

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

- B. Modifications to the exterior of existing buildings or structures by:
 - 1) Increasing or decreasing the area of a building footprint by twenty-five percent (25%) or greater; or
 - 2) Exterior modifications or additions to existing buildings or structures such that the cost of the modifications or additions is greater than or equal to \$125,000; or
 - 3) Phased construction to avoid compliance is prohibited.
 - C. The placement of new signs or modifications to existing signs as specified in Section 06.02.
 - D. All additions or modifications to the exterior frontages of existing buildings or structures shall, at a minimum, comply with the frontage standards of Section 03.03, architectural standards of Section 03.04, and sign standards of Section 6 of this Place Based Code.
- 2. Where development does not meet the threshold established in A-B above, an applicant may opt to comply with the provisions of the BSOT Place Based Code, although it is not required. In instances where an applicant opts to not comply with the provisions of the BSOT Place Based Code, the requirements of the applicable municipal Zoning Ordinance shall apply.
 - 3. For properties located west of US-31 that are not served by municipal water and sewer service, an applicant may opt to comply with the provisions of the BSOT Place Based Code, although it is not required. In instances where an applicant opts to not comply with the provisions of the BSOT Place Based Code, the requirements of the applicable municipal Zoning Ordinance shall apply.
 - 4. In instances where an applicant opts to comply with the provisions of this Place Based Code, that property shall be required to comply with all requirements of this Place Based Code, and may not "opt out" from the requirements of this code at a later date.

01.04 PBC OFFICIAL ZONE MAP

For the purposes of this Ordinance, the areas within the Place Based Code overlay as illustrated on the applicable municipal Official Zoning Map are hereby organized into the following zones:

- O-2 Rural
- O-3 Neighborhood Edge
- O-4 Neighborhood General
- O-5B Neighborhood Center
- O-5A Downtown

The boundaries of each zone are shown on the map entitled "Place Based Code Official Zone Map" and this map is hereby made a part of this Joint Place Based Code. No changes to the Place Based Code Official Zone Map shall be made without the recommendation of approval from the Joint Planning Commission and without approval from the Oronoko Charter Township Board and the Berrien Springs Village Council, and such amendments shall be adopted in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and the Joint Municipal Planning Act (PA 226 of 2003), as amended.

LINCO

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

HINCHMAN

HINCHMAN

LEMON CREEK

REDBUD

LEMON CREEK

VALLEY VIEW

SUNSET

4TH

3RD

ST

WISCONSIN

WISCONSIN

WISCONSIN

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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.

02.02 DEPARTURES FROM PLACE-BASED CODE STANDARDS

1. Minor Departures. The Zoning Administrator may, at the request of an applicant, authorize minor departures from certain standards contained in this Place Based Code. Minor departures shall include, but are not limited to, the following:

- A. A departure of up to 5 feet in a required front, side or rear yard setback requirement
- B. A departure of up to 10% of a required maximum lot coverage requirement
- C. A departure of up to 5% of a primary street facade built-to setback
- D. A departure of up to 10% of a side street facade built-to setback
- E. A departure of up to 5% of a transparency requirement

Findings for Minor Departures. In order to grant a minor departure, the Zoning Administrator shall find that all of the following conditions are met:

- A. The minor departure does not materially change the circulation and building location on the site;
- B. The minor departure does not alter the relationship between the buildings and the street;
- C. The minor departure does not allow a use not otherwise permitted in this Place Based Code, and;
- D. The proposed development meets the intent of this Place Based Code and is consistent with the BSOT M-139 Corridor Improvement Plan.

2. Major Departures. Major departures shall be considered any departure from the provisions of this Place Based Code that are not considered minor departures. The BSOT Joint Zoning Board of Appeals may, at the request of the Zoning Administrator or applicant, authorize such major departures. In order to grant a major departure, the BSOT Joint Zoning Board of Appeals shall find that all of the following standards are met:

- A. The major departure does not materially change the circulation and building location on the site;
- B. The major departure does not alter the relationship between the buildings and the street;
- C. The major departure does not allow a use not otherwise permitted in this Place Based Code;
- D. The proposed development meets the intent of this Place Based Code found in Section 01.02 of this Chapter and is consistent with the BSOT M-139 Corridor Improvement Plan, and;

In arriving at its decision, the Zoning Board of Appeals shall be guided by the standards of Section 02.01, 5, A-H of this Section, established precedent and good planning practice.

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.

02.04 STANDARDS FOR SPECIAL AREA PLANS

Special Area Plans shall conform to the following requirements:

Special Area Plan Requirements			
For projects less than 5 acres in area	Special Area Plan optional	Block Requirements	None
		Civic Space Requirements	None
		Optional Distribution of Zones	N/A
For projects between 5 and 20 acres in area	Special Area Plan required	Block Requirements	Yes
		Civic Space Requirements	5% minimum
		Optional Distribution of Zones	N/A
For projects 20 acres in area or greater	Special Area Plan required	Block Requirements	Yes
		Civic Space Requirements	10% minimum
		Optional Distribution of Zones*	O-5B: 10%-30%
			O-4: 30%-60%
		O-3: 10%-30%	

* Optional Distribution of Zones: For projects of 20 acres or greater located in any zone, portions of land may be developed in accordance with the zone proportions outlined in the above table.

02.05 BSOT JOINT ZONING BOARD OF APPEALS

- A. Creation of the Village of Berrien Springs/Oronoko Charter Township (“BSOT”) M-139 Joint Zoning Board of Appeals. There is hereby established a BSOT M-139 Joint Zoning Board of Appeals (BSOT ZBA) in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, being the Michigan Zoning Enabling Act, and in accordance with Public Act 226 of 2003, as amended. The BSOT ZBA shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Place Based Code may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Code that the health, safety, and welfare of the public be secured; and that substantial justice be secured.
- B. Membership, Terms of Office. The BSOT ZBA shall consist of seven (7) members. Three members each shall be appointed by the Berrien Springs Village Council and Oronoko Charter Township Board of Trustees. The seventh member shall be appointed by both municipalities. If a ZBA member is also a member of the Joint Planning Commission or legislative board or council, that member cannot participate in a public hearing or vote regarding the same matter that the member voted on as a member of the Joint Planning Commission, board or council.

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

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.

02.06 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The BSOT ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of intent of this Ordinance, but does have power to act on those matters where by statute or this Place Based Code provision is made for an administrative review, interpretation, departure or exception as defined therein.

- A. Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or the Joint Planning Commission or by any other official in administering or enforcing any provision of this Place Based Code. The allegation shall be duly made within thirty (30) days of the date of decision being appealed. The date of decision is presumed to be five (5) days after the literal date of decision.
- B. Interpretation. The BSOT ZBA shall have the power to:
 1. Interpret, upon request, the provisions of this Place Based Code in such a way as to carry out the intent and purpose of the Code.
 2. Determine the precise location of the boundary lines between zones.
- C. Departures. The BSOT ZBA shall have the power to authorize, upon an appeal, major departures from the requirements of this Place Based Code provided it finds that the standards of Section 02.02 (2) are met. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a departure is sought. In granting a major departure, the BSOT ZBA shall find that the departure request meets all of the conditions outlined in Section 02.02(2) of this Place Based Code.
- D. Rules. The following rules shall be applied in the granting of major departures:
 1. The BSOT ZBA may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Place Based Code. The breach of any such condition shall automatically invalidate the permit granted.
 2. Each major departure granted under the provisions of this Place Based Code shall become null and void unless: The construction authorized by such major departure has received a building permit within one (1) year after the granting of the major departure; and the occupancy of land, premises, or buildings authorized by the major departure has taken place within one (1) year after the granting of the major departure, unless an extension of time has been granted by the BSOT ZBA.
 3. No application for a major departure which has been denied wholly or in part by the board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the BSOT ZBA, to be valid. For such newly discovered evidence to be considered, an

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.

CHAPTER 3. GENERAL PROVISIONS

This Chapter 3 identifies provisions that are general to all properties within the Place Based Code (PBC) Zoning District.

03.01 CIVIC SPACE

Where the following types of civic space are proposed or required by this Place Based Code, the following standards shall apply:

Civic Space Type	Zone(s) Permitted	Minimum Area	Maximum Area	Required Street Frontage
Park	O-2, O-3	8 acres	none	Must front one (1) street
Green	O-3, O-4, O-5A, O-5B	0.5 acres	8 acres	Must front two (2) streets
Square	O-4, O-5A, O-5B	0.5 acres	5 acres	Must front three (3) streets
Plaza	O-5A, O-5B	0.5 acres	2 acres	Must front one (1) street
Playground	All zones	500 square feet	none	none
Linear Greenway	All zones	none but must maintain a 20 foot width throughout	none	none

03.02 STREETSCAPES

All new thoroughfares shall meet the following streetscape standards. In addition, all lots adjacent to an existing thoroughfare developed pursuant to this Place Based Code shall meet the following streetscape standards:

1. Street trees shall be placed between the edge of the pavement and the sidewalk and evenly spaced 30 feet apart.
2. On-street parking may be interrupted by existing or proposed new driveways where no rear alley exists and temporarily for outdoor seating where permitted.
3. Street trees must be arranged such that they are parallel to the street.
4. Street trees shall have tree wells measuring a minimum of 5'x5' when not in planter strips.
5. Street tree species must be native of the southwest Michigan region and on the list of approved species by the Michigan Department of Transportation.
6. Planter strips shall have ground cover and/or flowering vegetation.
7. Where paving is required, sidewalks must be paved with concrete, brick or a combination of both.
8. Where paving is not required, sidewalks may be laid with compact earth, wood planks, crushed stone or gravel. Paving shall not be required on paths and trails for bicycles or running.
9. The Zoning Administrator may, upon request, allow for the deferral of streets, infrastructure,

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.

03.03 FRONTAGE STANDARDS

Lots developed pursuant this Place Based Code shall have frontages in accordance with the following table:

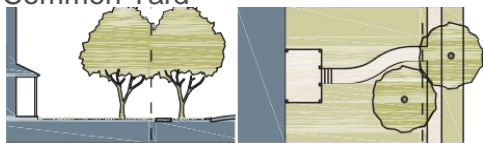
Frontage Type	O-2	O-3	O-4	O-5A	O-5B
Common Yard	P	P	P		
Porch & Fence	P	P	P		
Terrace or Lightwell	P	P	P	P	P
Forecourt	P	P	P	P	P
Stoop	P	P	P	P	P
Shopfront	P	P	P	P	P
Gallery	P	P	P	P	P
Arcade				P	P

- A. On lots with a width less than 200 feet, up to 40 feet of a required street screen(s) may be counted as a permitted frontage type.
- B. Except for lots in the O-5A zone, all lots along M-139 developed pursuant to this Place Based Code shall provide a public access easement 14 feet in width that includes a sidewalk 7 feet wide along all thoroughfares that bound the lot, except as provided in subsection C below. Such easement shall also contain sidewalks along M-139 shall be located 7 feet from the curb.
- C. The easement required in subsection B above shall meet the standards of Section 03.02 of this Place Based Code pertaining to streetscapes.
- D. The provisions of subsection B above do not apply to lots located along M-139 between US-31 and Linco Road.

Frontage Type (examples shown are not the only options)

Definition and Regulations

Common Yard



A planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. Residential uses shall include a stoop or porch. (See Chapter 4 dimensional requirements)

Porch & Fence



A planted frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains street spatial definition. Porches shall be no less than 8 feet deep.

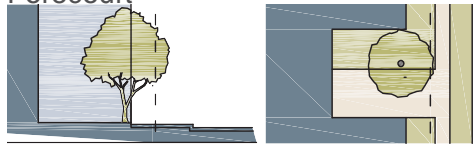
Terrace or Lightwell



A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes.

Frontage Type

Forecourt



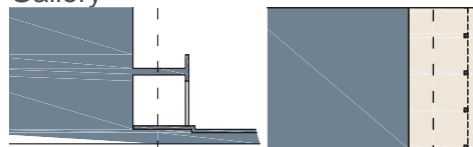
Stoop



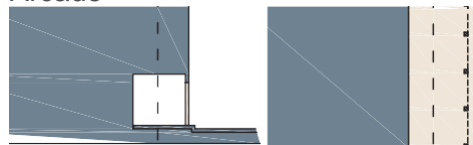
Shopfront



Gallery



Arcade



Definition and Regulations

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.

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.

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.

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.

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. Where a flat roof is utilized, a parapet shall be used to enclose it. The parapet must be a minimum of 36 inches in height and must conceal any rooftop mechanical equipment.
6. All buildings other than single family dwellings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accents such as a string course, change in material or textures, or awnings or canopies between the first and second stories.
7. Finish materials on all facades that face a thoroughfare shall be limited to: glass, brick, cut stone, cast stone, stucco, wood, metal or similar materials as determined by the Zoning Administrator.
8. Balconies, railings, fences, and porch structures shall be constructed of metal, wood, brick, cast concrete, stone or similar materials as determined by the Zoning Administrator.
9. Porches shall be at least eight (8) feet deep and eight (8) feet wide.

03.05 NONCONFORMITIES

The following regulations for nonconforming lots, uses of land, buildings or structures shall apply to all properties within the Place Based Code district and these provisions are intended to be used in conjunction with, and not entirely in replacement of, the nonconforming provisions of the applicable municipal Zoning Ordinance. In instances where the nonconforming provisions of this Section conflict with the provisions of the applicable municipal Zoning Ordinance, the provisions of this Place Based Code shall apply.

1. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Place Based Code, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of the applicable municipal Zoning Ordinance before the adoption of this Place Based Code, and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue, subject to the requirements of this section.
2. A lawful use of land, building or structure which is under construction at the time of adoption of this Place Based Code shall be permitted to continue as a nonconformity, subject to the provisions of this Section and the nonconforming provisions of the applicable municipal Zoning Ordinance.
3. For any nonconforming use, building or structure, or for any building or structure located on a nonconforming lot, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the building or structure as it existed on the effective date or amendment of this Place Based Code, shall not be altered or increased except in a manner that does not increase the degree of the nonconformity.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

4. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or any combination thereof, shall be permitted.

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.

6. The improvement, replacement or expansion of a nonconforming building frontage is permitted, provided that the frontage, after improvement, replacement or relocation, is more conforming to this Place Based Code than the previous frontage.
7. Lots that do not meet the lot width or area requirements of the applicable municipal Zoning Ordinance may be used pursuant to this Place Based Code, provided that applicable setback and other dimensional requirements of this Place Based Code or the applicable municipal Zoning Ordinance are met.
8. Nonconforming signs shall be subject to Section 06.02.

03.06 PARKING AND GARAGES

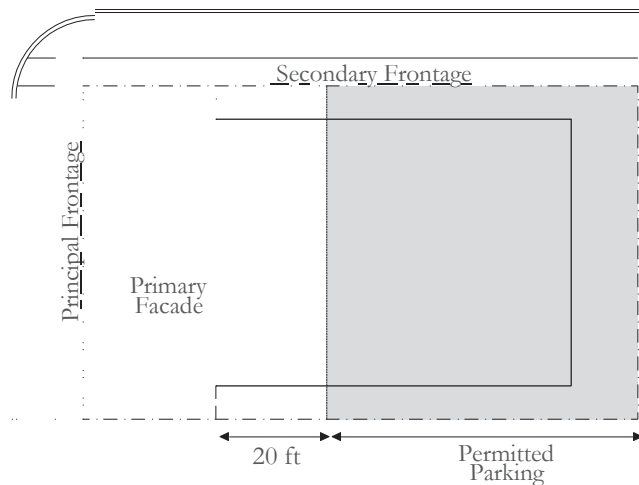
The quantity of off-street parking provided for all non-residential permitted land uses shall be demonstrated by the applicant. When reviewing a site plan or special area plan, the reviewing body shall ensure that adequate parking exists for the proposed development and/or use(s).

For single-family, two-family and multiple-family dwellings, the quantity of off-street parking required in the applicable municipal Zoning Ordinance shall be provided.

Where the provisions of this Section conflict with the minimum parking requirements of the applicable municipal Zoning Ordinance, the

standards of this Section shall control. The design of parking areas and parking spaces shall be governed by the applicable municipal Zoning Ordinance.

1. In no case shall parking be located within the front yard. No more than a total of 60 feet of parking area may be located in a side yard. (60 feet allows for double bay parking with 20 feet of driving area and a 20-foot parking spot on each side.)
2. Except for public parking lots, off-street parking areas shall be located at least 20 feet behind the required minimum front setback. On corner lots, all parking shall be located to the rear of primary building facades.
3. Where there is a public parking lot or public on-street parking within 200 feet of a lot, those spaces may be used to offset the quantity of required off-street parking spaces.
4. Where an off-street parking lot contains more than 3 spaces, streetscreens shall be used to disguise parking lot. Said streetscreens shall meet the following standards:
 - A. Streetscreens shall be constructed of a material matching the adjacent building facade, or shrubs, bushes, or similar greenery.
 - B. Streetscreens shall be at least three (3) feet in height and 18 inches in depth. If greenery is used as a streetscreen, the built portion shall be 18 inches high.
 - C. Streetscreens shall be aligned with the primary building setbacks.



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.

CHAPTER 4. ZONE STANDARDS

04.01 INTENT

Chapter 4 identifies the land uses and building forms that are permitted in the BSOT Place Based Code, and provides the attributes that are allowed in each zone. These attributes include use, building types, and building height. The regulation of development in these zones ensures that proposed development is consistent with the BSOT M-139 Corridor Improvement Plan.

Each of the zones described in this Chapter represent a spectrum of development character and intensity, ranging from the least intense (0-2 Rural) to the most intense (05-A Downtown). Each zone establishes character through its use of building form and the associated frontages (Section 03.05) that can be applied.

The Place Based Code Map illustrates the boundaries of each of the zones established by this Place based Code.

04.02 APPLICABILITY

Subject to the requirements of Section 01.03, development in each zone established in the Place Based Code Map shall meet the standards of this Chapter. Each zone includes building placement standards, permitted land uses, dimensional standards and additional provisions governing development in each zone.

04.03 DIMENSIONAL STANDARDS FOR LOTS

Lots created after the effective date of this Place Based Code shall meet the following requirements if such lots are served by public water and sewer services. Lots that are not served by public water and sewer services shall meet the minimum lot area and lot width requirements of the underlying zoning district.

New development on lots created pursuant to the table below after the effective date of this Place Based Code are subject to the applicability requirements of Section 01.03.

Zones	Minimum Width	Maximum Width
0-2 Rural	Same as underlying zoning	
0-3 Neighborhood Edge	50 feet	120 feet
0-4 Neighborhood General	25 feet	100 feet
0-5A Downtown	25 feet	none
0-5B Neighborhood Center	25 feet	none

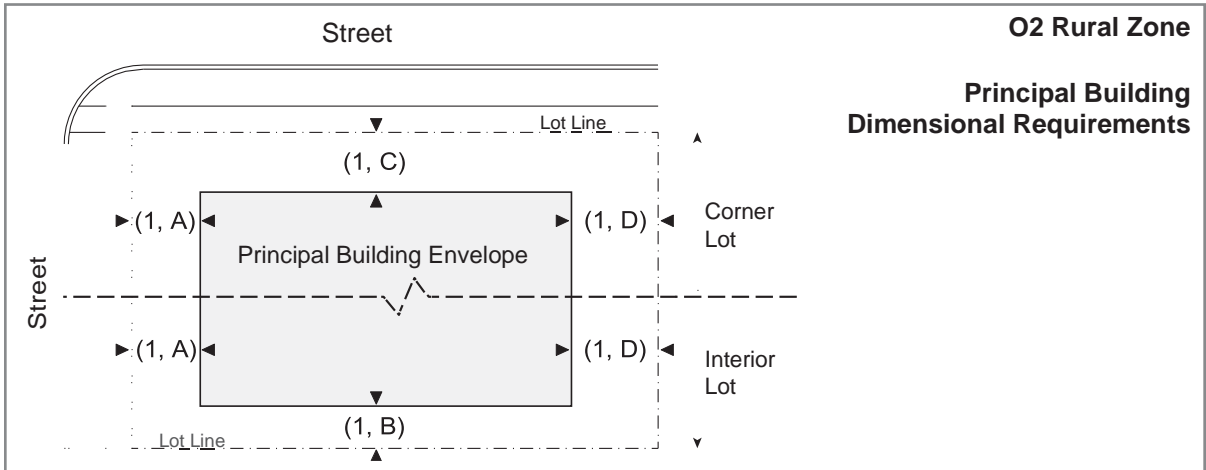
In all zones, lots created pursuant to the above table shall not have a depth-to-width ratio exceeding 4:1.

04.04 O-2 RURAL

Development in the 0-2 Rural Zone shall meet the following standards

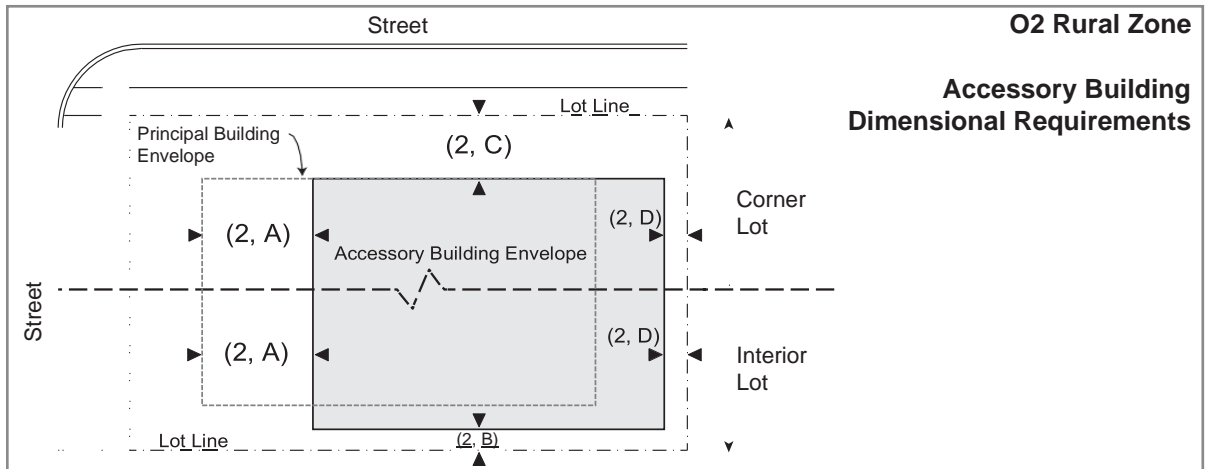
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

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



3. Lot coverage in the 0-2 Rural Zone shall not exceed 25%.
4. Except for agricultural buildings, buildings in the 0-2 Rural Zone shall not exceed a height of 35 feet or 2 stories, whichever is less.
5. All permitted and special land uses are permitted in accordance with the underlying zoning district, and may also consist of a combination of such uses when developed as a special area plan.

When a special area plan is proposed in the 0-2 Zone, the following land uses are also permitted

- A. For properties located outside the Village of Berrien Springs, uses permitted by right or by Special Land Use in the B Business District of the Oronoko Charter Township Zoning Ordinance.

Uses that are considered special land uses by the applicable municipal Zoning Ordinance shall also be considered special land uses by this Place Based Code and shall be processed in accordance with the appropriate standards of the applicable municipal Zoning Ordinance.

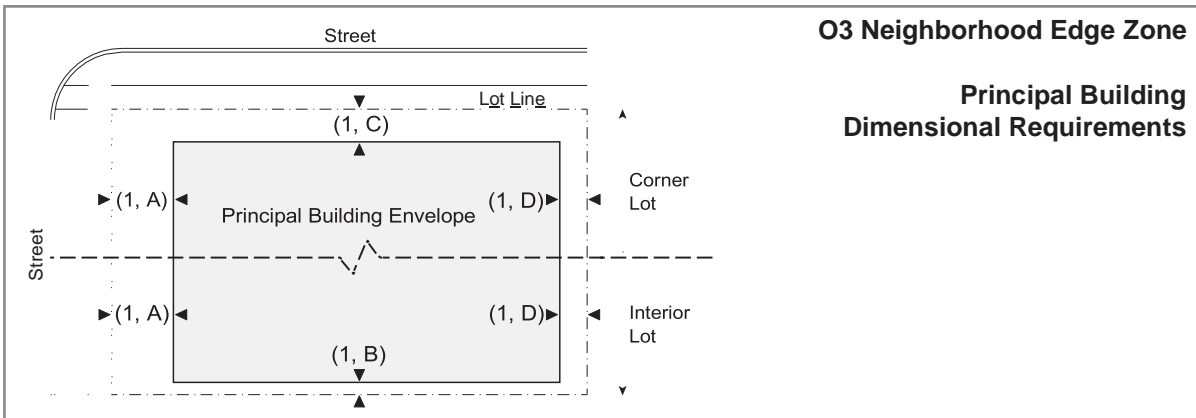
6. Additional Standards
 - A. Principal buildings shall have a main ground-floor entrance that faces the primary thoroughfare.
 - B. Principal buildings shall have required as permitted in Section 03.03. In the case of corner lots, principal buildings shall have frontages as permitted in Section 03.03 on both thoroughfares.
 - C. One accessory dwelling is permitted on a lot that contains a single-family dwelling.

04.05 O-3 NEIGHBORHOOD EDGE

Development in the 0-3 Neighborhood Edge Zone shall meet the following standards

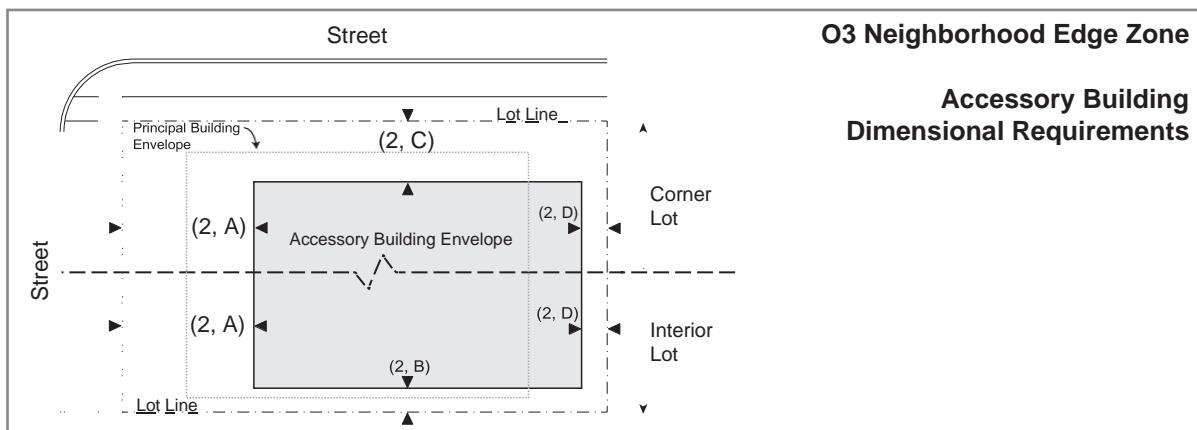
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

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



3. Lot coverage in the 0-3 Neighborhood Edge Zone shall not exceed 50%.
4. Buildings in the 0-3 Neighborhood Edge Zone shall not exceed a height of 35 feet or 2 stories, whichever is less.
5. Permitted and special land uses are permitted in accordance with the underlying zoning district, and may also consist of a combination of such uses when developed as a special area plan.

The following uses are also permitted in the 0-3 Zone

- A. For properties located outside the Village of Berrien Springs, uses permitted by right or Special Land Use in the B Business District of the Oronoko Charter Township Zoning Ordinance.
- B. Single- and two-family dwellings.
- C. Multiple-family dwellings.

Uses that are considered special land uses by the applicable municipal Zoning Ordinance shall also be considered special land uses by this Place Based Code and shall be processed in accordance with the appropriate standards of the applicable municipal Zoning Ordinance.

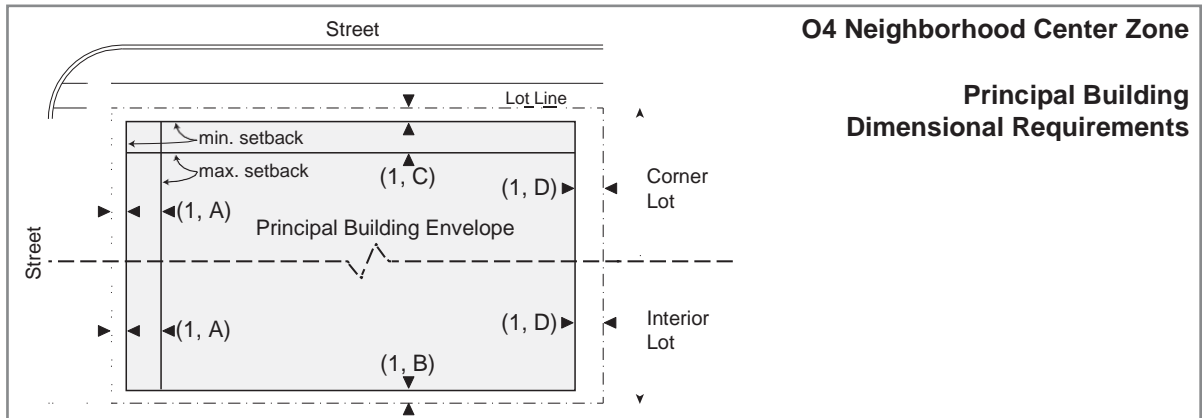
6. Additional Standards
 - A. Principal buildings shall have a main ground-floor entrance that faces a primary thoroughfare.
 - B. Principal buildings shall have frontages as required in Section 03.03. In the case of corner lots, principal buildings shall have frontages as permitted in Section 03.03 on both thoroughfares.
 - C. One accessory dwelling is permitted on a lot that contains a single-family dwelling.
 - D. Loading spaces, overhead doors and other service entries are not permitted on facades that face a public thoroughfare.
 - E. Accessory buildings shall be constructed of similar materials and be of similar or better quality workmanship as the principal building.

04.06 O-4 NEIGHBORHOOD GENERAL

Development in the 0-4 Neighborhood General Zone shall meet the following standards

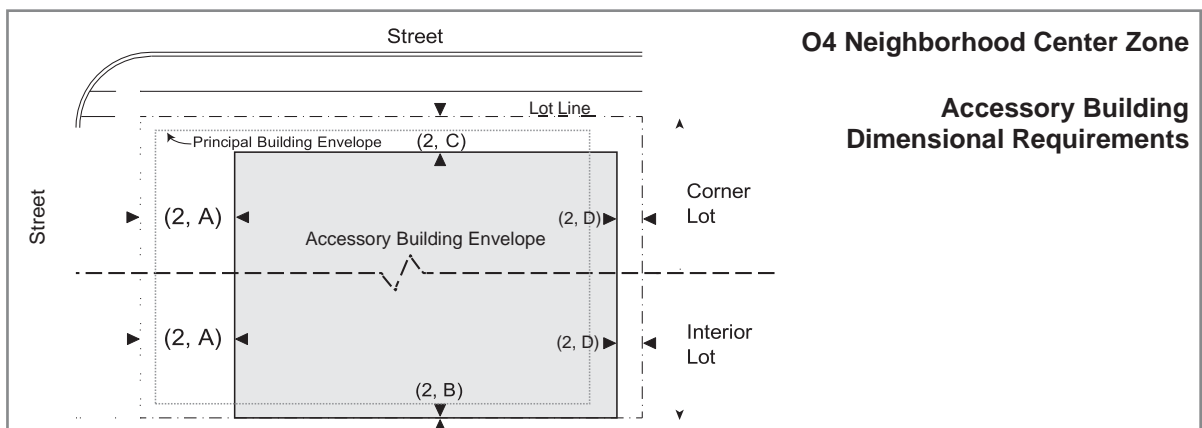
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

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



3. Lot coverage in the 0-4 Neighborhood General Zone shall not exceed 0%.
4. Buildings in the 0-4 Neighborhood General Zone shall not exceed a height of 45 feet or 3 stories, whichever is less.
5. Permitted and special land uses are permitted in accordance with the underlying zoning district, and may also consist of a combination of such uses when developed as a special area plan.

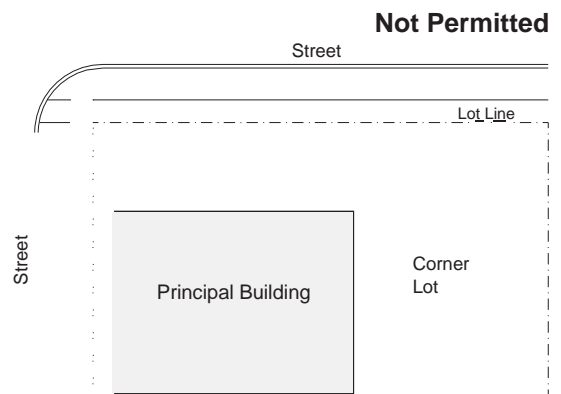
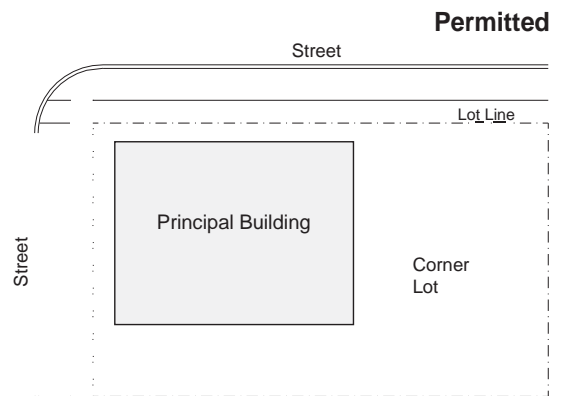
The following uses are also permitted in the 0-4 Zone

- A. For properties located outside the Village of Berrien Springs, uses permitted by right or Special Land Use in the B Business District of the Oronoko Charter Township Zoning Ordinance.
- B. For properties within the Village of Berrien Springs, uses permitted by right or by Special Land Use in the C-2 Central Business District.
- C. Single- and two-family dwellings.
- D. Multiple-family dwellings.

Uses that are considered special land uses by the applicable municipal Zoning Ordinance shall also be considered special land uses by this Place Based Code and shall be processed in accordance with the appropriate standards of the applicable municipal Zoning Ordinance.

6. Additional Standards

- A. Principal buildings shall have a main ground-floor entrance that faces the primary thoroughfare.
- B. On corner lots, principal buildings must be built to the setback, at a minimum, along the first 30 feet from each corner. (see graphic at right)
- C. Principal buildings shall have frontages as required in Section 03.03. In the case of corner lots, principal buildings shall have frontages as permitted in Section 03.03 on both thoroughfares and shall maintain the minimum front yard setback requirements for both thoroughfares.
- D. One accessory dwelling is permitted on a lot that contains a single-family dwelling.
- E. All buildings and structures must be set back a minimum of ten feet from properties not within the PBC Place Based Code District.
- F. Accessory buildings shall be constructed of similar materials and be of similar or better quality workmanship as the principal building.

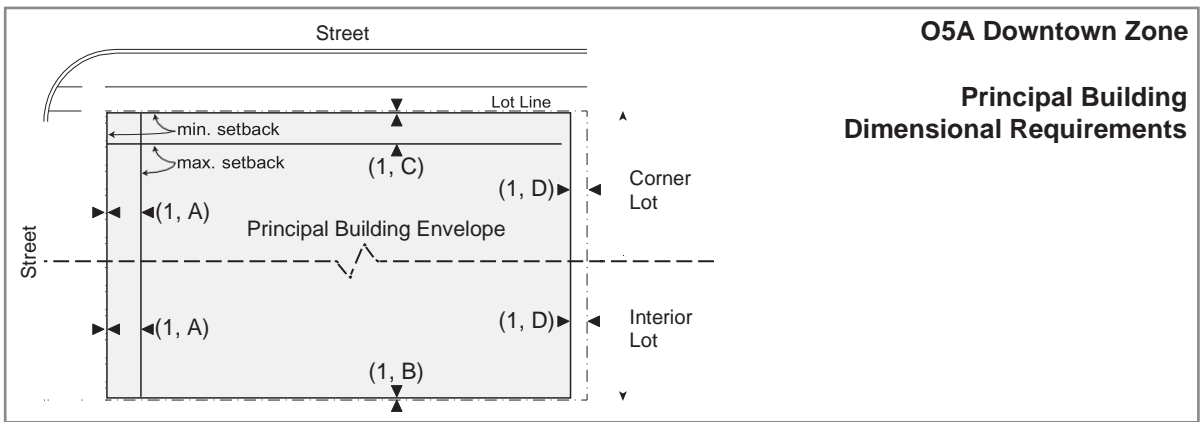


04.07 O-5A DOWNTOWN

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

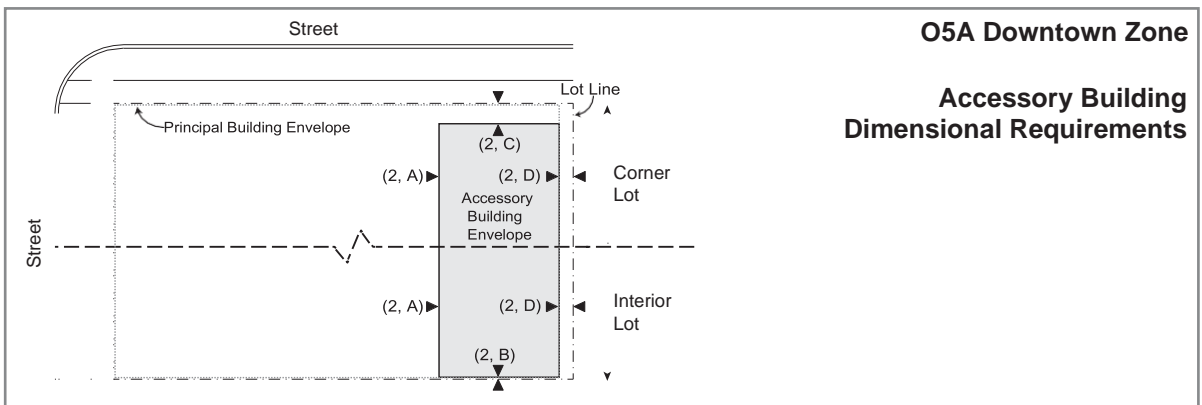
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

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	100% minimum
F. Secondary thoroughfare facade built within build-to zone	50% 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
E. Area	00 square feet maximum



3. Lot coverage in the O-5A Downtown Zone shall not exceed 90%.
4. Principal buildings in the O-5A Downtown Zone shall not exceed a height of 40 feet or 3 stories, whichever is less. Accessory buildings shall not exceed a height of 2 stories or 35 feet, whichever is less.
5. Permitted and special land uses are permitted in accordance with the underlying zoning district, and may also consist of a combination of such uses when developed as a special area plan.

Uses that are considered special land uses by the applicable municipal Zoning Ordinance shall also be considered special land uses by this Place Based Code and shall be processed in accordance with the appropriate standards of the applicable municipal Zoning Ordinance.

6. Additional Standards

A. Principal buildings shall have a main ground floor entrance that faces the primary thoroughfare.

B. On corner lots, principal buildings must be built to the setback, at a minimum, along the first 30 feet from each corner. (see graphic at right)

C. Principal buildings shall have frontages as required in Section 03.03. In the case of corner lots, principal buildings shall have frontages as permitted in Section 03.03 on both thoroughfares.

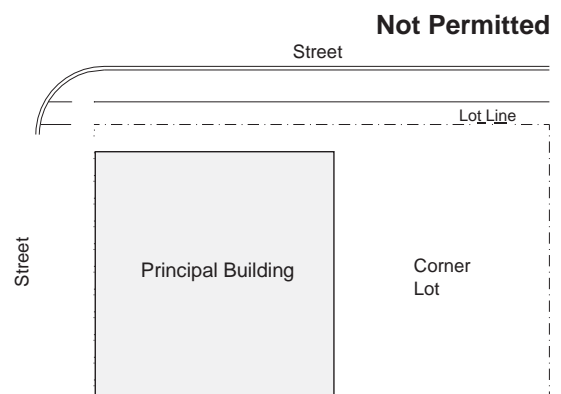
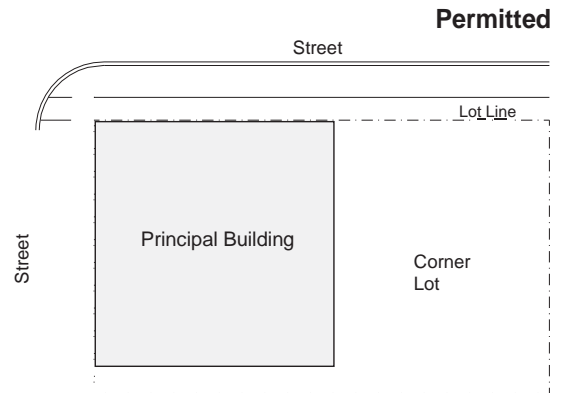
D. Any part of a front lot line that is not defined by a building must be defined by a wrought-iron fence, stucco or masonry wall, or shrubberies. Such wall, fence or shrubberies shall be between 30" and 54" in height.

E. One accessory dwelling is permitted on a lot that contains a single-family dwelling.

F. All buildings and structures must be set back a minimum of ten feet from properties not within the PBC Place Based Code District.

G. Accessory buildings shall be constructed of

similar materials and be of similar or better quality workmanship as the principal building.

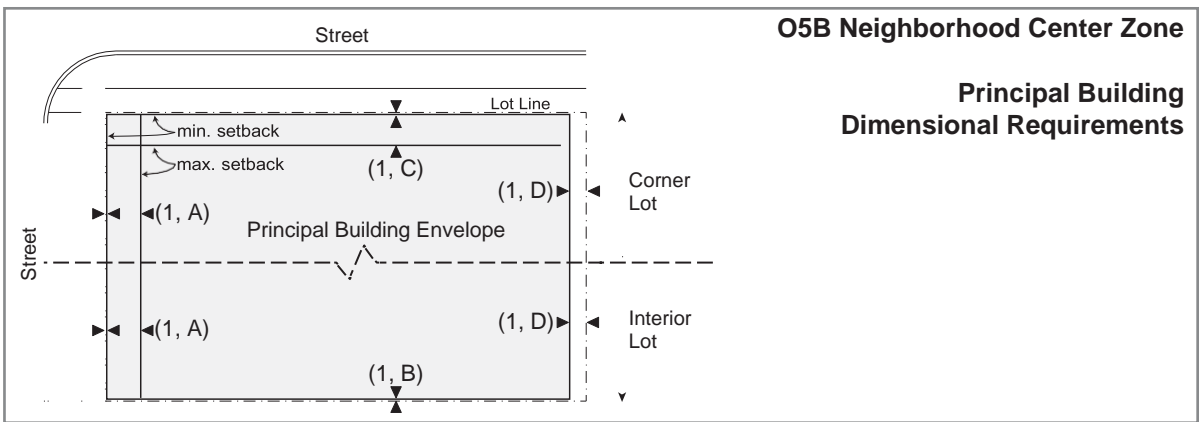


04.08 O-5B NEIGHBORHOOD CENTER ZONE

Development in the 0-5B Neighborhood Center Zone shall meet the following standards

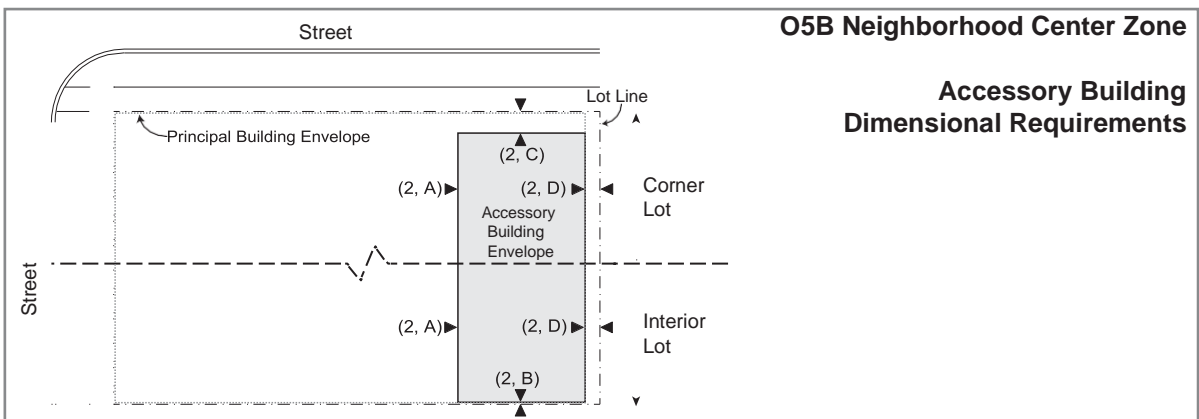
1. Principal Building Placement. Principal buildings shall be located in accordance with the following standards

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



3. Lot coverage in the O-5B Neighborhood Center Zone shall not exceed 90%.
4. Principal buildings in the O-5B Neighborhood Center Zone shall not exceed a height of 45 feet or 3 stories, whichever is less. Accessory buildings shall not exceed a height of 2 stories or 35 feet, whichever is less.
5. Permitted and special land uses are permitted in accordance with the underlying zoning district, and may also consist of a combination of such uses when developed as a special area plan.

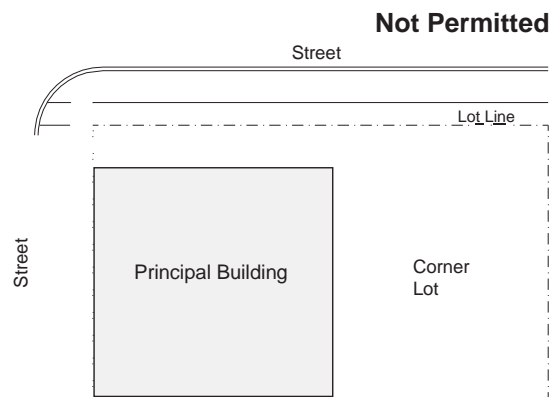
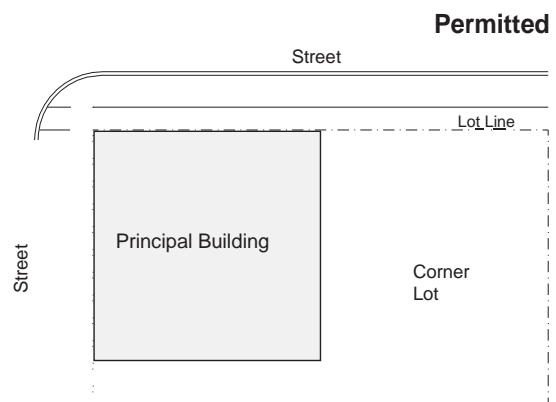
The following land uses, or a combination thereof, are also permitted in the O-5B Zone

- A. Single- and two-family dwellings.
- B. Multiple family dwellings.

Uses that are considered special land uses by the applicable municipal Zoning Ordinance shall also be considered special land uses by this Place Based Code and shall be processed in accordance with the appropriate standards of the applicable municipal Zoning Ordinance.

6. Additional Standards

- A. Principal buildings shall have a main ground-floor entrance that faces the primary thoroughfare.
- B. On corner lots, principal buildings must be built to the setback, at a minimum, along the first 30 feet from each corner. (see graphic at right)
- C. Principal buildings shall have frontages as required in Section 03.03. In the case of corner lots, principal buildings shall have frontages as permitted in Section 03.03 on both thoroughfares.
- D. Any part of a front lot line that is not defined by a building must be defined by a wrought-iron fence, stucco or masonry wall, or shrubberies. Such wall, fence or shrubberies shall be between 30" and 54" in height.
- E. One accessory dwelling is permitted on a lot that contains a single-family dwelling.
- F. All buildings and structures must be set back a minimum of ten feet from properties not within the PBC Place Based Code District.
- G. Accessory buildings shall be constructed of similar materials and be of similar or better quality workmanship as the principal 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:

Minimum Thoroughfare Design Standards*	
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.

BSOT PLACE BASED CODE

- C. The Zoning Administrator may, upon request, allow for the deferral of the construction of sidewalks and/or walkways required by this Place-Based Code until some future date, provided that the area containing the sidewalks and/or walkways remains unused until they are constructed in accordance with this Section.
- D. Thoroughfares proposed pursuant to this chapter shall be subject to Site Plan Review as outlined in Section 02.01 of this Place Based Code and shall also be prepared by a registered Professional Engineer. The Zoning Administrator may require the submission of additional materials, including information pertaining to construction materials and signed road maintenance agreements along with other items required for site plan submittal.
- E. When public roads are proposed or developed pursuant to the standards of the Berrien County Road Commission, the following standards shall apply:
 - 1. A public access easement shall be provided that is at least 14 feet in width that includes a sidewalk at least 7 feet wide.
 - 2. The easement required in subsection 1 above shall meet the standards of Section 03.02 of this Place Based Code pertaining to streetscapes.

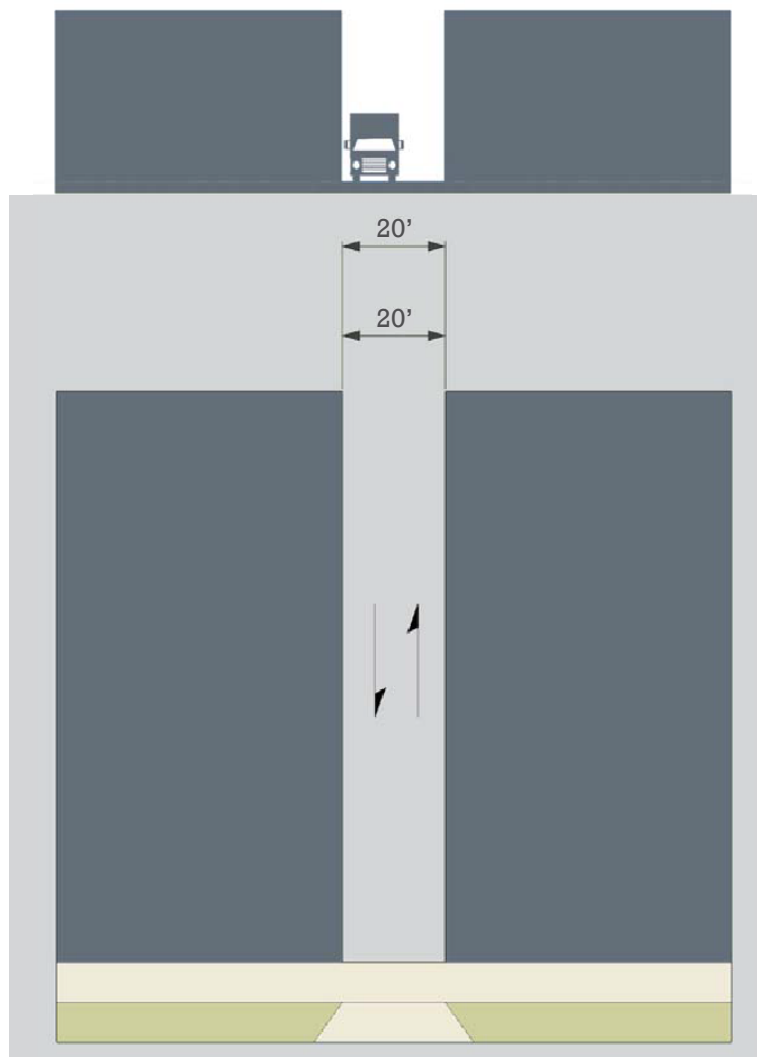
05.04 PREFERRED THOROUGHFARE TYPES

The following Thoroughfare types are specified and regulated in this Chapter. Applicants are encouraged to utilize the thoroughfare designs contained in the following sections, though it is not required. In all cases, thoroughfares shall meet the minimum standards of Section 05.03, the BSOFD and any other applicable reviewing agencies.

Thoroughfare Type	Abbreviation	Standards
Rear Alley	RA	05.05
Road	RD	05.06
Street	ST	05.07
Commercial Street	CS	05.08
Frontage Street	FS	05.09
Boulevard	RA	05.10

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

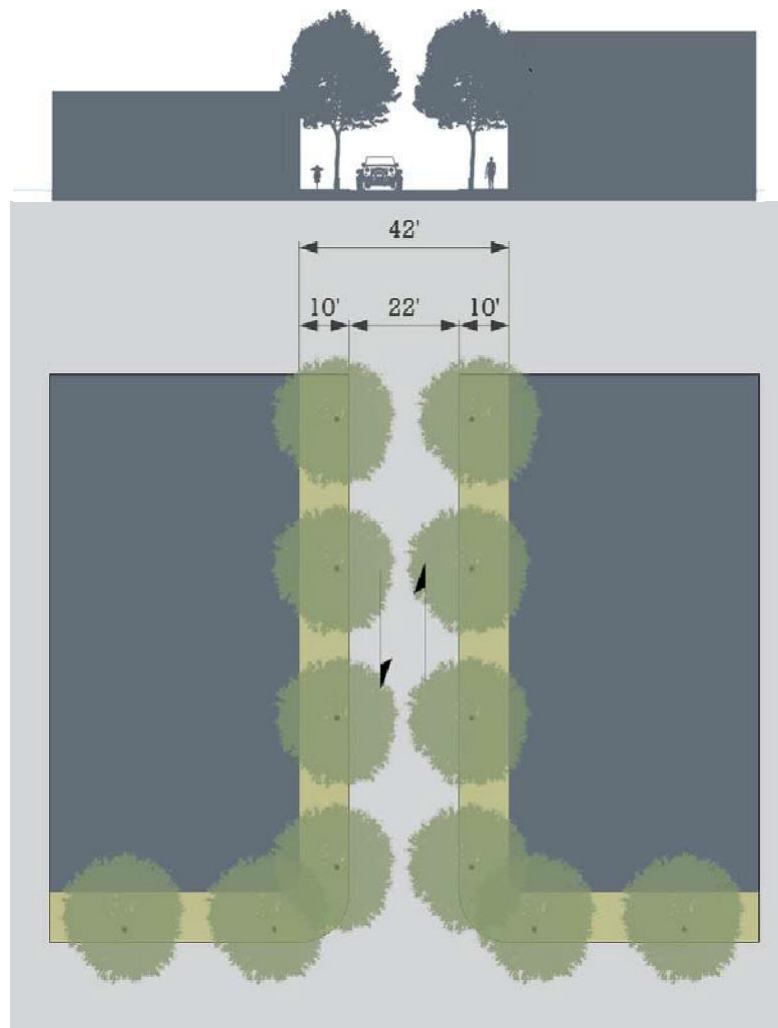
RA-18-18	
Zones Permitted	All Zones
Right-of-way / easement width	20 feet
Pavement Width	20 feet
Design Speed	10 mph
Traffic Lanes	None required
Parking Lanes	None permitted
Walkway Type	None required
Planter Type	None required
Curb Type	Inverted Crown
Landscape Type	None required



05.06 ROADS

RD-42-22

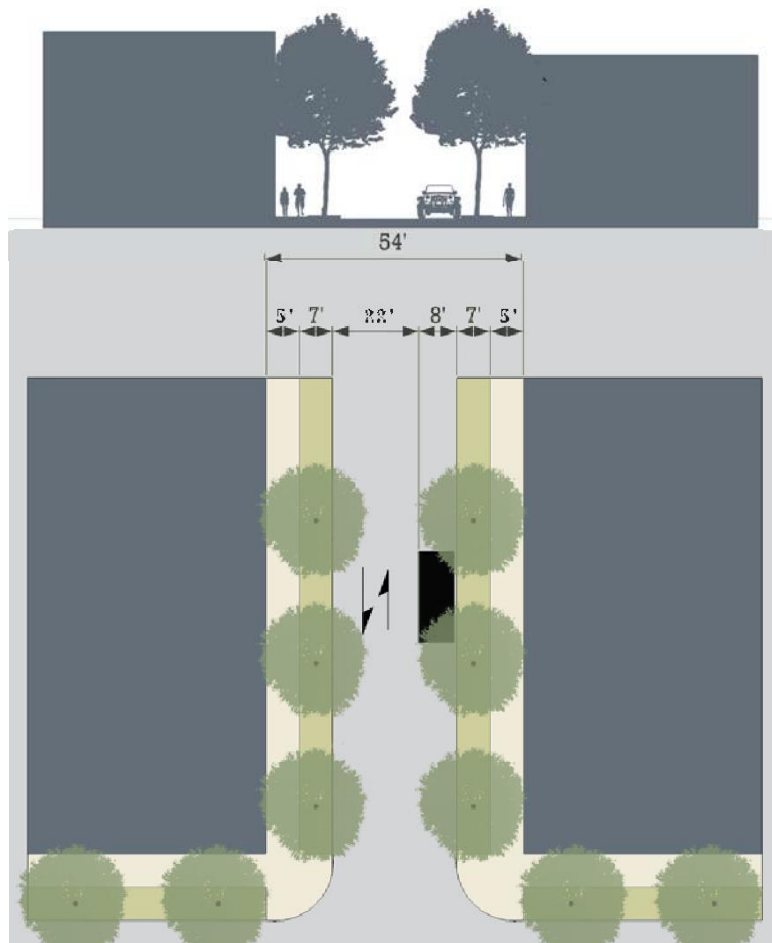
Zones Permitted	O-2, O-3
Right-of-way / easement width	42 feet
Pavement Width	22 feet
Design Speed	30 mph
Traffic Lanes	2 total
Parking Lanes	None permitted
Planter Type	None required
Curb Type	Inverted Crown
Landscape Type	None required



05.07 STREETS

ST-54-30

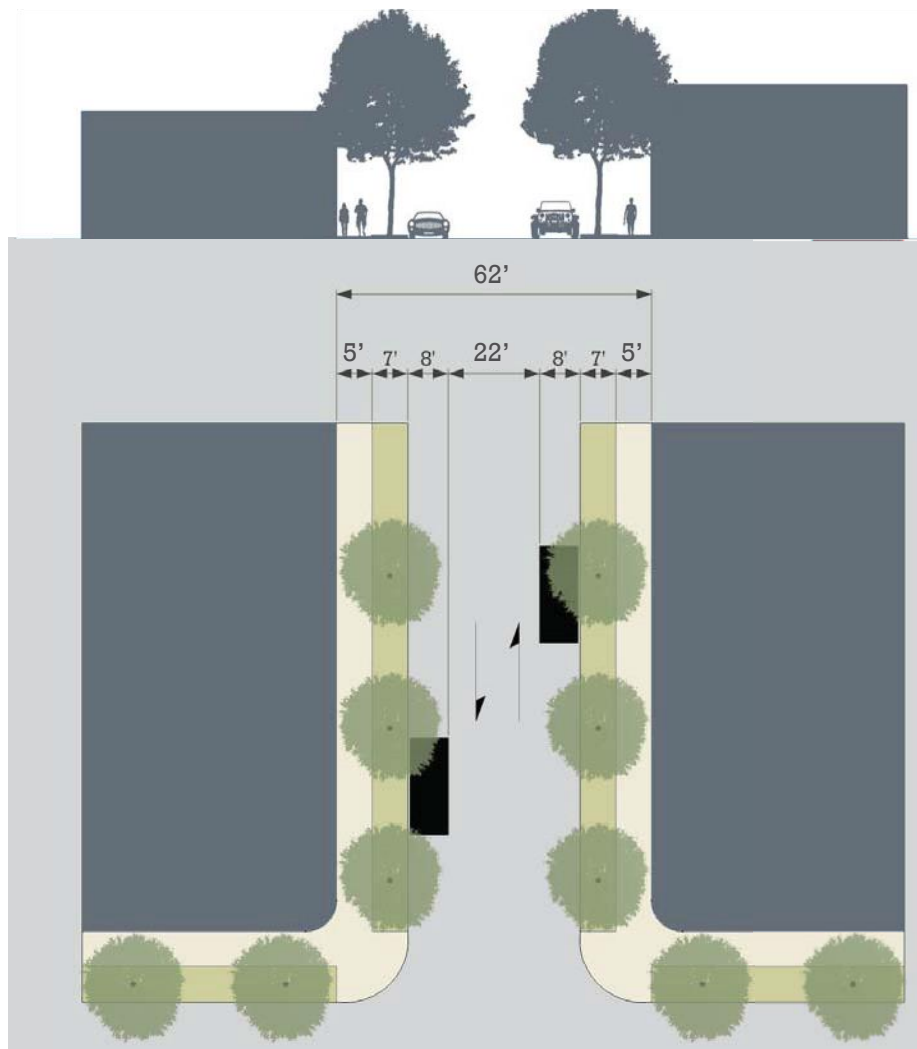
Zones Permitted	All zones
Right-of-way / easement width	54 feet
Pavement Width	30 feet
Design Speed	20 mph
Traffic Lanes	2 total
Parking Lane	Permitted on one side, unmarked, 8 feet from curb
Walkway Type	5' wide (or wider) sidewalk
Planter Type	7' continuous planter strip or 5'x5' tree wells
Curb Type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



BSOT PLACE BASED CODE

ST-62-38

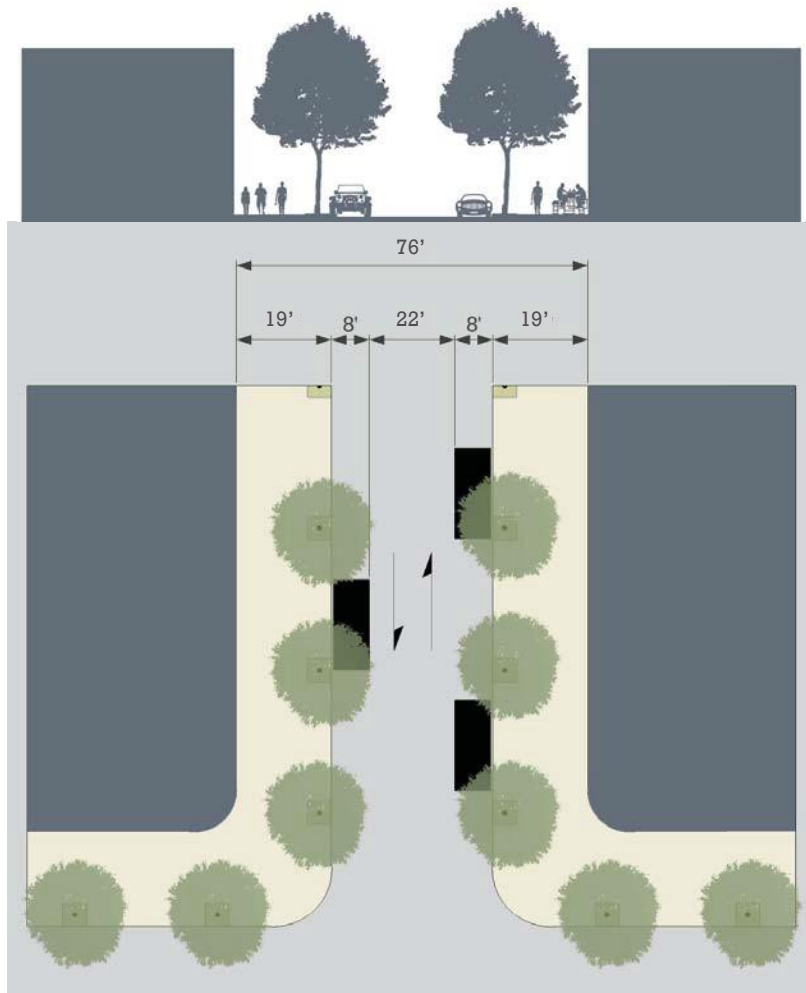
Zones Permitted	O-3, O-4
Right-of-way / easement width	62 feet
Pavement Width	38 feet
Design Speed	20 mph
Traffic Lanes	2 total
Parking Lanes	Permitted on each side, 8 feet from curb
Walkway Type	5' wide (or wider) sidewalk
Planter Type	7' continuous planter strip or 5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly spaced 30' apart



05.08 COMMERCIAL STREET

CS-76-38

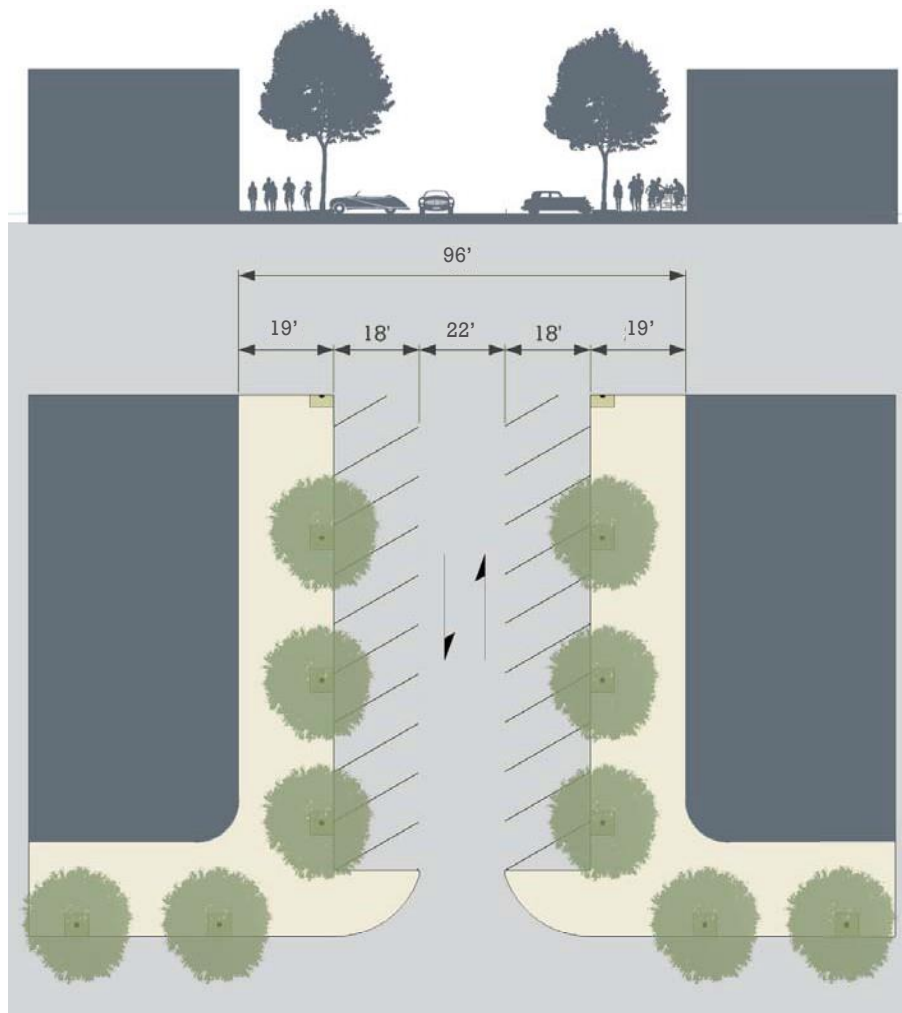
Zones Permitted	O-5A, O-5B
Right-of-way / easement width	76 feet
Pavement Width	38 feet
Design Speed	25 mph
Traffic Lanes	2 total
Parking Lanes	Permitted on each side, 8 feet from curb
Walkway Type	19' wide (or wider) sidewalk
Planter Type	5'x5' tree wells
Curb Type	Curb
Landscape Type	Trees, evenly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



BSOT PLACE BASED CODE

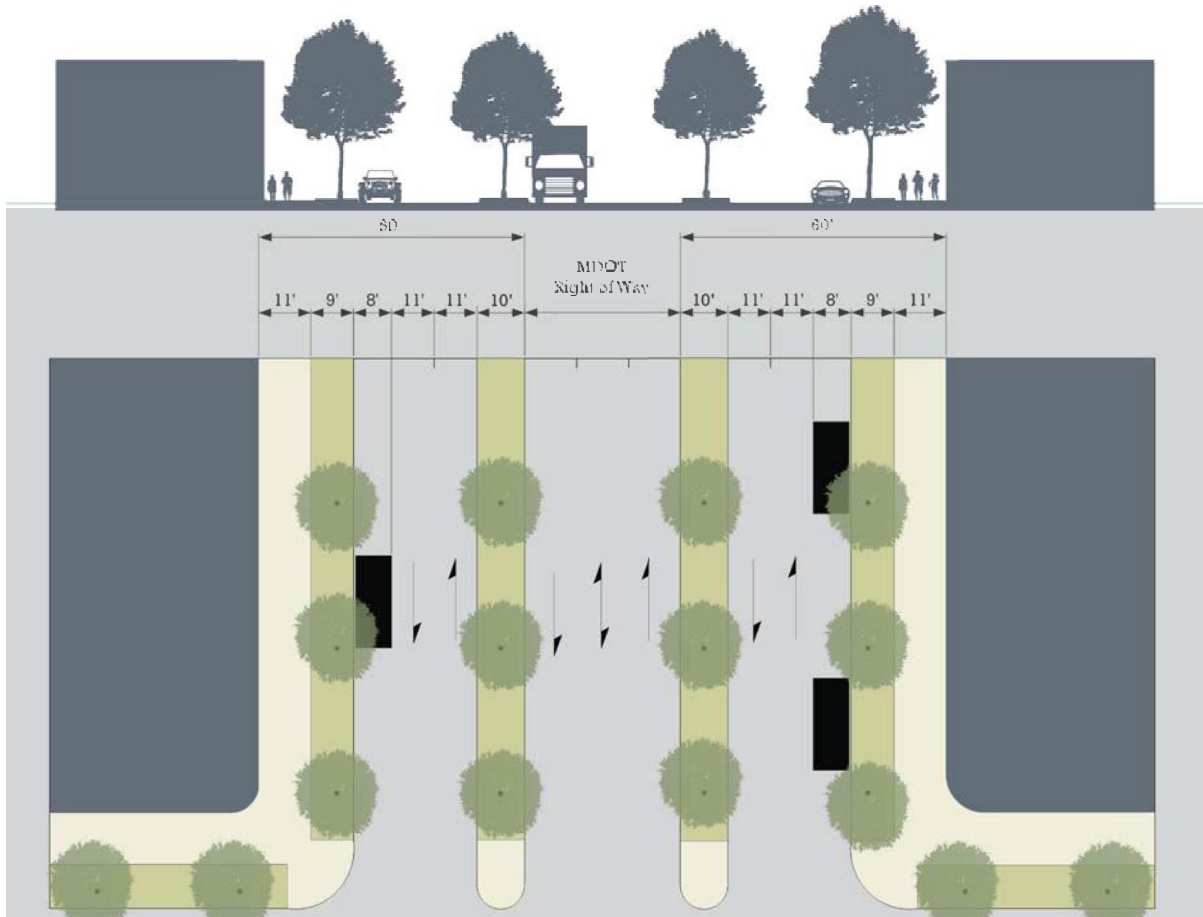
CS-96-58

Zones Permitted	O-5A, O-5B
Right-of-way / easement width	96 feet
Pavement Width	58 feet
Design Speed	25 mph
Traffic Lanes	2 total
Parking Lanes	Permitted on each side, angled at 18 feet
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

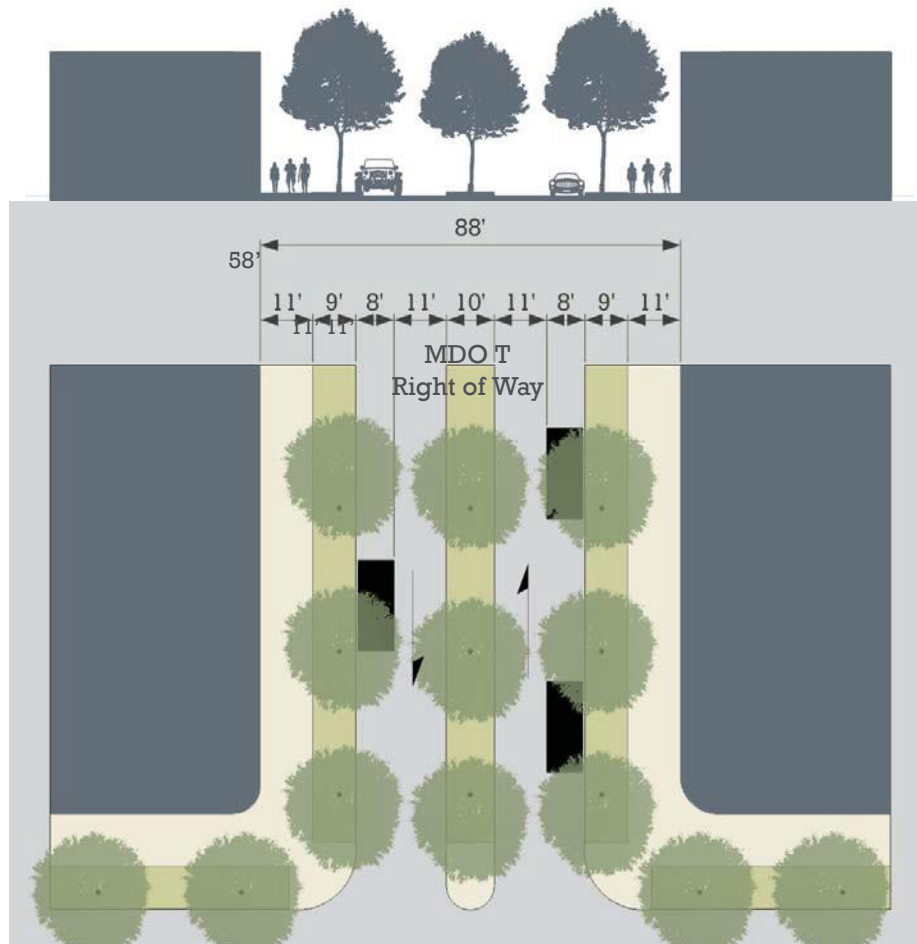


BSOT PLACE BASED CODE

05.10 BOULEVARDS

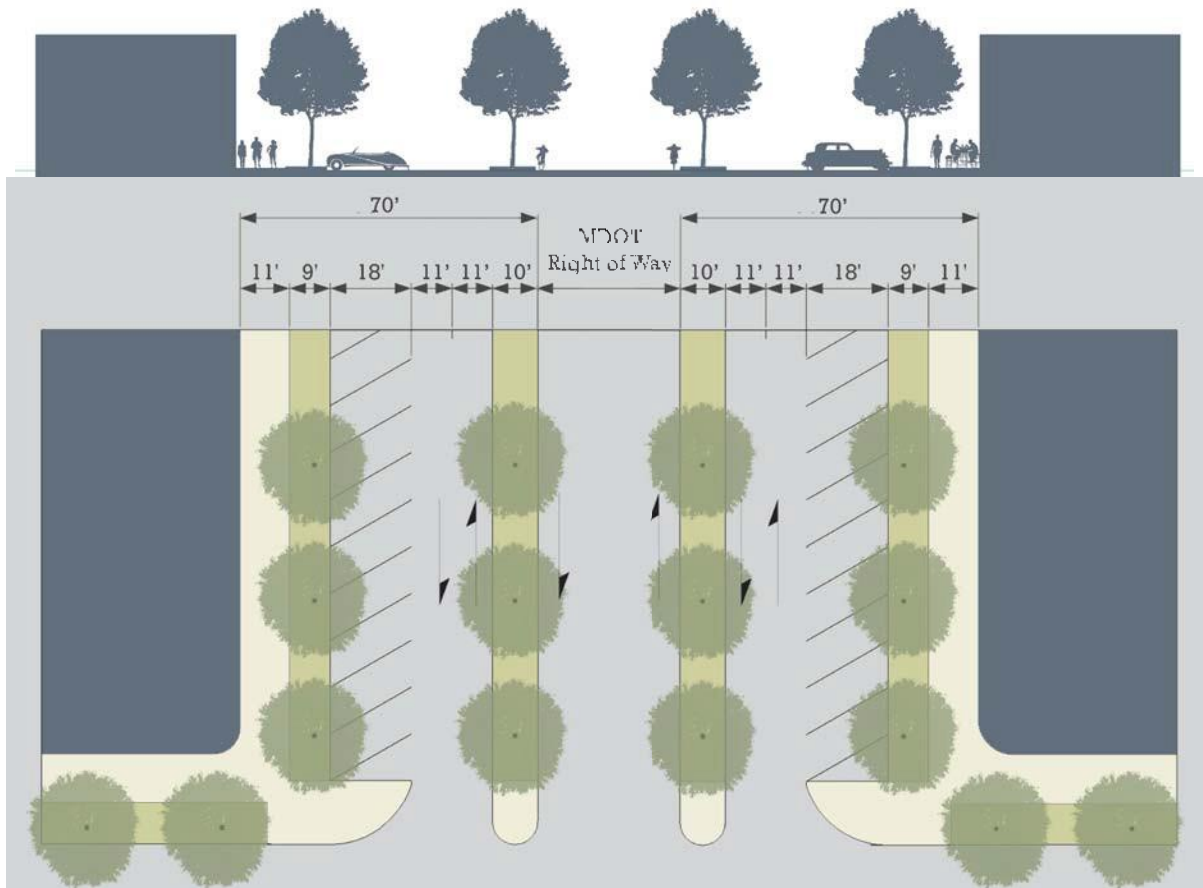
BV-88-38

Zones Permitted	O-5A, O-5B
Right-of-way / easement width	88 feet
Pavement Width	38 feet
Design Speed	30 mph
Traffic Lanes	2 (4 total)
Parking Lanes	Permitted on each side, parallel at 8 feet or 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



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



CHAPTER 6 SIGNS

06.01 PURPOSE

This Chapter sets forth sign standards that are intended to appropriately regulate the placement, type, size, construction, illumination, and number of signs allowed within the Place Based Code zoning district and to require the proper maintenance of signs. The regulations and standards of this Chapter are intended to be content neutral and are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. The purpose of the requirements of this Chapter is to:

1. Protect the public right to receive messages and information protected by the First Amendment of the U.S. Constitution;
2. Safeguard and protect the public health, safety, and general welfare;
3. Promote aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the community as a place to live, work and shop;
4. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
5. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs;
6. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically designed and proportioned in relation to adjacent structures and the structures to which they are attached;
7. Recognize that the principal intent of commercial signs is for identification of an establishment on the premises, and not for advertising off-premises activities; and
8. Regulate portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

06.02 APPLICABILITY

1. The regulations of this Chapter apply to signs located or proposed to be located on any property in the Place Based Code district. Signs that were erected prior to the adoption of this Place based Code that do not conform to the standards of this Chapter shall be considered nonconforming structures and are regulated in Subsections 2-3 below.
2. The re-surfacing or repair of non-structural elements of nonconforming signs shall not be permitted unless the entire sign is brought into compliance with the requirements of this Chapter.
3. Nonconforming Signs.
 - A. No nonconforming sign:
 - 1) Shall be changed to another nonconforming sign.
 - 2) Shall have any change made in the structure, shape, size, sign type, design, or mechanical or electrical equipment of the sign unless the change brings the sign fully into compliance with this chapter; unless the Zoning Administrator orders the repair of

- 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.

06.04 SIGNS PERMITTED BY DISTRICT

Signs shall be permitted within the Place Based Code District in accordance with the following table:

P=Permitted x= Not Permitted

Table 06.05A Identification Signs Permitted

	O-2	O-3	O-4	O-5C	O-5B	O-5A
Awning Sign	x	x	P	P	P	P
Band Sign	x	x	P	P	P	P
Projecting Sign	P	P	P	P	P	P
Marquee Sign	x	x	x	P	P	P
Wall Sign	P	P	P	P	P	P

No more than two signs permitted in Table 06.05 A above shall be permitted per use.

Table 06.058 Additional Signs Permitted

In addition to the signs permitted in Table 06.05 A, no more than three of the following sign types may be permitted per business or use, in accordance with Table 06.05 B below.

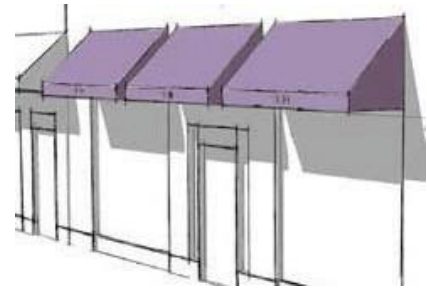
	O-2	O-3	O-4	O-5C	O-5B	O-5A
Nameplate Sign	P	P	P	P	P	P
Outdoor Display Case	x	P	P	P	P	P
Window Sign	P	P	P	P	P	P
Sidewalk Sign	x	x	P	P	P	P

In addition to the sign types permitted in Tables 06.05A and 06.05B, one ground sign may be placed per lot in accordance with the standards of Section 06.06(4).

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



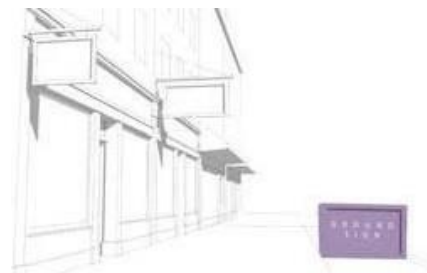
3. Projecting Sign

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



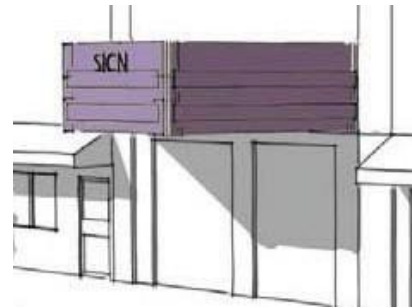
A. Additional Standards for ground signs:

- 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.

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5. Marquee Sign

Number permitted	1 per use
Width	Shall not extend more than 2 inches on each side of the primary entrance
Height	4 feet maximum
Projection	10 feet maximum
Distance from road	3 feet minimum
Clearance	10 feet minimum
Illumination	Permitted



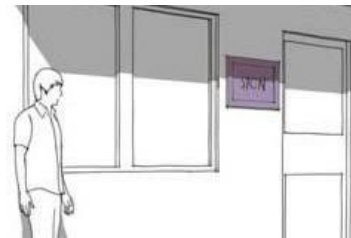
6. Wall Sign

Number permitted	1 per use
Area	50 square feet maximum for conventional wall signs Painted wall signs shall not exceed 100 square feet or 20% of the wall area upon which they are painted.
Height	Shall not extend beyond rooflines of building to which it is affixed
Illumination	Permitted



7. Nameplate Sign

Number permitted	1 per use
Width	18 inches maximum
Area	3 square feet maximum
Projection	3 inches maximum
Illumination	Not permitted



Additional standards for nameplate signs:

- 1) Nameplate signs must be located within 10 feet of the entrance to the building for which it advertises.

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)



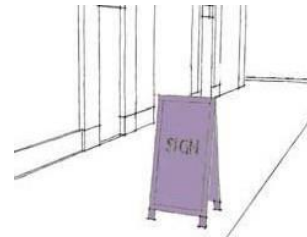
9. Window Sign

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.

3. Sign Area. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate the same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign.

When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces.

4. Sign Height. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the mean grade of the ground immediately beneath the sign.
5. The following sign types not regulated by this Ordinance may be permitted pursuant to applicable local restrictions and regulations:
 - A. Political signs
 - B. Portable and temporary signs
 - C. Electronic signs/electronic message boards, provided they are part of a ground sign that meets the standards of this Place Based Code.

All other signs not expressly permitted or exempted by this Place Based Code are prohibited.

6. For non-conforming signs, see 6.02 Applicability.

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.

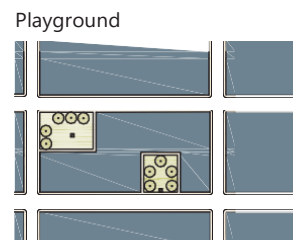
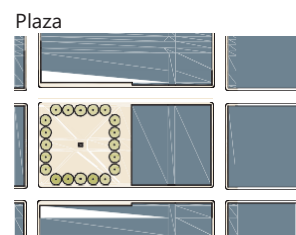
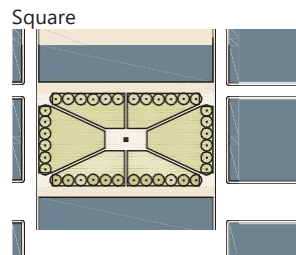
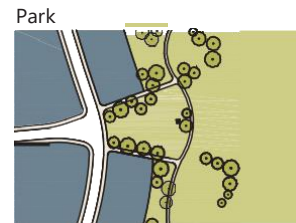
Square - An open civic space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape consists of paths, lawns, and trees, formally disposed. Squares shall be located at the intersection of important streets.

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



Curb - A stone or concrete boundary usually raised above the thoroughfare marking the edge of a roadway or paved area, designed to delineate the edge of a thoroughfare and channel storm-water.

Inverted Crown (curb type) - A stone or concrete boundary, not raised above the thoroughfare edge, located within the right-of-way that is designed to channel stormwater.

Facade - The exterior wall of a building that faces a frontage line or a side lot line adjacent to a secondary thoroughfare or ten (10) feet of adjacent façade along the side lot line perpendicular to the front facade.

Frontage - The area between the building facade and a thoroughfare.

Common Yard Frontage - A planted frontage, located on private property, in which the building facade is set back from the frontage line.

Porch & Yard Frontage - A frontage wherein the building facade is set back from the frontage line with an attached porch. A fence may be located at the frontage line to maintain street spatial definition.

Terrace or Lightwell Frontage - A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

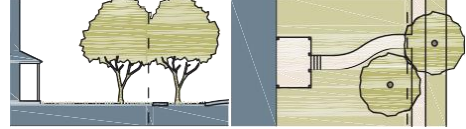
Forecourt Frontage - A frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang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

Stoop Frontage - 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 uses.

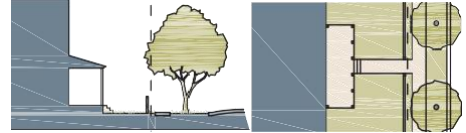
Shopfront Frontage - A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use.

Frontage Types

Common Yard Frontage



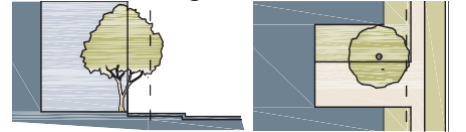
Porch and Fence Frontage



Terrace or Lightwell Frontage



Forecourt Frontage



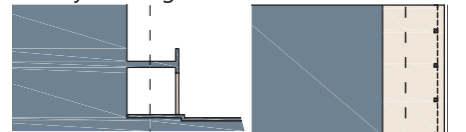
Stoop Frontage



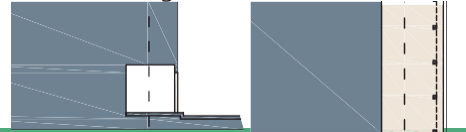
Shopfront Frontage



Gallery Frontage



Arcade Frontage



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.

Projecting sign - A building-mounted sign that is wholly or partly dependent upon a building for support and that projects from such building.

Ground sign - A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face.

Marquee sign - A sign that is either attached to, affixed to, or painted on a marquee.

Wall sign - A sign fastened to or painted on the wall of a building or structure in such a manner that the building or its structural elements are the supporting structure, or forms the back-ground surface of the sign.

Nameplate sign - A building mounted sign typically made of metal with an area of three square feet or less.

Outdoor display case - A sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support.

Window sign - A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

Sidewalk sign - A movable sign not secured or attached to the ground surface, intended to be placed in or near a sidewalk or other pedestrian way.

Special Area Plan - A planned development, developed pursuant to the standards of this Place Based Code and meeting the requirements of Section 02.03 and 02.04 of this Place Based Code. Special area plans are intended to 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 encouraging a mix of complementary uses and housing types.

Streetscreen - A type of fence or landscaped planting intended to disguise parking lots and act as a visual barrier between the sidewalk and parking lot.

Thoroughfare - A way for use by vehicular and pedestrian traffic, intended to provide access to lots.

Boulevard - a thoroughfare designed for high vehicular capacity and moderate speed traversing an urbanized area. Boulevards are usually equipped with slip roads buffering sidewalks and buildings.

Rear Alley - A vehicular way generally located in the rear of lots that provides access to service areas, parking and loading areas and accessory buildings.

Road - a local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity.

Slip Road - A road within the same right-of-way as, and generally parallel to, a boulevard, intended to provide access to properties adjacent to the boulevard.

Street - a local thoroughfare, typically designed for low speed and capacity.

Thoroughfare, Primary - The thoroughfare adjacent to a lot. In the case of corner lots adjacent

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.