

STATE OF MICHIGAN  
COUNTY OF BERRIEN  
VILLAGE OF BERRIEN SPRINGS  
ORDINANCE NO. 387

AN ORDINANCE TO ADOPT AN UPDATED THE BERRIEN SPRINGS / ORONOKO  
TOWNSHIP (BSOT) PLACE BASED CODE

VILLAGE OF BERRIEN SPRINGS, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Adoption of Updated Berrien Springs I Oronoko Township (BSOT) Joint Place Based Code.

The Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, attached hereto as Exhibit 1, is adopted as part of this Ordinance. The attached Exhibit 1 replaces in its entirety the previous Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code adopted on August 11, 2015.

Section 2 Severability and Captions

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3 Repeal

Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 4 Effective Date

This ordinance shall become effective seven (7) days after publication and notice of enactment as required by law.

Section 5 Publication or Posting

The Village Clerk shall certify this ordinance and cause the same to be published or posted as required by law.

MOTION TO ADOPT ORDINANCE

Proposed by Council member: Kristin von Maur

Supported by Council member: Jack Davis

Roll Call:

Ayes Sandy Swartz, Lonna Johnson, Jack Davis, Kristin von Maur, Sheila Snyder, and President Barry Gravitt.

Nays: Zach Fedoruk.

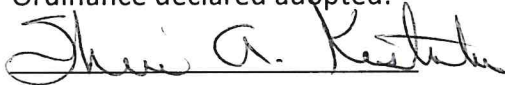
Abstain: None.

Absent: None.

Dated: November 07, 2022

  
Barry Gravitt, Village President

Ordinance declared adopted:



**Sheri A. Kesterke, Village Clerk**

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the Journal Era, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 9th day of November, 2022.

  
**SHERI A. KESTERKE, Village Clerk**

**01.01 TITLE AND LEGAL BASIS**

This Ordinance shall be known as the Berrien Springs/Oronoko Township (BSOT) Joint Place Based Code for the M-139 corridor. It is established pursuant to the provisions of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and the Michigan Joint Municipal Planning Act PA 226 of 2003), as amended.

**01.02 PURPOSE AND SCOPE**

The BSOT Joint Place Based Code is intended to support and foster new development and redevelopment along the M-139 Corridor in the Village of Berrien Springs and Oronoko Charter Township. Through the establishment of zones, frontage types and thoroughfare guidelines, development and redevelopment will be compact and pedestrian-oriented and foster walkable corridors with mixed uses. It is further the purpose of this Joint Place Based Code to allow a wider range of permitted and special land uses than what would otherwise be allowed under the existing municipal zoning ordinance, when such uses are designed and constructed in a manner that is consistent with the vision outlined in the BSOT M-139 Corridor Improvement Plan.

The BSOT Joint Place Based Code reflects the desires and outcomes of the BSOT M-139 Corridor Improvement Plan. All new development and redevelopment, as outlined in Section 01.03, within the Place Based Code overlay district shall adhere to the provisions and standards established herein to realize the vision set forth in the Oronoko Charter Township Master Plan, the Village of Berrien Springs Master Plan and the BSOT M-139 Corridor Improvement Plan adopted by the Oronoko Charter Township Board on August 11, 2015 and by the Berrien Springs Village Council on February 2, 2015. This Joint Place Based Code shall be jointly administered by the Village and Township, which shall include formation of a joint Zoning Board of Appeals, as set forth in Section 02.05 of this Place Based Code.

This BSOT Place Based Code is a legal document regulating building, frontage, and thoroughfare types along with other aspects of land development for properties in the Village of Berrien Springs or Oronoko Charter Township within the Place Based Code (PBC) overlay district. It shall regulate those properties, in conjunction with the municipal Zoning Ordinances, for areas within the Place Based Code overlay (PBC) on the zoning map. Properties not within the Place Based Code overlay district shall continue to be regulated by the applicable municipal Zoning Ordinance.

In instances where the provisions of the applicable municipal Zoning Ordinance conflict with the provisions of this BSOT Joint Place Based Code, the BSOT Joint Place Based Code shall control. For development standards not covered by the BSOT Joint Place Based Code, the other applicable sections in the municipal Zoning Ordinance shall apply. All development shall also comply with all other local, state or federal regulations and ordinances.

**01.03 APPLICABILITY**

1. Except as provided in subsection 2 below, the BSOT Joint Place Based Code shall apply to development within the boundaries of the Joint Place Based Code Zoning District as illustrated on the Zone Map.

Development shall include the following:

- A. New development

Adopted by Oronoko Charter Township: August 11.  
 2015 Adopted by Village of Berrien Springs: February 2, 2015

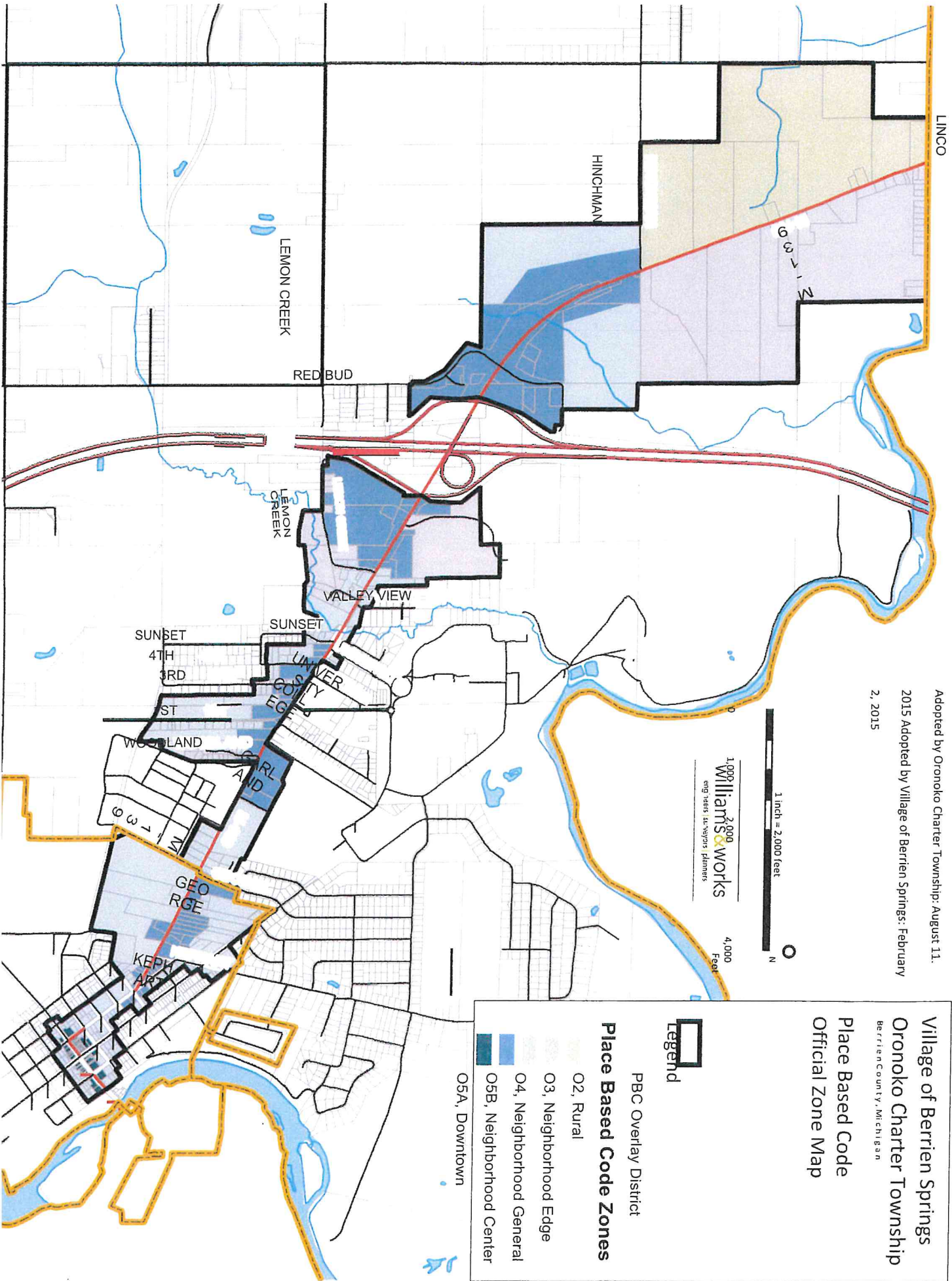
Village of Berrien Springs  
 Oronoko Charter Township  
 Berrien County, Michigan  
 Place Based Code  
 Official Zone Map

**Legend**

PBC Overlay District

**Place Based Code Zones**

- O2, Rural
- O3, Neighborhood Edge
- O4, Neighborhood General
- O5B, Neighborhood Center
- O5A, Downtown



**CHAPTER 2. PROCEDURES****02.01 SITE PLAN REVIEW**

1. **Site Plan Required.** For development within the Place Based Code Zoning District pursuant to Section 01.03, including Special Land Uses and Special Area Plans, site plan review and approval by the applicable reviewing body(ies) is required. Site plans shall contain all data and information required by the applicable municipal Zoning Ordinance.
2. **Local Review.** The Zoning Administrator shall be the reviewing body for uses permitted by right, including special area plans. The Zoning Administrator shall notify the Joint Planning Commission of submitted site plans and/or special area plans during regular Joint Planning Commission meetings.
3. **Special Land Uses.** In the case of Special Land Uses, the Joint Planning Commission shall be the reviewing body. In reviewing special land use request, the Joint Planning Commission shall apply the special land use review standards of the applicable municipal Zoning Ordinance, along with the standards of this Place Based Code.
4. **Special Area Plans.** The Zoning Administrator shall be the reviewing body for special area plans. For special area plans that contain a special land use(s), the procedures for Special Land Use application and review under subsection (3) above shall be applied for that part of the special area plan containing the special land use(s).
5. **When reviewing and deciding whether to approve a site plan, special land use, special area plan or other request within the Place Based Code overlay, the applicable reviewing body shall apply the appropriate standards of the applicable municipal Zoning Ordinance, and shall also be guided by the following standards:**
  - A. If the proposed development supports the preservation of the region's natural infrastructure and visual character derived from topography, farmlands, and waterways.
  - B. If the proposed development is compact and pedestrian-oriented.
  - C. If proposed thoroughfares are designed to disperse and reduce the length of automobile trips.
  - D. If proposed housing units provide a range of housing types and price levels to accommodate diverse ages and incomes.
  - E. If the proposed development includes a range of civic space including parks, plazas, and playgrounds, distributed within neighborhoods and town centers.
  - F. If proposed buildings and landscaping contribute to the physical definition of existing or proposed thoroughfares as civic places.
  - G. If the proposed development adequately accommodates automobiles while respecting the pedestrian and the spatial form of public areas.
  - H. If the design of proposed thoroughfares and buildings reinforces safe environments, but not at the expense of accessibility.

**02.03 SPECIAL AREA PLANS**

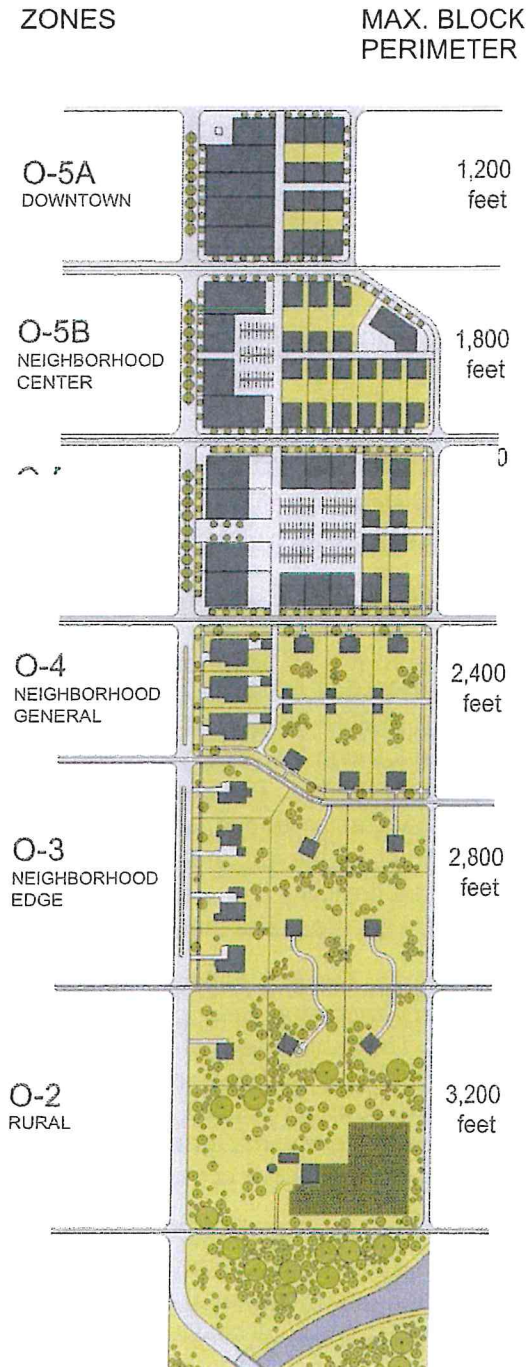
A Special Area Plan is intended to allow applicants development flexibility to address market

conditions and opportunities, including the master planning of large lots exceeding the maximum block dimensions as outlined in Figure 2.1 of this Place Based Code, as well as the consolidation of multiple properties to create predictable and market-responsive development for the area.

Special Area Plans shall contribute to the greater community by extending the existing network of Thoroughfares, creating a network which is interconnected and walkable; shaping Civic Spaces which cultivate safety and comfort, and encourage a mix of complementary uses and housing types.

- 1 A special area plan is required for any development on a parcel(s) of five (5) acres or greater. For developments on parcels less than five (5) acres in area, a special area plan is optional, unless required elsewhere by this Place Based Code.
2. Blocks shall be required in all special area plans greater than 5 acres in area and shall meet the dimensional requirements of Figure 2.1 measured along their entire perimeter. Perimeters shall consist of either Thoroughfares pursuant to Chapter 5 or Civic Spaces pursuant to Section 03.01. Rear alleys may be allocated within blocks but shall not be considered a defining edge of a block within a special area plan.
3. Thoroughfares within special area plans shall contribute to an interconnected network and shall connect to existing street networks where feasible. When adjacent land is undeveloped, thoroughfare networks should enable their future extension to adjacent properties.
4. Special Area Plans with an area of 20 acres or greater and located west of US-31 shall

**Figure 2.1 Maximum Block Dimensions**



preserve, in perpetuity, a minimum of 50% of the total area comprising the special area plan for agricultural purposes or as undeveloped open space. This requirement is in addition to the required 10% for Civic Space established in Section 02.04.

## BSOT PLACE BASED CODE

- C. Meetings. Meetings of the BSOT ZBA shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify. The Chair, or in his or her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the BSOT ZBA shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the offices of both the Township Clerk and Village Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.
- D. Duties, Rules, Hearing and Decisions of Appeals, Right to and Grounds of Appeal. The BSOT ZBA shall act upon all questions as they may arise in the administration of this Place Based Code, including the interpretation of the Zone Maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirement, decision or determination made by the administrative official charged with enforcement of this Place Based Code. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Place Based Code. The concurring vote of a majority of the members of the BSOT ZBA shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Place Based Code. Such appeal may be taken by any person aggrieved or by any officer, department, board, commission or bureau of the Township, Village, County, or State. The grounds of every determination shall be stated.
- E. Time to and Notice of Appeal: Transmission of Record. Such appeal shall be taken within such time as shall be prescribed by the BSOT ZBA by general rule, by the filing with the Township/Village Clerk, the Zoning Administrator or other officer from whom the appeal is taken and with the BSOT ZBA of a notice of appeal specifying the grounds thereof together with a fee established by Township Board and Village Council which shall be paid to the Township or Village at the time the notice of appeal is filed. The officer from whom the appeal is taken shall forthwith transmit to the BSOT ZBA all the papers constituting the record upon which the action appealed was taken.
- F. Stay of Proceedings Pending Appeal. An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the BSOT ZBA, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The BSOT ZBA or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.
- G. Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision Not Final. The BSOT ZBA shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The BSOT ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Place Based Code, the BSOT ZBA shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The decision of the BSOT ZBA shall not be final, and any person having an interest affected by this Place Based Code shall have the right to appeal to the Circuit Court.

applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the BSOT ZBA along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the BSOT ZBA. If the BSOT ZBA determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied major departure. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of the applicable municipality.

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

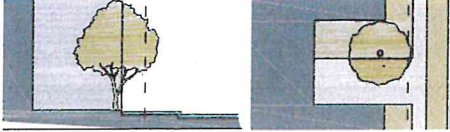


and streetscape elements until some future date, provided that the area containing the streetscape elements will be unused until all required street elements are constructed in accordance with this Section.

**Frontage Type**

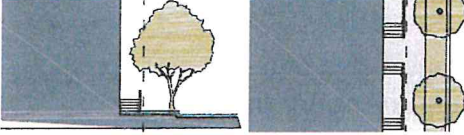
**Definition and Regulations**

Forecourt



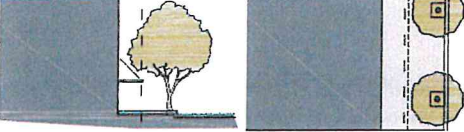
A frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created may be suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks, and the central portion may be setback from the frontage line.

Stoop



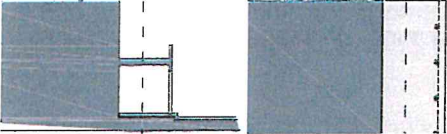
A frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use. Stoops shall be no less than 4 feet deep.

Shopfront



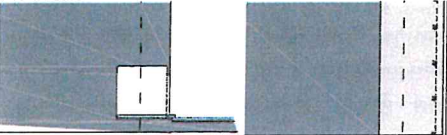
A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and an awning that may overlap the sidewalk up to 2 feet of the curb.

Gallery



A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and should overlap the sidewalk up to 2 feet of the curb.

Arcade



A frontage consisting of a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and should overlap the sidewalk up to 2 feet of the curb.

**03.04 ARCHITECTURAL STANDARDS**

1. Blank exterior walls of principal buildings shall not be permitted to face any thoroughfare, except alleys. Exterior walls of principal buildings facing a thoroughfare shall have openings such as windows and doors that shall comprise a minimum of 25% of the building wall area between a height of two and ten feet above the finished grade, except for residential dwellings and hotels.
2. For exterior principal building walls facing the primary thoroughfare, at least 80% of such wall shall be comprised of transparent materials between a height of two and ten feet above the finished grade, except for dwellings and hotels.
3. Openings, including porches, windows, and colonnades, shall be of a vertical proportion.
4. Exterior principal building walls longer than 100 feet shall have at least one usable entrance for every fifty (50) feet of frontage. The Zoning Administrator can authorize a departure from this standard for hotels as a minor departure pursuant to the provision of Section 02.02(1).

5. Except as otherwise provided by this Ordinance, the expansion, moving or relocating of a building or structure shall be permitted provided that the expansion, movement, or relocation complies with other provisions of the applicable municipal Zoning Ordinance and does not increase the degree of nonconformance with this Place Based Code.

5. Garages shall meet the following regulations:
  - A. Attached garages shall be accessed from a rear alley or secondary thoroughfare. Where no rear alley or secondary thoroughfare exists, the attached garage may be accessed from the primary thoroughfare provided it does not serve as more than 50% of the total width of the main building.
  - B. When a garage is located on a primary thoroughfare only a single garage door is permitted. If located on a secondary thoroughfare or a rear alley, double garage doors are permitted.
  - C. Garages located on primary and secondary thoroughfares shall house no more than 2 vehicles. If located on a rear alley, garages shall house no more than 3 vehicles.

# BSOT PLACE BASED CODE

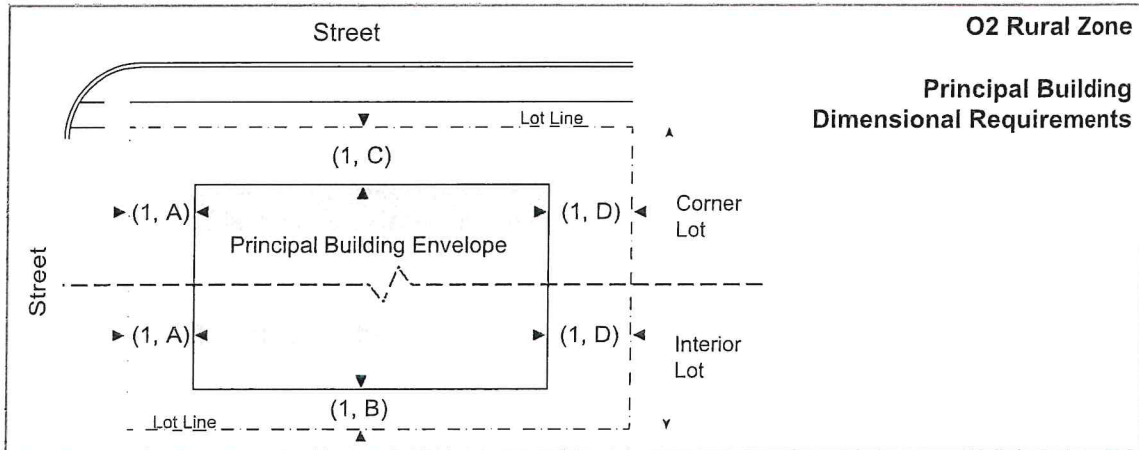
## 04.04 O-2 RURAL

Development in the O-2 Rural Zone shall meet the following standards

1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

### Dimensional Requirements - Principal Building

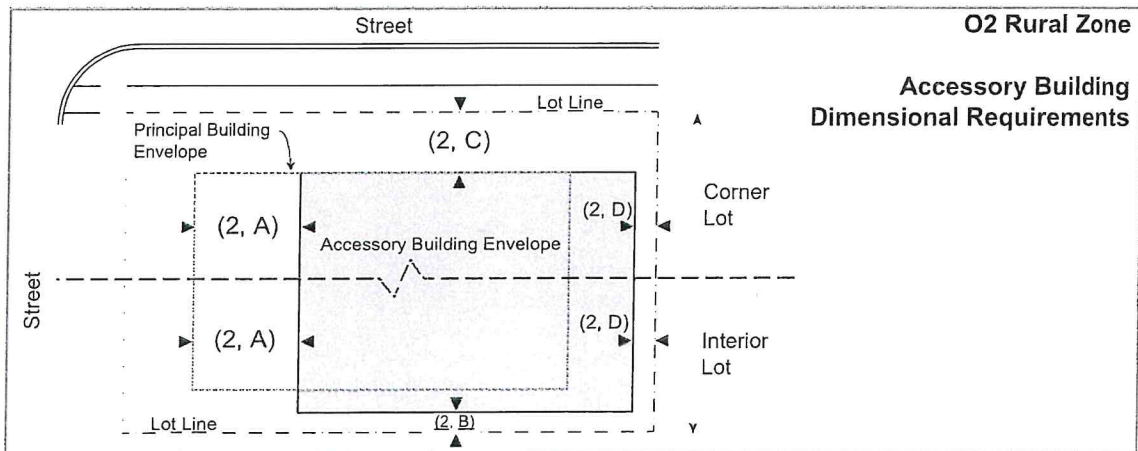
A. Front setback	30 feet minimum
B. Side setback	10 feet minimum
C. Side setback facing street (corner lots only)	30 feet minimum
D. Rear setback	40 feet minimum



2. Accessory Building Placement. Accessory buildings shall be located in accordance with the following standards

### Dimensional Requirements - Accessory Building

A. Front setback	50 feet minimum, and at least 20 feet behind the front setback of the principal building
B. Side setback	10 feet minimum
C. Side setback facing thoroughfare (corner lots only)	30 feet minimum
D. Rear setback	10 feet minimum
E. Location	At least 10 feet from any other building



# BSOT PLACE BASED CODE

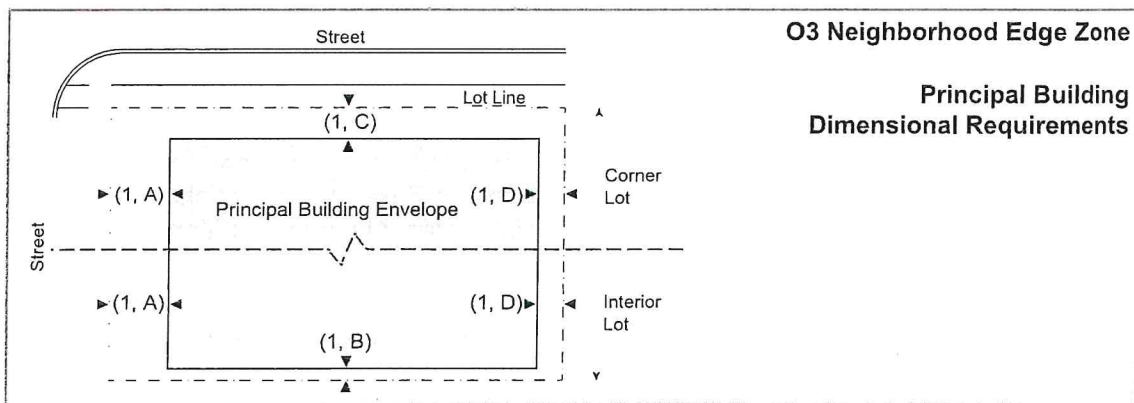
## 04.05 O-3 NEIGHBORHOOD EDGE

Development in the O-3 Neighborhood Edge Zone shall meet the following standards

1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

### Dimensional Requirements - Principal Building

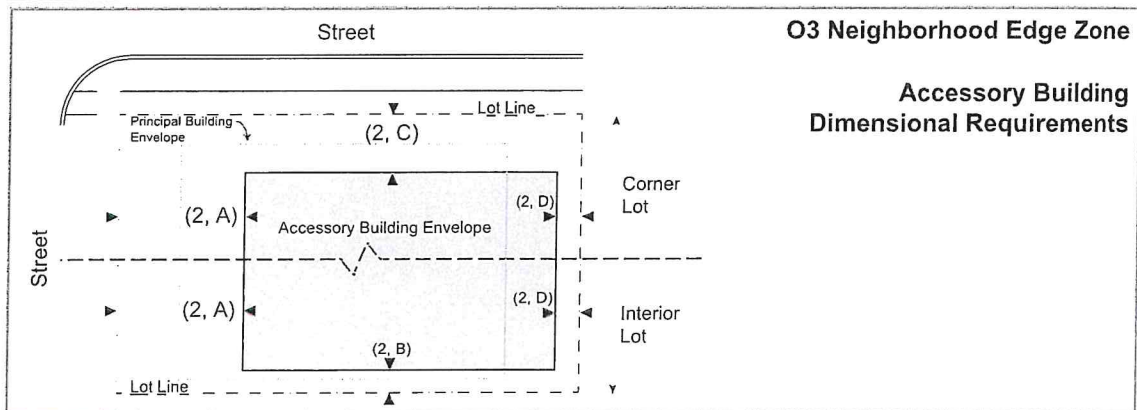
A. Front setback	24 feet minimum
B. Side setback	5 feet minimum
C. Side setback facing thoroughfare (corner lots only)	12 feet minimum
D. Rear setback	10 feet minimum, 40 feet maximum
E. Primary thoroughfare facade built to setback	none
F. Secondary thoroughfare facade built to setback	none



2. Accessory Building Placement. Accessory buildings shall be located in accordance with the following standards

### Dimensional Requirements - Accessory Building

A. Front setback	44 feet minimum, and at least 20 feet behind the front setback of the principal building
B. Side setback	10 feet minimum
C. Side setback facing thoroughfare (corner lots only)	25 feet minimum
D. Rear setback	10 feet minimum
E. Location	At least 10 feet from any other building
F. Area	00 square feet maximum



## BSOT PLACE BASED CODE

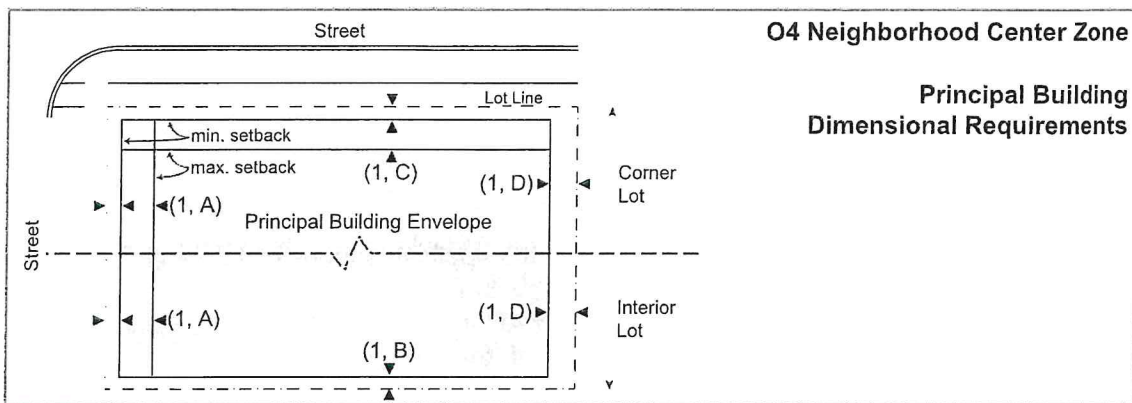
### 04.06 O-4 NEIGHBORHOOD GENERAL

Development in the O-4 Neighborhood General Zone shall meet the following standards

1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

#### Dimensional Requirements - Principal Building

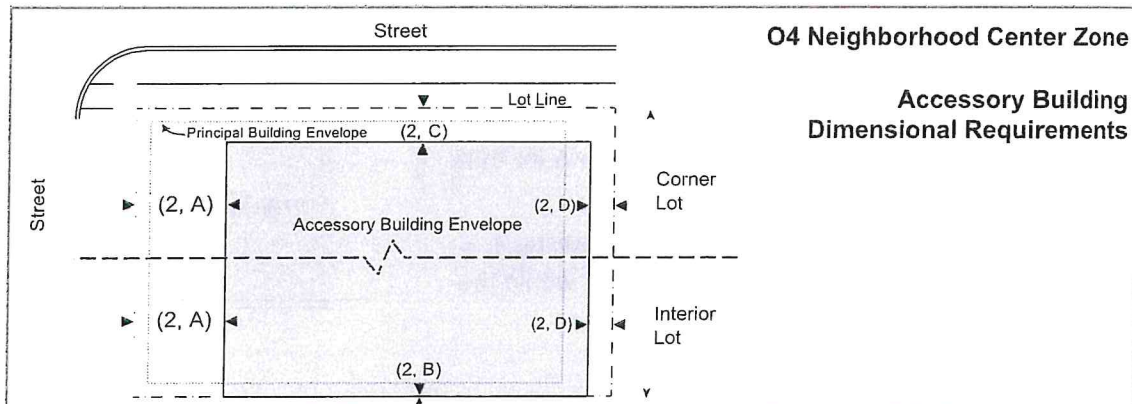
A. Front setback	6 feet minimum; 18 feet maximum
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	6 feet minimum; 18 feet maximum
D. Rear setback	20 feet minimum
E. Primary thoroughfare facade built within build-to zone	60% minimum
F. Secondary thoroughfare facade built within build-to zone	30% minimum



2. Accessory Building Placement. Accessory buildings shall be located in accordance with the following standards

#### Dimensional Requirements - Accessory Building

A. Front setback	26 feet minimum, and at least 20 feet behind the front setback of the principal building
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	15 feet minimum
D. Rear setback	10 feet minimum
E. Location	At least 10 feet from any other building
F. Area	00 square feet maximum



## BSOT PLACE BASED CODE

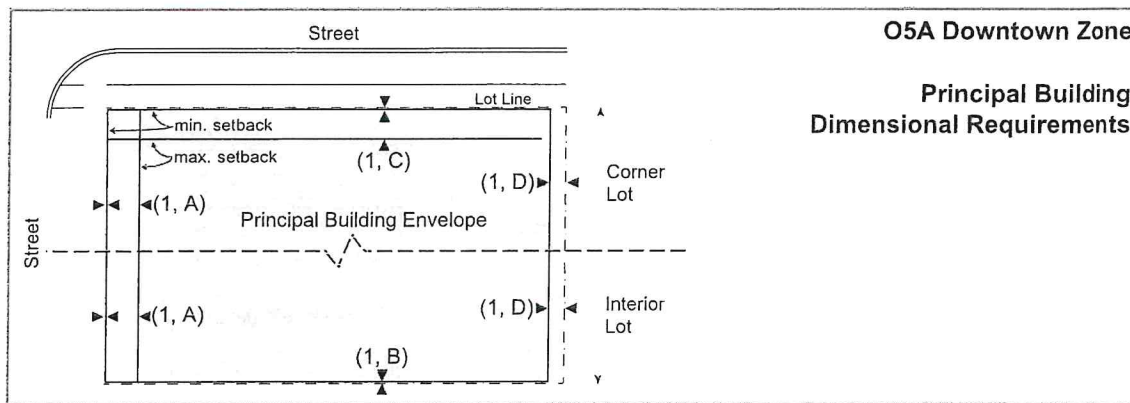
### 04.07 O-5A DOWNTOWN

Development in the O-5A Downtown Zone shall meet the following standards

- Principal Building Placement. Principal buildings shall be located in accordance with the following standards

#### Dimensional Requirements - Principal Building

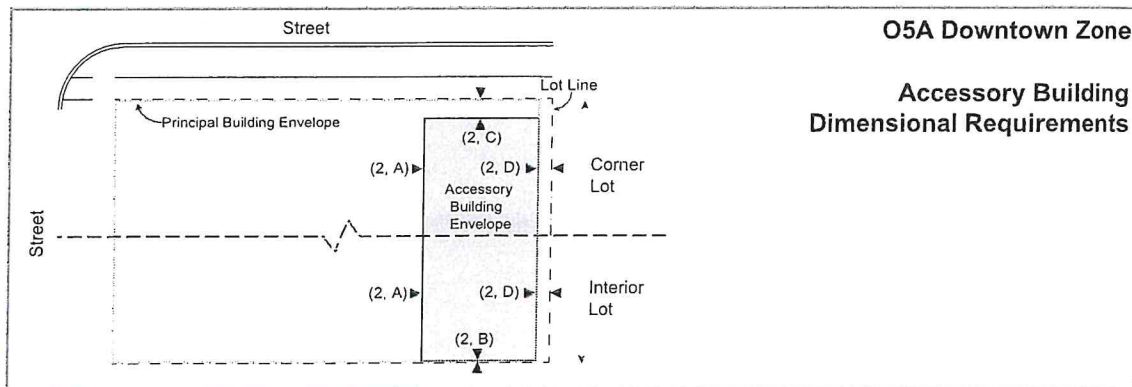
A. Front setback	0 feet minimum; 10 feet maximum
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	0 feet minimum; 10 feet maximum
D. Rear setback	5 feet minimum
E. Primary thoroughfare facade built within build-to zone	100% minimum
F. Secondary thoroughfare facade built within build-to zone	50% minimum



- Accessory Building Placement. Accessory buildings shall be located in accordance with the following standards

#### Dimensional Requirements - Accessory Building

A. Front setback	40 feet maximum, measured from the rear property line
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	10 feet minimum
C. Rear	5 feet minimum
D. Location	At least 10 feet from any other building
E. Area	00 square feet maximum





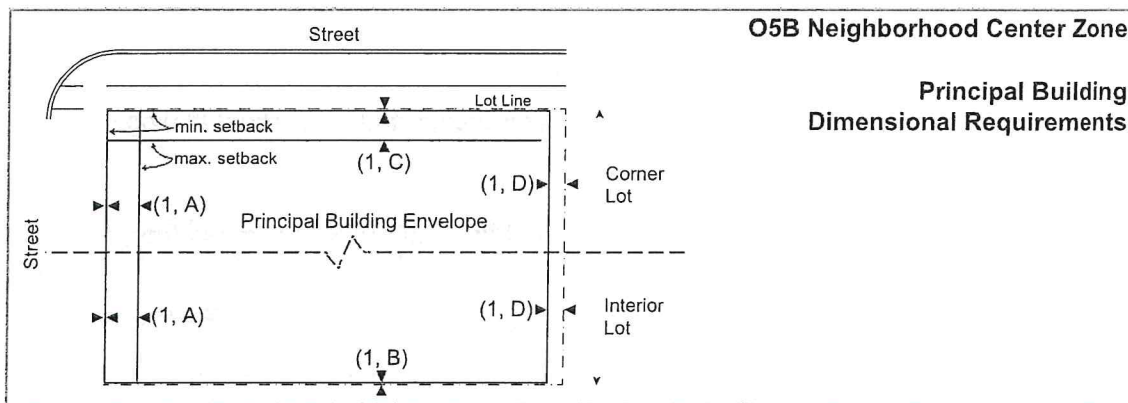
# BSOT PLACE BASED CODE

## 04.08 O-5B NEIGHBORHOOD CENTER ZONE

Development in the O-5B Neighborhood Center Zone shall meet the following standards

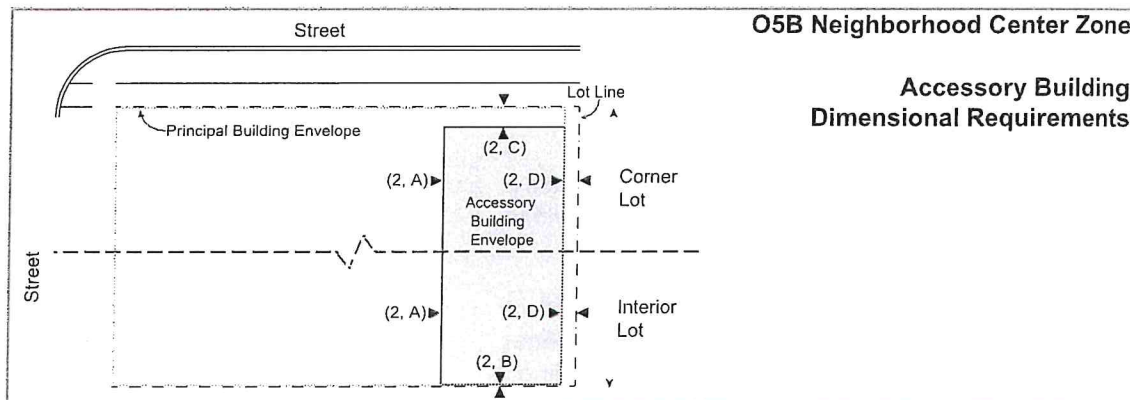
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

Dimensional Requirements - Principal Building	
A. Front setback	0 feet minimum; 10 feet maximum
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	0 feet minimum; 10 feet maximum
D. Rear setback	5 feet minimum
E. Primary thoroughfare facade built within build-to zone	5% minimum
F. Secondary thoroughfare facade built within build-to zone	40% minimum



2. Accessory Building Placement. Accessory buildings shall be located in accordance with the following standards

Dimensional Requirements - Accessory Building	
A. Front setback	40 feet maximum, measured from the rear property line
B. Side setback	0 feet minimum
C. Side setback facing thoroughfare (corner lots only)	10 feet minimum
C. Rear	5 feet minimum
D. Location	At least 10 feet from any other building



**CHAPTER 5. THOROUGHFARES**

**05.01 INTENT**

The purpose of this Chapter is to identify the street types permitted within each Zone of this Place Based Code. It is further the intent of this Chapter to regulate the size, lane widths, parking provisions, and design speeds for new thoroughfares proposed as part of a special area plan, or other development that is pursuant to the provisions of this Place Based Code.

**05.02 APPLICABILITY**

The regulations of this Chapter apply to all new thoroughfares proposed pursuant to the provisions of this Place Based Code. Existing or proposed roadways that are or are proposed to be under the jurisdiction of the Berrien County Road Commission, Michigan Department of Transportation, or Village of Berrien Springs are not required to comply with the provisions of this Chapter, although when existing streets are reconstructed, redesigned or otherwise altered, compliance is desired and encouraged. Where the provisions of this Chapter conflict with an applicable municipal Private Road Ordinance, the standards of this chapter shall control.

**05.03 DESIGN STANDARDS APPLICABLE TO ALL THOROUGHFARE TYPES**

A. All thoroughfares, including all elements with the thoroughfare such as sidewalks, planter strips and curbs, must be approved by the Berrien Springs/Oronoko Fire Department (BSOFD) and other applicable reviewing agency prior to construction. All thoroughfares shall meet the following minimum design standards, along with any others imposed by any applicable reviewing agency and the Township or Village Engineer:

<b>Minimum Thoroughfare Design Standards*</b>	
Minimum travel width	20 feet
Minimum clearance height	13.5 feet
Lane width	10 feet minimum /11 or 13 feet maximum
Parking lanes	1 per required per thoroughfare (minimum), except for alleys and roads, as defined and regulated in this Place Based Code
Parking lane width (parallel)	8 feet minimum width
Parking lane width (diagonal)	18 feet minimum width
Planters	Required on both sides of all thoroughfares
Planter width (continuous)	Continuous planter strips must be at least 7' wide
Planter width (tree wells)	Tree wells must be at least 5'x5'
Sidewalks	5' minimum sidewalk required on both sides of all new thoroughfares except for alleys and roads, as defined and regulated in this Place Based Code

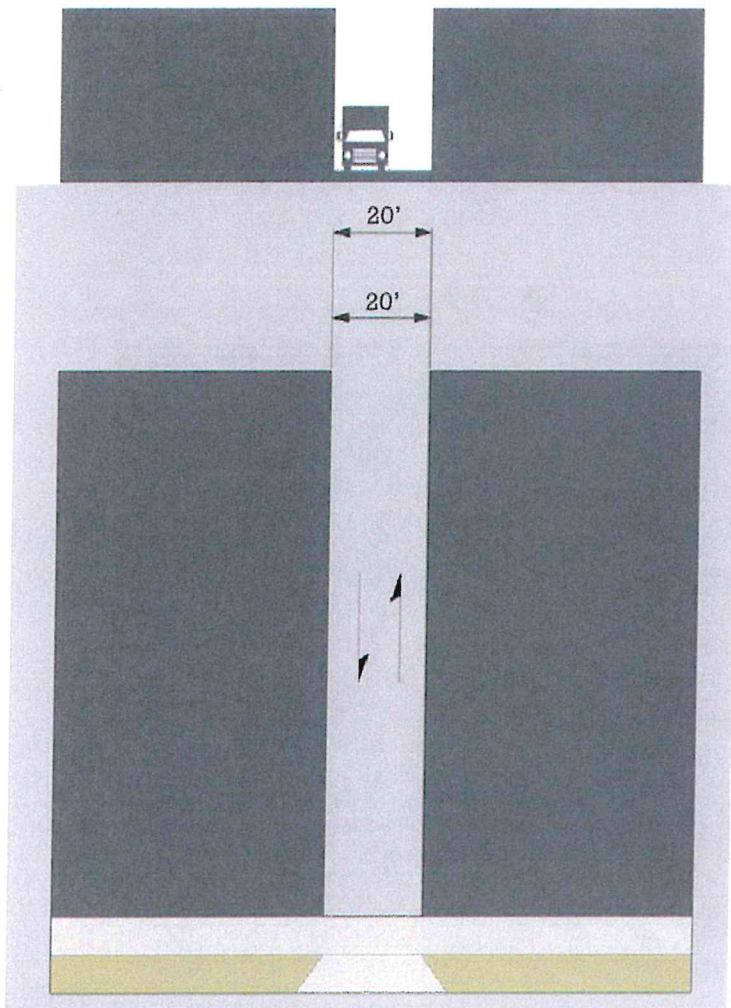
B. Curb radii directly impact vehicle turning speeds and pedestrian crossing distances. Minimizing the size of a corner radius is critical to creating compact intersections with safe turning speeds while allowing adequate access for emergency vehicles. This BSOT Place-Based Code does not specify minimum curb radii. However, curb radii on all intersections between new thoroughfares or between new and existing thoroughfares shall be designed to minimize vehicular speeds, minimize pedestrian crossing distances, and preserve and protect the general health, safety and welfare of the community.

Curb radii on all proposed thoroughfares are subject to review by the applicable reviewing body, Township/Village Engineer, the BSOFD and other applicable agencies during the site plan review process pursuant to Section 02.01 of this Place-Based Code.

**05.05 REAR ALLEYS** (Section 05.05 through 05.10 are optional designs for consideration)

**RA-18-18**

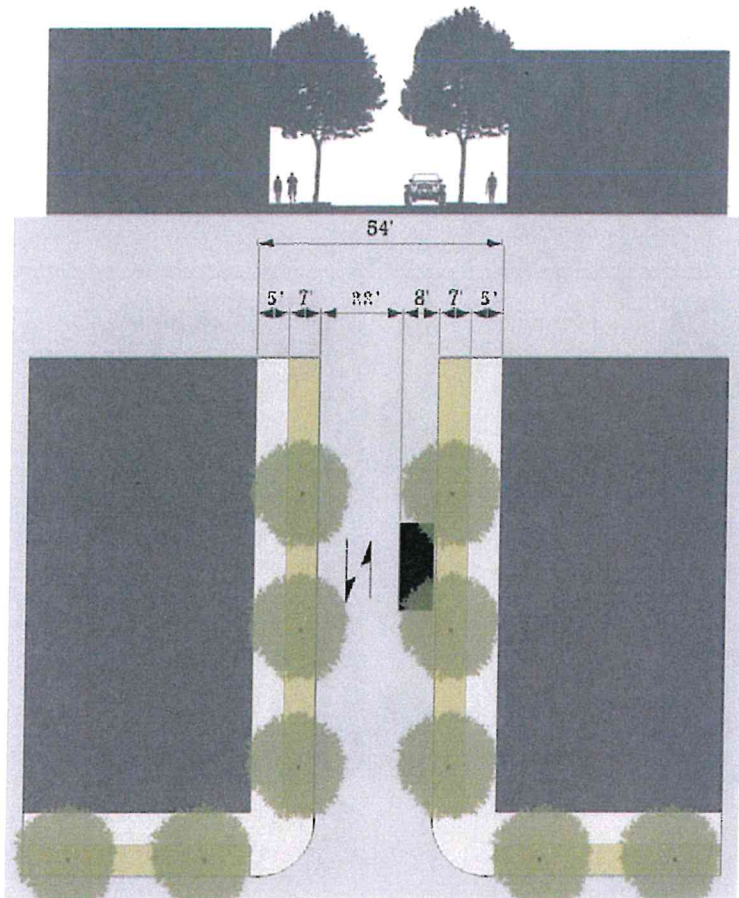
Zones Permitted	All Zones
Right-of-way / easement width	20 feet
Pavement Width	20 feet
Design Speed	10 mph
Traffic Lanes	None required
Parking Lanes	None permitted
Walkway Type	None required
Planter Type	None required
Curb Type	Inverted Crown
Landscape Type	None required



05.07 STREETS

ST-54-30

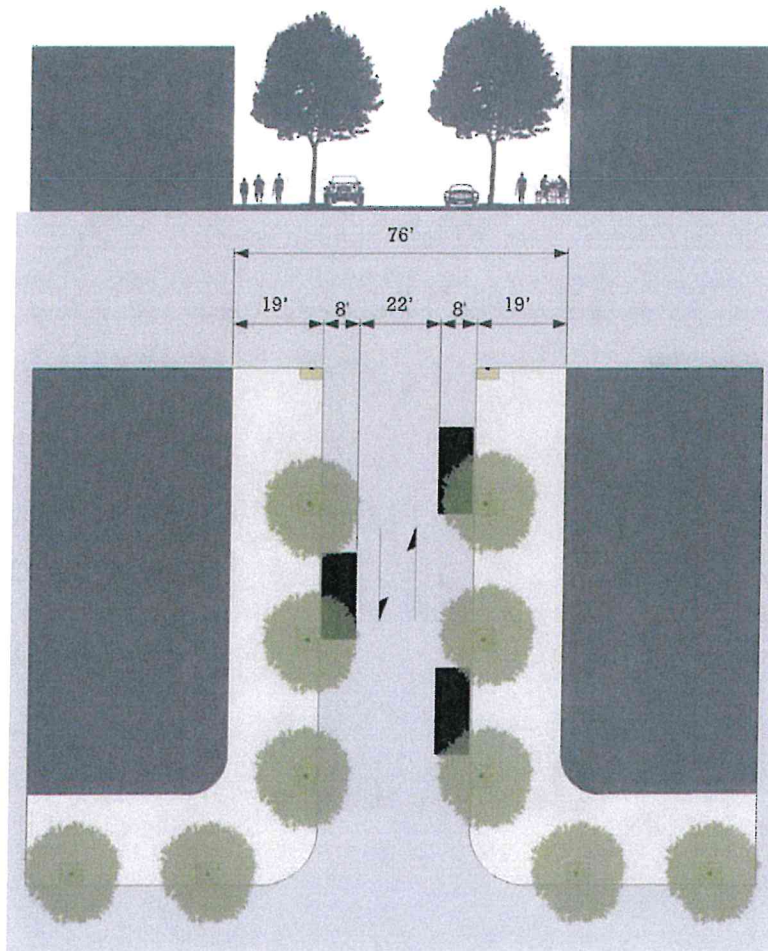
Zones Permitted	All zones
Right-of-way / easement width	54 feet
Pavement Width	30 feet
Design Speed	20 mph
Traffic Lanes	2 total
Parking Lane	Permitted on one side, unmarked, 8 feet from curb
Walkway Type	5' wide (or wider) sidewalk
Planter Type	7' continuous planter strip or 5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly spaced 30' apart



05.08 COMMERCIAL STREET

CS-76-38

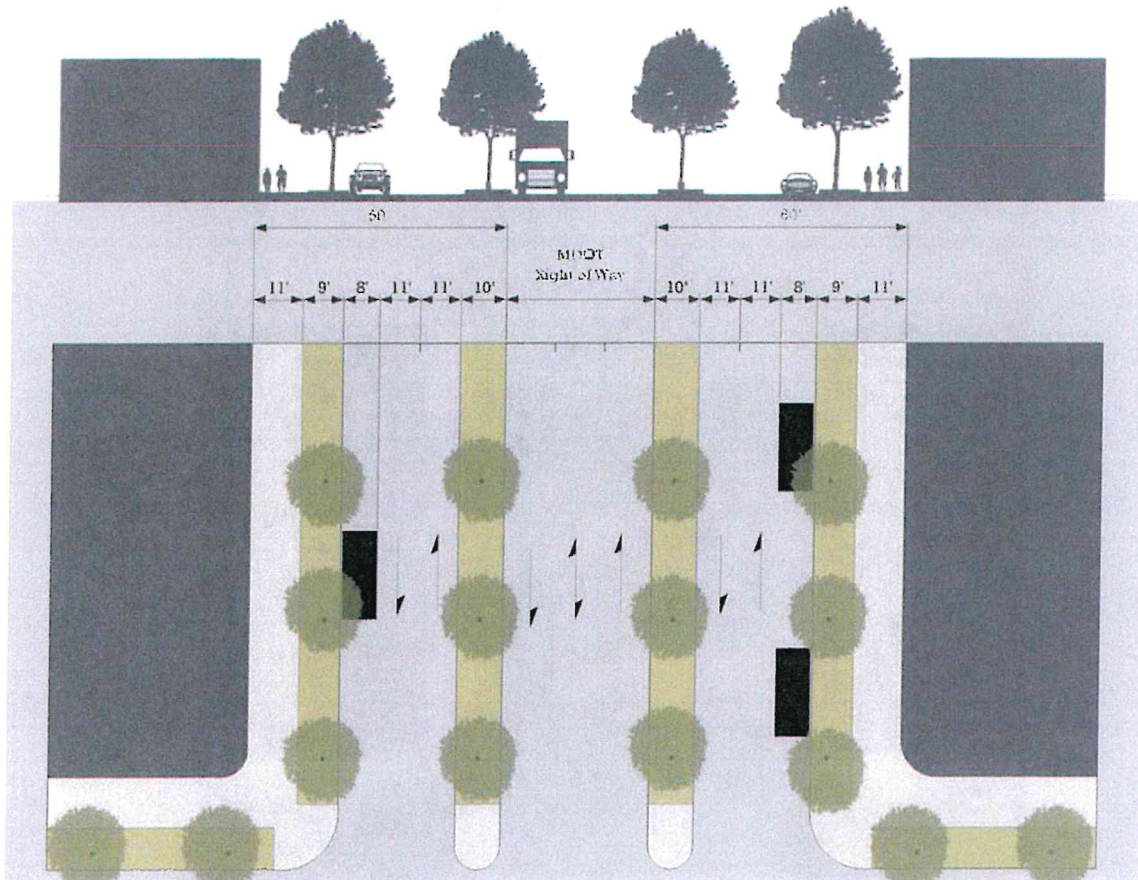
Zones Permitted	O-5A, O-5B
Right-of-way / easement width	76 feet
Pavement Width	38 feet
Design Speed	25 mph
Traffic Lanes	2 total
Parking Lanes	Permitted on each side, 8 feet from curb
Walkway Type	19' wide (or wider) sidewalk
Planter Type	5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly spaced 30' apart



05.09 FRONTAGE STREET

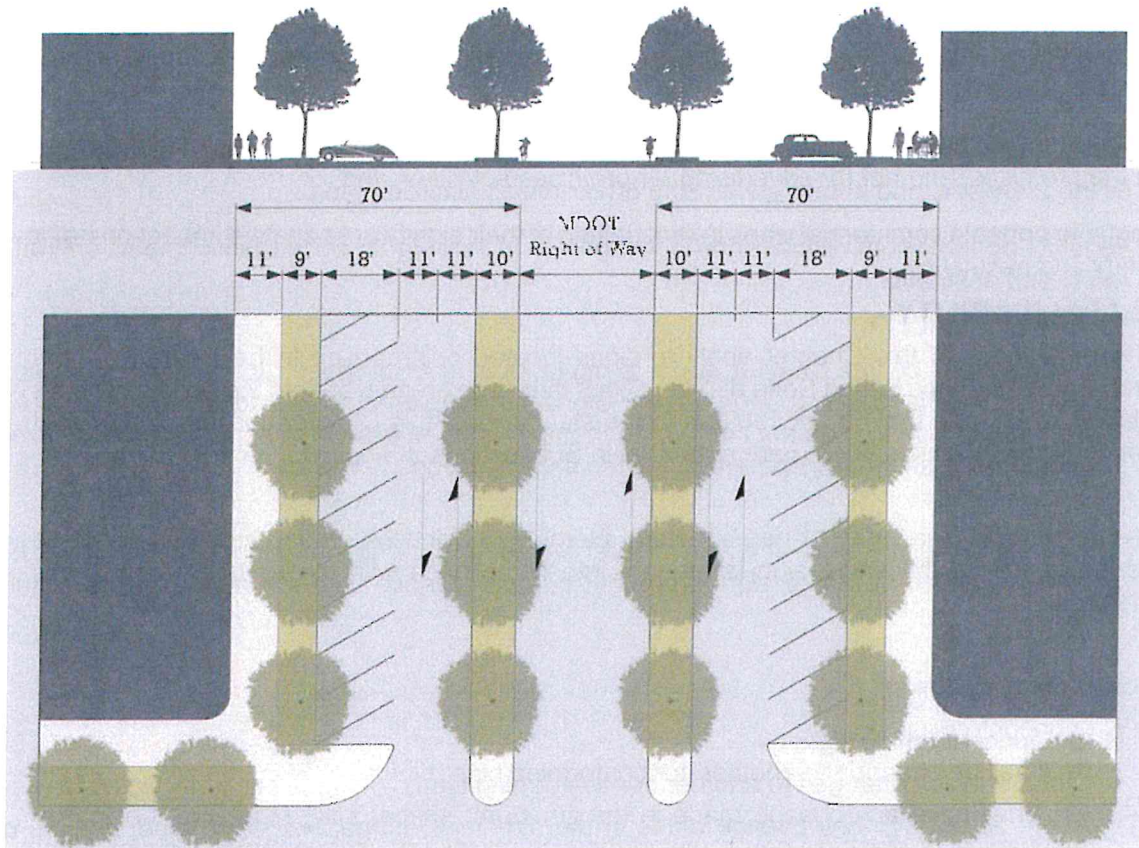
FS-120-60

Zones Permitted	O-5A, O-5B
Right-of-way / easement width	120 feet
Pavement Width	60 feet
Design Speed	35 mph
Traffic Lanes	4 total (Two two-way slip roads, not including center road)
Parking Lanes	Permitted on each side, parallel at 8 feet
Walkway Type	11' wide (or wider) sidewalk
Planter Type	9' continuous planter strip or 5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly spaced 30' apart



**BV-140-70**

Zones Permitted	O-5A, O-5B
Right-of-way / easement width	140 feet
Pavement Width	70 feet
Design Speed	35 mph
Traffic Lanes	Two two-way slip roads (4 total, not including center road)
Parking Lanes	Permitted on each side, angled at 18 feet
Walkway Type	11' wide (or wider) sidewalk
Planter Type	9' continuous planter strip or 5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly spaced 30' apart



## BSOT PLACE BASED CODE

- a nonconforming sign for safety purposes.
  - 3) Shall be re-established or maintained after it is abandoned for 90 days or longer.
  - 4) Shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50% of the cost of an identical new sign.
  - 5) Shall have any change made to add mechanical or electronic features, except monitors to regulate brightness in accordance with this Code.
- B. If the owner of a sign or the premises on which a sign is located changes the location of a sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.
- C. Any nonconforming sign that is abandoned shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land within 60 days from the date of written notice from the Township. Where such a sign structure and frame are typically reused by the current occupant or other user, the building owners shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant municipal ordinances and codes, and provided, further that the time period of non-use does not exceed 90 days.

For properties that are not required to comply with the provisions of this Place Based Code pursuant to Section 01.03, ground signs with an area larger than what is permitted by this Ordinance may be modified or rebuilt provided that the height of the sign does not exceed six feet and the total area of the sign does not exceed the maximum permitted in Section 06.06(4).

### 06.02 EXEMPT SIGNS

The following sign types are exempt from the provisions of this Chapter:

1. Signs exempt in Oronoko Charter Township pursuant to Section 17.03 of the Oronoko Charter Township Zoning Ordinance.
2. Signs permitted in all districts in the Village of Berrien Springs, pursuant to Section 18.02 of the Village of Berrien Springs Zoning Ordinance, or signs exempt from regulation under the terms of the Village of Berrien Springs Ordinance 307.

### 06.03 PROHIBITED SIGNS

Except as permitted elsewhere in this Place Based Code, the following sign types are prohibited in all zones of this Place Based Code:

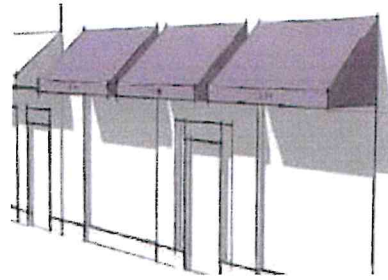
1. Signs prohibited pursuant to Section 17.06 of the Oronoko Charter Township Zoning Ordinance or pursuant to the Village of Berrien Springs Ordinance 307.
2. Any sign located within a Village or County road right-of-way, except those established and maintained by the city, county, state or federal governments.
3. Off-premise signs and billboards.



**06.05 STANDARDS FOR SPECIFIC SIGN TYPES**

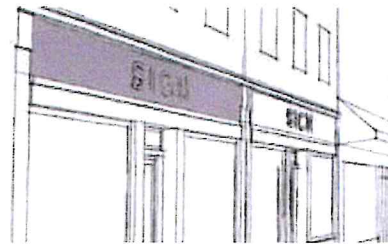
1. Awning Sign

Number permitted	1 per frontage or window
Width	Not to exceed width of facade
Projection	3 feet maximum
Ground Clearance	8 feet minimum
Letter Height	12" maximum
Sign Coverage	70% of valance area (maximum)
Illumination	Permitted



2. Band Sign

Number permitted	1 per building facade
Height	2 feet maximum
Letter Height	18 inches maximum
Sign Width	90% of facade (maximum)
Illumination	Permitted



3. Projecting Sign

Number permitted	1 per building facade
Area	6 square feet maximum
Width	3 feet maximum
Height	3 feet maximum
Clearance	8 feet minimum
Illumination	Not permitted



4. Ground Sign

Number permitted	1 per lot with frontage on M-139
Area	48 square feet maximum
Height	6 feet maximum
Letter Height	18 inches maximum
Illumination	Permitted
Minimum Setback	8 feet from any right-of-way or property line, whichever is greater

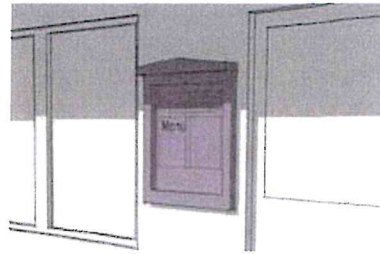


A. Additional Standards for ground signs:

- 1) Ground signs are only permitted on lots that have frontage on M-139.
- 2) There is no minimum setback for signs located on M-139 between Lemon Creek Road and George Street; provided that such signs be located at least 8 feet from the edge of the road and are not located within the road right-of-way.
- 3) Ground signs shall have no more than thirty (30) inches of clearance from the bottom of the sign to the ground below.
- 4) The Zoning Administrator shall have authority to grant 10% discretion in sign size.

8. Outdoor Display Case

Number permitted	1 per use
Area	6 square feet
Height	3 feet maximum
Width	3 feet maximum
Projection	5 inches maximum
Illumination	Permitted (internal only)



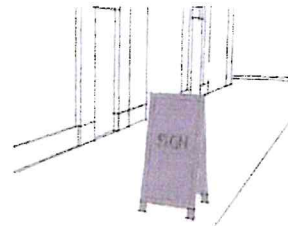
9. Window Sign

Number permitted	1 per window
Area	25% of glass (maximum)
Letter height	8 inches maximum
Illumination	Not permitted



10. Sidewalk Sign

Number permitted	1 per use
Area	8 square feet maximum
Width	26 inches maximum
Height	42' maximum
Illumination	Not permitted



Additional Standards for sidewalk signs:

- 1) Sidewalk signs shall be removed when the store for which it advertises is closed and during inclement weather so as not to constitute a hazard to public safety.
- 2) Sidewalk signs shall not be located in the sidewalk in a manner that obstructs pedestrian travel or vehicular vision.

**06.06 GENERAL SIGN PROVISIONS**

1. All signs shall conform to all applicable codes and Ordinances of the municipality in which it is located. A permit shall be required in accordance with the regulations of the applicable municipal Zoning Ordinance.
2. Illumination. When illumination is permitted, the following standards shall apply:
  - A. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.
  - B. Illumination shall be arranged so that light is deflected away from adjacent properties and any public right-of-way, and so that no direct sources of light are visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
  - C. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
  - D. For digital signs, the applicable municipal zoning ordinance shall control.

CHAPTER 7 DEFINITIONS

07.01 APPLICABILITY

The following terms are defined for the purpose of this Place Based Code. In instances where terms are not defined here, they may be defined elsewhere in the applicable municipal zoning ordinance. In such cases the definitions contained within the existing zoning ordinances shall be used for the administration of the Place Based Code. In instances where terms are defined in both the existing ordinances and here, the definitions in this Chapter shall prevail for the administration of the Place Based Code.

**Accessory Dwelling** - A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family dwelling.

**Build-to Zone** - The area located between the required minimum and maximum front yard setback.

**Civic Space** - An area of land generally designed for public recreational use and usually owned and/or operated by a unit of government, public body, homeowners association or similar entity.

**Park** - A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape consists of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.

**Green** - An open civic space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscaping consists of lawns and trees, naturally disposed.

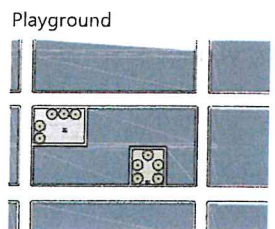
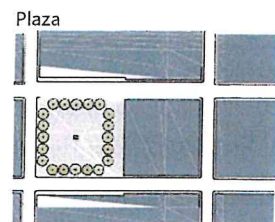
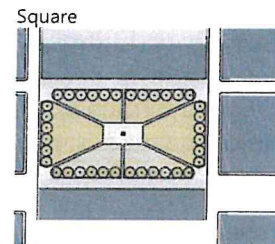
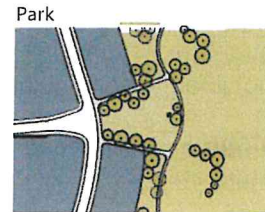
**Square** - An open civic space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape consists of paths, lawns, and trees, formally disposed. Squares shall be located at the intersection of important streets.

**Plaza** - An open space used for primarily civic purposes. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement trees, flower beds, gardens and similar features. Plazas should be located at the intersection of important thoroughfares.

**Playground** - An open civic space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds should be interspersed within residential areas and may be placed within a block. Playgrounds may be included in parks and greens.

**Linear Greenway** - A civic open space connecting parks, greens, and other civic spaces forming a continuous park environment.

Civic Spaces



**Gallery Frontage** - A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use.

**Arcade Frontage** - A frontage with a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the frontage line. This type is conventional for retail use.

**Frontage Line** - The lot line separating the lot and the primary thoroughfare. Where a public access easement exists or is required adjacent to the primary thoroughfare, the frontage line shall be considered the boundary of the easement that is farthest from the thoroughfare.

**Horizontal Proportion** - A design of a sign, window or similar opening where the width is greater than the height.

**Lot line, front** - See frontage line.

**Lot line, side** - In the case of an interior lot, any lot line that is not a frontage line or a rear lot line. In the case of a corner lot, the lot line separating the lot and the secondary thoroughfare shall be considered a side lot line.

**Lot line, rear** - Any lot line, other than a frontage line, that is parallel or nearly parallel to the frontage line.

**Mixed Use Development** - A development consisting of one or more buildings that contain a mix of commercial, office, retail, residential, recreational or similar land uses, or any combination of such uses.

**Service Uses** - A type of land use, generally commercial in nature, where the business provides a service to patrons. Service uses include, but are not limited to, personal service establishments, medical or dental offices and educational facilities.

**Setback** - The horizontal distance between a lot line and the building nearest to that lot line.

**Setback, front** - The horizontal distance between the frontage line and the nearest point of the building on the lot.

**Setback, side** - The horizontal distance between a side lot line and the nearest point of the building on the lot.

**Setback, rear** - The horizontal distance between the rear lot line and the nearest point of the building on the lot.

**Sign** - Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, establishment, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following specific sign types

**Awning sign** - A sign that is either attached to, affixed to, or painted on an awning.

**Band sign** - A wall sign of horizontal proportion located between the first and second stories of a building.

to M-139, M-139 shall be considered the primary thoroughfare. In the case of corner lots not adjacent to M-139 or through lots, the primary thoroughfare shall be the thoroughfare that is listed as the property address.

**Thoroughfare, Secondary** - A thoroughfare adjacent to a corner lot that is not the primary thoroughfare. In the case of a lot that is adjacent to more than two thoroughfares, any thoroughfare adjacent to the lot other than the primary thoroughfare shall be considered a secondary thoroughfare.

**Vertical Proportion** - A design of a sign, window or similar opening where the height is greater than the width.

STATE OF MICHIGAN  
COUNTY OF BERRIEN  
ORONOKO CHARTER TOWNSHIP  
ORDINANCE NO. 116

AN ORDINANCE TO ADOPT AN UPDATED THE BERRIEN SPRINGS  
TOWNSHIP (BSOT) PLACE BASED CODE

Townships

CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN ORDAN...

**Section 1. Adoption of Updated Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code.**

The Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code, attached hereto as Exhibit 1, is adopted as part of this Ordinance. The attached Exhibit 1 replaces in its entirety the previous Berrien Springs / Oronoko Township (BSOT) Joint Place Based Code adopted on August 11, 2015.

**Section 2 Severability and Captions**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 3 Repeal**

Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

**Section 4 Effective Date**

This ordinance shall become effective seven (7) days after publication and notice of enactment as required by law.

**Section 5 Publication or Posting**

The Township Clerk shall certify this ordinance and cause the same to be published or posted as required by law.

**MOTION TO ADOPT ORDINANCE**

Proposed by Board member: Treasurer Lawrence Schalk.

Supported by Board member: Trustee Richard Albers.