

**BERRIEN TOWNSHIP
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND THE BERRIEN TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 300.202 TO INCLUDE A NEW DEFINITION; TO AMEND SECTION 300.500 TO INCLUDE BED AND BREAKFASTS; TO AMEND SECTION 300.602 TO INCLUDE BED AND BREAKFASTS; TO AMEND ARTICLE XI TO INCLUDE A NEW SECTION 300.1151; TO AMEND SECTION 300.401, B, PERTAINING TO ACCESSORY BUILDINGS; TO AMEND SECTION 300.1101, G, PERTAINING TO TOWNSHIP BOARD ACTION ON SPECIAL LAND USES; AND TO AMEND SECTION 300.418 PERTAINING TO THE KEEPING OF ANIMALS.

BERRIEN TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Part 1. Amendment of Section 300.202. Section 300.202 is amended to include the following definition in alphabetical order:

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

Part 2. Amendment of Section 300.500. The use matrix in section 300.500 is amended to include the following, in alphabetical order:

Uses	A-R	R-1	M-H	C	I
Bed and Breakfast	SLU				

Part 3. Amendment of Section 300.602. Section 300.602 is amended to include the following term, in alphabetical order:

- ◆ Bed and Breakfast

Part 4. Amendment of Article XI. Article XI is amended to include a new Section 300.1151 which reads as follows:

300.1151 BED AND BREAKFAST

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

B. Regulations and Conditions:

1. The minimum lot size shall be consistent with the District minimum for Single Family Dwellings.
2. Two parking spaces shall be required for (2) for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
3. The Bed and Breakfast shall have at least two (2) exits to the outdoors.
4. The Bed and Breakfast shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
5. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that carriage houses in existence as of the effective date of this section, and located on the same parcel as a Bed & Breakfast may be utilized for sleeping rooms, in accordance with this Section.
6. The Bed and Breakfast shall not alter the residential character of the building or structure.
7. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
8. The permit holder shall secure and maintain all required state and local permits.
9. No conference/meeting room facilities will be permitted.
10. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
11. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

Part 5. Amendment of Section 300.401, B. Section 300.401, B is amended to read as follows

- B. In the R-1, M-H, C and I districts, an accessory building shall not be constructed prior to the construction of the principal structure.

In the A-R district, the Zoning Administrator may issue a certificate of zoning compliance for an accessory building on a parcel that does not contain a principal structure, provided that the following conditions are met:

1. The parcel shall have an area of two (2) acres or greater
2. The accessory building shall be placed in a manner that allows for the construction of a principal building in compliance with all other standards of this Ordinance.

Part 6. Amendment of Section 300.1101, G. Section 300.1101, G is amended to read as follows:

- G. Township Board action. The Township Board shall have final authority to accept or reject the findings and recommendations of the Planning Commission. In acting to approve, deny or grant modified approval, the Board shall make its decision based upon competent, material, and substantial evidence contained in the public record and shall record its decision in writing. Approval of the special land use shall incorporate approval of the Preliminary Site Plan. Within seven (7) days of Township Board action on any Special Land Use Application and Site Plan, a copy of the Board's decision shall be provided to the applicant.

Part 7. Amendment of Section 300.418, D. Section 300.418, D, is amended to read as follows:

- D. On nonfarm properties in the A-R district, farm animals and livestock may kept on parcels with a total area of two (2) acres or greater. Within each parcel where farm animals are kept there shall be an area of at least one acre dedicated to the housing and keeping of such farm animals and livestock. The number of animals permitted shall not exceed the standards in the table below:

Farm Animal Type	Maximum number of individual animals permitted per acre of land dedicated to the keeping of animals
Slaughter and Feeder Cattle	1 per acre
Mature Dairy Cattle	1 per acre
Swine (55 lbs and over)	3 per acre
Sheep and lambs	10 per acre
Horses	1 per acre
Turkey	55 per acre
Laying Hens or Broilers (chickens)	100 per acre
Other animal species equivalency shall be determined by the Zoning Administrator in accordance with GAAMPs standards.	

Part 8. Severability. If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Part 9. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in The Journal Era, Berrien Springs, Michigan, a newspaper having general circulation in the Township.

Bryan Bixby
Township Supervisor

Mary Jean Dean
Township Clerk