

**ORONOKO CHARTER TOWNSHIP
ORDINANCE NO. 95**

AN ORDINANCE TO AMEND THE ORONOKO CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND ARTICLE VI TO CREATE A NEW SECTION 6.07, REQUIREMENTS FOR CERTAIN USES AND STRUCTURES; AND TO AMEND ARTICLE VII TO CREATE A NEW SECTION 7.07, REQUIREMENTS FOR CERTAIN USES AND STRUCTURES.

ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Article VI. Article VI of the Oronoko Charter Township Zoning Ordinance is amended to include a new Section 6.07, which reads as follows:

6.07 Requirements for Certain Uses and Structures

- A. **Uses.** The following uses shall be subject to the additional setbacks of subsection (B) when located in the A-R District:
- Educational Facility
 - Farm Product Processing Facility
 - Kennel/Animal Day Care
 - Place of Public Assembly, Large
 - Place of Public Assembly, Small
 - Recreational Facility
 - Restaurant
 - Tasting Room
 - Winery/Brewery
- B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the A-R district, shall meet the following setback requirements:
1. Front Yard – 100 feet
 2. Side Yard – 200 feet
 3. Rear Yard – 200 feet
- C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).
- D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

Section 2. Amendment of Article VII. Article VII of the Oronoko Charter Township Zoning Ordinance is amended to include a new Section 7.07, which reads as follows:

7.07 Requirements for Certain Uses and Structures

- A. **Uses.** The following uses shall be subject to additional setbacks when located in the E-1 District:
- Educational Facility
 - Place of Public Assembly, Large
 - Place of Public Assembly, Small
 - Recreational Facility
 - Winery/Brewery
- B. **Setbacks.** Land uses specified in subsection (A) above and structures associated with such uses, located within the E-1 district, shall meet the following setback requirements:
1. Front Yard – 100 feet
 2. Side Yard – 200 feet
 3. Rear Yard – 200 feet
- C. **Applicability.** These requirements shall not apply to off-street parking areas or farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with the adopted Generally Accepted Agricultural Management Practices (GAAMPs).
- D. **Existing Uses.** Land uses outlined in subsection (A) established prior to January 9, 2018 shall not be required to comply with the setbacks requirements of section (B) above.

Section 3. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 4. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 5. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in the Journal Era, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

MOTION TO ADOPT ORDINANCE:

Proposed by Board Member: Treasurer Lawrence Schalk.

Supported by Board Member: Clerk Suzanne Renton.

Roll Call:

Ayes: Treasurer Lawrence Schalk, Trustee Don Damron, Trustee Richard Albers, Clerk Suzanne Renton, Trustee Robert Palmer, Supervisor Mike Hildebrand.

Nays: Trustee Marc Kerlikowske.

Abstain: None.

Absent: None.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 9th day of January 2018 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____

Michael Hildebrand, Supervisor

And

By: _____

Suzanne Renton, Clerk

First Reading: December 12, 2017

Second Reading: January 9, 2018

Publication of Notice: January 17, 2018