



**Bainbridge Township  
Berrien County, Michigan**

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Phone: 269-468-8040/Fax: 269-468-3498

Bill Hodge, Supervisor  
Patty Hiler-Molter, Clerk  
Nancy Weber, Treasurer

**HOME OCCUPATION SPECIAL LAND USE  
Article VIII**

**An Application for a Home Occupation Special Land Use Permit shall be submitted through the Zoning Administrator to the Planning Commission accompanied by a \$250.00 filing fee. *Check should be payable to “Bainbridge Township”.***

Include the following:

1. Application.
2. Site Plan in conformance with Article XI (11).
3. Copy of current paid tax bill, deed, or other proof of ownership, which includes a legal description of the property, property tax number and proof of taxes paid on said property.
4. Statement of Compliance.
5. Request for the Public Hearing.

The applicant should attend the Planning Commission Meeting and Public Hearing to answer any questions that may arise. If a special meeting of the Planning Commission is requested, a charge for \$500.00 is required to defray township expenses.

**APPLICATION FOR HOME OCCUPATION  
SPECIAL LAND USE PERMIT**

Applicant Name: \_\_\_\_\_

\_\_\_\_\_  
(Address) (City) (State) (Zip)

Home Phone: \_\_\_\_\_ Work/Mobile Phone: \_\_\_\_\_

Tax Code Number: 11-01- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Zoned District: \_\_\_\_\_

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Describe Home Occupation to be constructed on this property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will Home Occupation be in an accessory building? \_\_\_\_\_

\_\_\_\_\_

List Employees: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of floor area to be used for Home Occupation: \_\_\_\_\_

\_\_\_\_\_

Will a sign be expected? \_\_\_\_\_

If so, describe size and mounting location (show also on site plan): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe traffic that Home Occupation will generate: \_\_\_\_\_

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Describe any exterior alterations: \_\_\_\_\_

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List and describe all equipment to be used: \_\_\_\_\_

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Applicants applying for a Bed and Breakfast complete the following:

What time period will guests be staying:

Minimum: \_\_\_\_\_ Maximum: \_\_\_\_\_

What percentage of floor area will occupy guest rooms: \_\_\_\_\_

Total number of guest rooms: \_\_\_\_\_

What meals if any will be provided: \_\_\_\_\_

How many rooms in the residency will be used for guest sleeping rooms: \_\_\_\_\_

Until a permit has been granted pursuant to the Special Land Use Permit, there shall be no construction or excavation of said land. Nor shall use of the land be made toward the intended purposes of such Special Land Use Permit.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## STATEMENT OF COMPLIANCE

1. I represent that the enclosed application will comply with the following General Standards:
  - a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - b. The special land use shall not inappropriately change the essential character of the surrounding area.
  - c. The special land use shall not interfere with the general enjoyment of adjacent property.
  - d. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
  - e. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
  - f. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
  - g. The special land use shall not place demands on public services and facilities in excess of available capacity.
  - h. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Bainbridge Township Development Plan.

Signature of Applicant: \_\_\_\_\_ / Date: \_\_\_\_\_

**PUBLIC HEARING REQUEST  
FOR HOME OCCUPATION SPECIAL LAND USE PERMIT**

11-01 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Property Tax Code Number

I hereby request a public hearing for the purpose of securing a Home Occupation Special Land Use Permit for property described by the property tax code number shown above.

The address of this property is:

\_\_\_\_\_  
(Address) (City) (State) (Zip)

The requested Home Occupation is for the following purpose:

\_\_\_\_\_  
\_\_\_\_\_

I enclose application, site plan, proof of ownership and legal description of the property, proof of paid taxes, a list of names and addresses of the owners of property within 300 feet of the property covered by this application, and a statement of compliance.

\_\_\_\_\_  
(Name of applicant)

\_\_\_\_\_  
(Street and Number)

\_\_\_\_\_  
(City) (State) (Zip)

\_\_\_\_\_  
(Signature) / \_\_\_\_\_  
( Date)

# ARTICLE XI

## Site Plan and Scaled Drawing Requirements

### Section 11.01 - Intent

- A. The intent of requiring site plan or scaled drawing submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this Ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Bainbridge Township.

### Section 11.02 - When Required

- A. Variance or Special Land Use – Except for Single-Family, Two-Family: A site plan shall be prepared and submitted in accordance with Sections 11.03 A. and 11.04 with any application for:
  - 1. Variance or Special Land Use Permit, other than for a Special Land Use Permit for a Home Occupation;
  - 2. With any application for Rezoning, other than Rezoning for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use;
  - 3. With any application for a Zoning Compliance Permit or Building Permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and
  - 4. With any application for a Planned Unit Development or Condominium.
- B. Rezoning – Single-Family, Two-Family: A scaled drawing shall be prepared for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto and submitted in accordance with Sections 11.03 B. and 11.04 with any application for:
  - 1. Rezoning;
  - 2. Zoning Compliance Permit;
  - 3. Building Permit; or
  - 4. Variance.

### **Section 11.03 - Contents**

- A. A required site plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
1. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
  2. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two (2) feet.
  3. The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.
  4. Natural features such as wood lots, trees of more than one (1) foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
  5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.
  6. The size and location of all existing and proposed public and private utilities and required landscaping.
  7. A vicinity sketch showing location of the site in relation to the surrounding street system.
  8. A legal description of the land and lots included in the site plan.
  9. Any other information necessary to establish compliance with this and any other ordinances.
  10. The availability of adequate utility capacity.
  11. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development shall be prepared by a registered architect, engineer, professional community planner or land surveyor.
- B. A required scaled drawing shall be drawn at a scale appropriate to the dimensions of development and shall contain the following information:
1. A legal description of the land involved.



2. A vicinity sketch showing location of the site in relation to the surrounding street system.
3. The size and location of all structures proposed for and presently located on the site.
4. The boundary lines of the parcel of land involved including dimensions and an arrow pointing north.
5. Proposed streets and driveways. The width of streets and driveways shall be shown.
6. Any other information necessary to establish compliance with this and any other ordinances.
7. The name, signature and mailing address of the person who prepared the scaled drawing.

#### **Section 11.04 - Review Process and Approval**

- A. Any required site plan or scaled drawing shall be submitted, of original quality, to the Zoning Administrator along with a cover letter signed by the owner of the land and/or prospective developer providing a general explanation and background information on the proposed development.
- B. The Zoning Administrator shall examine the site plan or scaled drawing as to proper form and content and particularly as to compliance with all applicable requirements of this Ordinance.
- C. If the proposed development does not require the issuance of a Special Land Use Permit by the Planning Commission, Variance by the Board of Appeals or a Rezoning of land by the Township Board, within thirty (30) days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan or scaled drawing. If the site plan or scaled drawing is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this Ordinance. The Zoning Administrator may, at his discretion, request consultation with the Planning Commission prior to his approval or disapproval of the site plan.
- D. If the proposed development requires issuance of a Special Land Use Permit, the Zoning Administrator shall transmit his findings as described in paragraph C. above, to the Planning Commission along with a copy of the site plan and covering letter. The proposer of the development shall be notified of the status of his requested site plan approval.
- E. If the proposed development requires a rezoning of land, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Township Board which

shall follow the amendment procedure as provided in Article XV (15). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.

- F. If the proposed development requires a Variance, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Board of Appeals which shall follow the Variance procedure as provided in Article XIII (13). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 11.03, A. The decision rejecting, approving or conditionally approving a scaled drawing shall be based upon the requirements contained in Section 11.03, B.
- H. A site plan or scaled drawing shall be approved if it contains the information required by this Ordinance and is in compliance with this Ordinance and the conditions imposed thereunder, other applicable Township, County, State or Federal laws, rules or regulations.
- I. The site plan or scale drawing as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan or scaled drawing, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and approving body.
- J. Upon approval of a site plan, the secretary of the approving body shall, within five (5) days, file with the Zoning Administrator a copy of the approved site plan or scaled drawing.

## ARTICLE VIII

### Home Occupations

#### Section 8.01 – Definition

- A. A Home Occupation is a use conducted in a residential district in either the principle residential dwelling or an accessory building that is clearly incidental and secondary to the residential occupancy of the residentially zoned property and that does not change the residential character of the residentially zoned property.

#### Section 8.02 – General

- A. No person other than members of the family residing on the premises shall be engaged in such occupation unless waived by the Planning Commission as a condition of the Special Land Use Permit.
- B. The use of the dwelling unit, for the Home Occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation.
- C. No exterior alterations, other than a permitted sign and those alterations required by law to ensure the safety of the structure and guests shall be allowed.
- D. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such Home Occupation other than one (1) sign not to exceed thirty-two (32) square feet and which shall have a ratio between height and width not greater than one (1) to three (3). Said sign may be mounted on the building or on a freestanding post or posts which shall be placed in accordance with existing setback regulations.
- E. No traffic shall be generated by such Home Occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be met off the street and other than in a required front yard.
- F. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

### **Section 8.03 – Special Land Use – Principle Residential Dwelling**

- A. Home Occupations shall be allowed only in principle use single-family dwellings, in R-Ag, Residential Agriculture, R-1, Single Family Residential, R-2, Multiple Family Residential and Ag, Agriculture Districts and only by Planning Commission Special Land Use Permit in conformance with Section 8.02.

### **Section 8.04 – Special Land Use – Accessory Building**

- A. No Home Occupation shall be conducted in any accessory building except in the AG, Agriculture and R-AG, Residential Agricultural Districts, and only by Planning Commission Special Land Use Permit in conformance with Section 8.02 and the following:
1. Where one (1) accessory building containing no more than twenty-five (25) percent of the floor area of the principle permitted residential dwelling unit may be utilized for a Home Occupation

### **Section 8.05 – Special Land Use – Bed and Breakfast**

- A. For the terms of this Ordinance all Bed and Breakfast operations shall be considered Home Occupations, allowed in all districts, and the Bed and Breakfast operation, shall be subordinate and incidental to the main residential use of the building. A Bed and Breakfast operation shall be subject to the following regulations and restrictions:
1. Individual guests are prohibited from staying at the residence for more than fourteen (14) consecutive days in any one (1) year period.
  2. Bed and Breakfast operation guest rooms shall not use more than fifty (50) percent of the floor area of the principle residential structure nor contain more than five (5) guest rooms. Common areas such as the kitchen are not included in this calculation.
  3. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging at the facility.
  4. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
  5. Bed and Breakfast operation must conform to all Township, County and State requirements.