In addition to the foregoing standards, the Planning Commission should also consider the following in making decisions required by this Ordinance:

1. The testimony of the applicant(s).

2. The testimony of and other input from the public.

3. The recommendation and/or any information provided by Township staff, including Zoning Administrator and Building Official, or other professionals employed by the Township Board or Planning Commission.

SECTION 20.06 REAPPLICATIONS

In the event a request for relief from the Commission is denied, no new application (reapplication) shall be made for the same or substantially similar relief within one year of the denial of such relief, unless is can be shown that the circumstances which led to the original denial have changed and that a rehearing is warranted because of the change in circumstances.
Amended March 2009

ARTICLE XXI. ZONING BOARD OF APPEALS

SECTION 21.01 CREATION AND MEMBERSHIP

The Zoning Board of Appeals herein referred to as the "Board of Appeals" or "Board", shall perform the duties, exercise the powers and jurisdiction, and have the responsibilities provided by the Michigan Zoning Enabling Act, being PA 110 of 2006 as amended and by certain provisions of this Ordinance or any other Township ordinance. The Zoning Board of Appeals shall consist of five (5) members, one member shall be the Chairman of the Township Planning Commission, one shall be from the Township Board, and the remaining members of the Board being selected from the electors of the Township, however, an employee or contractor of the Township may not be appointed to the Board. All members of the Board of Appeals shall be appointed by the Township Board. In all other respects, the membership of the Board and all matters relating thereto shall be as provided in the Michigan Zoning Enabling Act. The members of the Board of Appeals shall select one of their number as Chairman, one as Vice-Chairman, and one as Secretary, and these officers

shall serve for a period of one year or until their successors have been selected. An elected officer of the township shall not serve as chairperson. A member of the Zoning Board of Appeals who is also a member of a planning commission or legislative body shall not participate in a hearing or vote on the same matter which they voted on previously as a member of another zoning body. However, the member may consider and vote on other unrelated matters involving the same property.

In addition to regular members, the Township Board may appoint two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. Alternate members of the Zoning Board of Appeals may be members of the Township board, but not employees or contractors of the legislative body. An alternate member may be called to serve as a regular member of the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to service as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. Amended March 2009

Terms: Except for the Planning Commission and Township Board members, the term for all regular and alternate members shall be three (3) years. The term for all members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Commission or Board. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

A member of the Zoning Board of Appeals may be removed by the legislative body (Township Board) for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Amended March 2009.

SECTION 21.02 ORGANIZATION AND PROCEDURE

A. Adoption of Rules of Procedure and Maintenance of Record of Proceedings

The Board of Appeals shall adopt rules of procedure consistent with the provisions of the Michigan Zoning Enabling Act, this Ordinance, and other local ordinances as it may deem necessary to the proper performance of its duties, powers, and responsibilities. The Board shall also keep minutes of its meetings. These minutes shall show its decisions, the reasoning on which its decisions are based, and the vote of each member upon each decision, including if a member is absent or fails to vote an indication of such fact. The Board shall also keep other records of its proceedings and other official actions, all of which, including the minutes, shall be maintained by and be in the possession of the Secretary of the Board and these records shall be a public record.
Amended March 2009

B. Public Hearings.

The Board of Appeals shall not conduct business unless a majority of the members of the Board is present. The concurring vote of a majority of the members of the Board shall be necessary to reach a decision on any application, appeal, or other matter being considered by the Board. Meetings or hearings of the Board shall be held at the call of the Chairman and at such other times as the Board in its rules or procedure may specify. The Chairman, or in his absence the Vice-Chairman, or in their absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings or hearings of the Zoning Board of Appeals shall be open to the public. The Board 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 Board within a reasonable time. Written notice of the hearing shall be given to all interested parties by personally delivering or mailing, fifteen (15) days prior to the date of the hearing, to said parties a copy of said notice of hearing. The interested parties shall include, but are not limited to, the Township's zoning official whose order, decision, or determination is being appealed, the appellant or applicant for the relief being sought, and all owners and occupants of real property, according to the last tax assessment roll, within three hundred (300) feet of the premises which is the subject of the hearing, in accordance with the Zoning Act. In addition, in cases involving applications related to a specific property, the notice of hearing shall be published in a newspaper of general circulation in the Township fifteen (15) days before the date of the hearing. Notice is considered given when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. Amended March 2009

C. Decisions.

The Board of Appeals shall document the reasoning supporting the decision by stating on the record the grounds and/or findings to support it. In the case of appeals of orders, decisions, or determinations of the Township's zoning officials, the Zoning Board of Appeals shall determine if proper procedure was followed and if the decision was based on a reasonable determination and/or upon standards and requirements of this ordinance. If not, the Board may reverse or affirm, wholly or in part, or it may modify the order, decision, or determination as in its opinion ought to be made in the premises and to that end, it shall have all the powers of the officer from whom the appeal was taken and it may issue or direct the issuance of a permit. The decision of the Board shall not become final until the expiration of five (5) days from the date it renders its decision unless the Board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights, in which case it shall so certify its finding on the record. No decision of the Board permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless the building permit for such erection or alteration is obtained within such period of time and such construction is started and is in the process of proceeding toward completion in accordance with the terms of the permit. Amended March 2009.

SECTION 21.03 AUTHORITY, DUTIES AND RESPONSIBILITIES

The Board of Appeals shall have the following authority, duties, and responsibilities.

A. Variances.

The Board shall hear and decide applications for variances pursuant to and in conformity with Section 21.04 of this Ordinance.

B. Appeals of Decision of Actions of Zoning Officials.

The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, determination, or action made or taken by the Zoning Administrator or other zoning official in the administration and enforcement of this ordinance pursuant to and in conformity with Sections 21.02 and 21.03 of this Ordinance.

C. Interpretations of Zoning Map and text of Zoning Ordinance.

The Board shall hear and decide applications to interpret the zoning map and text of the Zoning Ordinance in such a way as to carry out the intent and purpose of the zoning plan by determining the use or uses permitted: (1) where the street layout on the ground varies from the street layout as shown on the zoning map, and (2) where a lot held in single ownership at the time of the passage of this ordinance is divided into two or more zoning districts or classifications, or (3) where there is doubt about the zoning district boundary lines. Authority for hearing and deciding such application for relief is conferred upon the Board by Section 1.07, and such applications shall be heard and decided by the Board pursuant to and in conformity with Section 21.04, B and C. Amended March 2009

SECTION 21.04 VARIANCES.

A. Standards for Granting Non-Use Variances. Amended March 2009

The Board of Appeals, after public hearing, may vary or modify the terms and requirements of this ordinance if, the following facts, circumstances, or conditions are found to exist.

1. A written application for a variance is submitted to the Zoning Administrator demonstrating practical difficulty, by showing that the following standards are met:

   a. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.

b. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.

c. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

d. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to the other property uses in the vicinity in the same zoning district.
Exceptional or extraordinary circumstances or conditions include;
   i. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter
   ii. exceptional topographic conditions;
   iii. by reason of the use or development of the property immediately adjoining the property in question; or
   iv. any other physical situation on the land, building or structure deemed by the Board of Appeals to be exceptional or extraordinary

e. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

f. That the variance is not necessitated as a result of any action or inaction of the applicant.
Amended March 2009

2. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a Variance.

3. Notice of hearing shall be given in accordance with Section 21.02 B.

4. Any party may appear in person, by agent or by attorney. Amended March 2009

5. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the Variance and that the Variance is the minimum Variance which will overcome the practical difficulty, as identified above. Amended March 2009

6. The Board of Appeals shall further make a finding that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not

be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

7. In granting any Variance, the Board of Appeals may prescribe the appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this ordinance and punishable under Article XXII of this ordinance.

8. Under no circumstances shall the Board of Appeals grant a Variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. Amended March 2009

B. Variances Granted with Conditions.

In granting any variance, the Board of Appeals may prescribe appropriate and reasonable conditions and safeguards which shall be in conformity with all of the following requirements:

1. The condition or safeguard must 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 or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. The condition or safeguard must be related to the valid exercise of the police power and to the purposes which are affected by the proposed use or activity.

3. The condition or safeguard must be necessary to meet the intent and purposes 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.

C. Violations of Variances.

A violation of any condition or safeguard prescribed by the Board of Appeals under Section 21.04, B hereof, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and shall be punishable under Article XX of this Ordinance.

D. Hearings, Burden of Proof, and Decisions.

1. Hearings. All applications for variance shall be heard and decided pursuant to in and conformity with Section 21.02, B and C.

2. Burden of proof. The burden of showing that the standards for granting variances in Section 21.04 hereof have been met falls upon the applicant seeking the variance.

3. Decisions. When granting or denying the variance, the Board shall base its decision on findings as to each of the standards for granting a variance and the Board shall incorporate these findings into its decision.

SECTION 21.05 APPEALS OF DECISIONS AND ACTIONS OF ZONING OFFICIALS

Appeals to the Board of Appeals may be taken by any person aggrieved or by an~~y~~ officer, department, board, or bureau of this state, or the Township affected by any decision of the Zoning Administrator, his/her deputy or deputies, or any other zoning official. Such appeals must be filed within 30 days after the ZBA issues its decision in writing. Or within 21 days after the ZBA approves its minutes. If the ZBA issues its decision in writing, it must be signed by the chairperson. If there is no chairperson, the decision must be signed by the members of the ZBA thirty (30) days from the time of such decision or action, An appeal is made by filing with the Zoning Administrator or Township Board an application for appeal specifying the grounds of appeal. The Zoning Board of Appeals shall be furnished with the application for appeal and all papers constituting the record upon which the decision or action being appealed was based. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator or other zoning official from whom the appeal is taken certifies to the Board, after the application for appeal is filed, that by reason of facts stated in his certificate to the Board a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Zoning Board of Appeals or by a circuit court of competent jurisdiction showing good cause for a stay of proceedings. Appeals of this type shall be heard and decided pursuant to and in conformity with Section 21.02, B and C. The burden of showing that the decision or action of the zoning official is in error is upon the appellant. When granting or denying the appeal, the Board shall include in its decision its reasoning for granting or denying the appeal. Amended March 2009

SECTION 21.06 APPEALS OF DECISIONS, REHEARINGS, AND REAPPLICATIONS.

A. Appeals of Decisions.

Decisions of the Board of Appeals on all matters assigned to the Board under this Ordinance shall be final, unless a person having an interest affected by the decision appeals the same to the Circuit Court of the County of Berrien, Michigan. Appeals shall be filed within 30 days after the Board of Appeals issues a decision in writing, signed by the Chair, or within 21 days after the Board of Appeals approves the minutes of the decision.
Amended March 2009

The date of the Board's decision shall be the date at which the minutes of the meeting containing the Zoning Board of Appeals decision is approved, or certified

B. Rehearings.

Since all decisions of the Board which are not appealed to Circuit Court are final, no rehearings of its decisions shall be allowed. Amended March 2009

C. Reapplications.

In the event a request for relief from the Board is denied, no new application (reapplication) shall be made for the same or substantially similar relief within one year of the denial of such relief.

ARTICLE XXII. VIOLATIONS AND PENALTIES

SECTION 22.01 VIOLATIONS

The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist, or the lessee or tenant of an entire premises in or upon which the violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be in violation of this Ordinance and shall be guilty of a misdemeanor and shall be subject to being fined and imprisoned as provided in Section 22.02 of this Article and each and every day during which any violation continues shall be deemed and shall constitute a separate offense. Any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained, or used, or any use of a lot or

land which is begun, maintained or changed in violation of any terms or provision of this Ordinance, is hereby declared to be a nuisance per se.

SECTION 22.02 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.

ARTICLE XXIII. AMENDMENTS

SECTION 23.01 AMENDMENT PROCESS

All modifications or changes in this Ordinance, whether they be changes in the text of this Ordinance, changes in the Zoning Map or boundary lines of zoning districts, or changes in the zoning as to individual properties (rezonings), shall be accomplished by amending this Ordinance. The procedure used in amending this Ordinance shall be the same, with minor differences, as the procedure used in originally adopting this Ordinance.

SECTION 23.02 AMENDMENT PROCEDURE

A. Proceedings to amend this ordinance or zoning map of the Baroda Township shall be initiated of commenced by one (1) or more of the following methods:

1. By resolution of the Township Board wherein a question of whether of not a particular amendment should be made is referred by the Township Board, on its own motion, to the Township Planning Commission and wherein such Commission is requested to hold a public hearing on the question and to, thereafter, make recommendations to the Township Board.

2. By resolution of the Township Planning Commission wherein such Commission, on its own motion, provides a public hearing on a question of whether or not a particular amendment should be made and for a report and recommendation thereon to the Township Board.

3. By written application of the legal or equitable owners of a parcel of property for an amendment submitted to the Township Zoning Administrator.

B. All requests to amend this ordinance by an application by a property owner or owners submitted in writing on a form provided through the Zoning Administrator and , without limiting the right to file additional material, shall include at least the following information:

1. The petitioner's name, address, interest in the petition, as well as the name, address and interest of every person having legal or an equitable interest in the land covered by the petition.

2. The nature and effect of the proposed amendment.

3. The existing zoning classification of such property.

4. The change or amendment desired.

5. A complete legal and common description of the property sought to be rezoned.

6. Such other information as the Zoning Administrator may require in the application form.

C. **Zoning Application Fees**: All such applications must be filed with the township Zoning Administrator with the appropriate filing fee in accordance with fees adopted from time to time by the Township Board. Upon receipt of such application, the Zoning Administrator, shall forward copies to the Planning Commission prior to the scheduled meeting for the application.

D. **Time Restraints**: The Planning Commission will decline to entertain any application for an amendment to this ordinance which the Township Board has denied at any time within the preceding twelve (12) months, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Planning Commission to be valid.

E. **Planning Commission Public Hearing and Recommendations:** Prior to submitting a recommendation to the Township Board, the Planning Commission shall conduct at least one (1) public hearing thereon, in accordance with the Zoning Act.

1. **Publication of notice of hearing**: Notice for amendments, including rezonings and text amendments, shall be printed in a newspaper of general circulation in the township no less than fifteen (15) days before the date of the public hearing.

2. **Notice to public utilities and railroads**: Not less than fifteen (15) days notice shall also be provided by mail to each public utility company and each railroad company owning or operating a public utility or railroad within the districts of zones effected, if such utility or railroad has registered its name and mailing address with the Township for the purpose of receiving notice. An affidavit of mailing shall be maintained for such notice.

3. **Notice to adjoining landowners and occupants and owners of premises being rezoned**: Not less than fifteen (15) days prior to said hearing, notice of the hearing shall be given to all owners of the property in question for a rezoning (other types of amendments are not subject to this section number). Notice shall indicate the property that is the subject of the request and shall contain the time, place and object of the hearing and indicate where written comments will be received concerning the request. Said notice shall be given by the Township Zoning Administrator f\or the Administrator's designee to the parties making the request for amendment and to all owners of property, at the address given on the last assessment roll, and to the occupants of all structures within three hundred (300) feet of the property in question. Notification need not be given to more than one (1) occupant per dwelling unit. If a structure contains more than four (4) dwelling units, notice may be given to the owner or manager of the structure, who shall be requested to post the notice at the primary entrance to the structure. An affidavit of mailing shall be created and filed with the Planning Commission prior to the public hearing.

F. **County Planning Commission Review and Recommendation**: following the Planning Commission public hearing, proposed changes, including any maps, shall be submitted in writing to the Berrien County Planning Commission. The Berrien County Planning Commission shall have thirty (30) days from receipt of the ordinance amendment)s) to provide recommendations to the Township Board. If the thirty (30) day period expires, it shall be conclusively presumed that the county had waived its right to review and make recommendations on the amendment(s).

G. **Township Board Review and Possible Hearing:** The Planning Commission shall submit a summary of the comments received at the public hearing, proposed changes, including maps, along with any county recommendations, to the Township Board. The Township Board may hold a public hearing(s) if they consider it necessary. Township Board public hearing notices shall be published in a newspaper of general circulation in the township not less than fifteen (15) days before the hearing. The Township Board shall grant a hearing to any interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of this hearing shall be given to the interested property owner no

less than fifteen (15) days before the scheduled Township Board meeting at which the hearing is to be held.

H. **Township Board Amendments to the Request:** If the Township Board considers amending the proposed zoning map or text amendment(s), the Township Board amendments to the request may be referred to the Township Planning Commission for a report thereon within a specified reasonable time period.

I. **Publication and Filing of Amended Ordinance**: If the amending ordinance is adopted by the Township Board, either a summary of the regulatory effect of the amendment, including the geographic area effected, or the text of the amendment, including the effective date of the ordinance and the time and place where copies may be purchased or inspected, shall be published in a newspaper of general circulation in the Township within fifteen (15) days after its adoption. The amending ordinance shall be filed with the Township Clerk within seven (7) days after publication. The amendment shall become effective seven (7) days after publication, or at such later date after publication as may have been specified by the Township Board at the time of adoption.
Amended March 2009.

ARTICLE XXIV. ADOPTION

SECTION 24.01 EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty (30) days after its adoption.

SECTION 24.02 ADOPTION DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Baroda, Berrien County, Michigan at a meeting of the Board held on the 18th day of April, 1994.

SECTION 24.03 PUBLICATION

This Ordinance is ordered to be given publication in the Township of Baroda, Michigan, in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Moved by Jerry Nitz and supported by Donald Gast that the foregoing ordinance by adopted.

Vote: Ayes: John Shafer, Barbara Reisig, Donald Gast, Henry Vitek and Jerry Nitz

Nays: none

Ordinance declared adopted April 18, 1994.

Amended

March 20, 1995	(Signs)
October 21, 1996	(Accessory Use Setbacks)
November 18, 1996	(Lot Width Measurement)
December 16, 1996	(Keyhole Lots)
November 10, 1997	(Telecommunications Towers)
June 21, 1999	(Planning Commission approves Special Uses)
Nov 20, 2000	(Private Roads)
August 20, 2001	(Commercial Electric Power Generator and Transformer Stations)
December 16, 2002	(Open Space Development Act 177 of 2002)
December 15, 2003	(Mineral Excavation Section)
December 15, 2003	(Electric Power Generating Facilities)
October 18, 2004	(Application procedures – Escrow for site plan reviews)
November 15, 2004	(Text amendment – Section 13:22 Defining “Special Needs” persons
November 15, 2004	(Number of ZBA members changed from three (3) to five (5).
January 16, 2006	(Cell Towers)

October 16, 2006	(Additions and Deletions to Comply with the Zoning Enabling Act)
June 18, 2007	(Tourist Homes and Bed and Breakfasts as Special Uses in R2, AG zones)
March 16, 2009	(Amendments to conform to the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act; update references of "'mobile homes" to "manufactured homes"; update references of "keyhole lots" to "flag lots"; change mobile homes for migrant workers on operation farms to permitted use, remove from Special Land Use in Agricultural Zone, Add Section XVIII for Temporary Use, Anemometers)
November 21, 2009	(Campgrounds including RV Condominiums in Agricultural and Commercial Zones as Special Land Use)
May 17, 2010	(Section 9.04 Agricultural lot size - Regulation of livestock animals deleted. Minimum lot size changed to two (2) acres.)
January 16, 2012	(Commercial Zone move Section 7.02 M. and Q. from permitted uses to Section 7.03 N. and O. special land uses.)
April 17, 2017	Section 11 Signs – Subdivision signs size; Ag signs size, height; added one permanent sign; commercial signs size height; added electronic message boards, portable signs