

Bainbridge Township Berrien County, Michigan



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Bill Hodge, Supervisor
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Nancy Weber, Treasurer

EARTH CHANGE PERMIT **Article XXIV**

Applications for Earth Change Permit shall be submitted through the Zoning Administrator to Planning Commission accompanied by a \$250.00 filing fee. Checks 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 of said property.
4. Statement of Compliance.
5. Request for the Public Hearing.
7. Berrien County Soil and Sediment Permit Application.
8. Final grade plan showing site topographic elevation in two (2) foot topographic contours showing site after earth change completion.

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

APPLICATION FOR EARTH CHANGE PERMIT

Applicant Name: _____

(Address) (City) (State) (Zip)

Home Phone #: _____ Work/Mobile Phone #: _____

Tax Code Number: 11-01- _____ - _____ - _____ - _____ Zone District: _____

Describe Earth Change Requested:

What will be the hours of operation?

Describe manner in which on and offsite drainage will be controlled:

Describe any ground stabilization and erosion controls used including dust control:

Describe equipment and or materials to be used for proposed use:

Describe the number and route of truck transport for on and offsite movement of materials:

Describe method to hide unsightly site condition from view of surrounding properties:

Describe the final ground surface soil type, landscaping and seeding offsite once work is completed:

Describe method to hide unsightly site condition from view of surrounding properties:

What is the estimated total cubic yards of material and type of materials to be removed, dumped or graded?

Describe a drainage plan indicating anticipated drainage flow from the site after the completion of earth changes and what effect will run-off have on adjoining properties.

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: _____

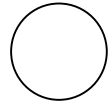
SITE PLAN – TO BE COMPLETED BY APPLICANT:

- 0 SHOW PROPERTY LINES WITH DIMENSIONS
- 0 SHOW LOCATION AND SIZE OF BUILDING(S), DRIVES, AND PARKING AREAS
- 0 SHOW LOCATION OF SEPTIC SYSTEM AND WELL
- 0 SHOW ALL RIVERS, LAKES, OR STREWAMS WITHIN 500 FEET
- 0 TOPOGRAPHY IF SLOPE EXCEEDS 1 FOOT IN 10 FEET
- 0 ROAD R.O.W., ACCESS, OR UTILITY EASEMENTS

CHECK APPROPRIATE SCALE:

1" = 50'	0	25	50
1" = 100'	0	50	100
1" = 200'	0	100	200

PLACE
NORTH AREA
IN CIRCLE



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 EARTH CHANGE PERMIT**

11-01- _____ - _____ - _____ - _____
Property Tax Code Number

I hereby request a public hearing for the purpose of securing an Earth Change Permit for property described by the property tax code number shown above.

The address of this property is:

(Address) (City) (State) (Zip)

The requested Earth Change Permit 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 XXIV

EARTH CHANGE

Section 24.01 – Intent

- A. The intent of this Article is to prevent the creation of nuisances and hazards to public health, safety and general welfare of persons and property in the Township by regulating the removal, dumping and grading of ground in the Township, through issuance of a Special Land Use permit pursuant to this Article and Article X (10).
- B. When the intent of the Earth Change is not for the removal of minerals for commercial sales which is regulated pursuant to Article XXI (21) Excavation.

Section 24.02 – Definition

- A. Earth Change regulations apply to all parcels of land in the Township upon which not more than five (5) acres of earth (land area) shall be subject to an Earth Change, unless the Earth Change is exempted pursuant to the provisions of Section 26.03. An Earth Change in excess of five (5) acres in size shall be regulated under Article XXI (21) – Excavation.

Section 24.03 – Exempted Activities

- A. The following activities are specifically exempted from regulations set forth in this Article, including:
 - 1. An Earth Change for a residential, commercial or industrial building construction site when performed in conjunction with the immediate use or development of the land upon which the earth change occurs;
 - 2. The Earth Change does not exceed a maximum of six hundred (600) cubic yards and is not intended to become, and does not become, part of a larger earth change project; and
 - 3. The Earth Change is related to the agricultural use of the property, specifically the plowing or tilling of soil for the purposes of crop production including construction of farm ponds for irrigation purposes when such ponds have been designed by or when the design has been approved by the US Department of Agriculture, Natural Resource Conservation Service.

Section 24.04 – Application Procedure

- A. **Applicant:** Any person owning or having an interest in the subject property may file an application for Special Land Use Earth Change Permit, provided for in this Article in the zoning district in which the land is situated.

- B. **Application:** Applications for a Special Land Use Earth Change Permit shall be submitted through the Zoning Administrator, to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.
- C. **Required Information:** The Zoning Administrator shall then submit to the Planning Commission after review for completeness pursuant to Article X(10) and the following:
1. An application for a Special Land Use Earth Change Permit under the terms of this Article shall be accompanied by the application for a Berrien County Soil & Sedimentation Permit.
 2. A scaled drawing prepared in accordance with the requirements of Article XI (11), Section 11.03.
 3. A legal description showing location and acreage of property.
 4. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Article X (10), Section 10.04, C and other standards imposed by this Ordinance affecting the special use under consideration.
 5. The final grade plan showing site topographic elevations in two (2) foot topographic contours showing the entire site after the earth change is completed,
 6. The estimated total cubic yards of material and type of material(s) to be removed, dumped or graded,
 7. A drainage plan indicating anticipated drainage flow from the site after the completion of earth changes and what if any, effect the run-off will have on adjoining properties,
 8. A statement of the manner in which the earth change project is to be performed, including:
 - a. A statement of the work that shall be performed,
 - b. The hours in which the work will be performed,
 - c. The kind of equipment to be used to perform the work,
 - d. The manner in which on and off site drainage shall be controlled during the performance of the work,
 - e. Any ground stabilization controls that will be employed,
 - f. The methods employed to prevent ground erosion and to control blowing dust during the performance of the work,
 - g. The number and route of truck transport of off-site or on-site movement of materials,
 - h. The methods employed to hide unsightly site condition from view of surrounding properties, and
 - i. The final ground surface soil type, landscaping and seeding of the site upon completion of the work.

- D. **Incomplete Application:** An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

Section 24.05 – Acceptance of Lesser Application Standards

- A. The Zoning Administrator may accept and refer to the Planning Commission an application containing lesser standards than the site plan requirements of Article XI (11), and Section 24.04 above, when in the opinion of the Zoning Administrator that the application can be satisfactorily reviewed and processed by the Planning Commission with the lesser information. The Planning Commission shall make an affirmative determination concerning the sufficiency of the application and submitted information prior to consideration of the application and may request such other information as deemed necessary for processing such applications.

Section 24.06 – Processing

- A. **Copy of Application to Planning Commission:** The Zoning Administrator shall forward a copy of the application for the Special Land Use Earth Change Permit to the Planning Commission within thirty (30) days of receiving the request.
- B. **Hearing:** After a preliminary review of the site plan and an application for a Special Land Use Earth Change Permit the Planning Commission shall hold a hearing on the site plan and special land use request in accordance with Article X (10).

Section 24.07- Review and Approval Standards for Approval of Earth Change Special Land Use Permits.

- A. All Procedures for review will comply with those procedures and regulations set forth in this Article and Article X (10).
- B. The Planning Commission, in consideration of an application for a Special Land Use Earth Change Permit recommendation for approval to the Planning Commission shall take into consideration the following:
1. The Township Master Plan and this Ordinance designation of the site;
 2. The intended use of the site by the applicant;
 3. Possible impact upon abutting and nearby properties, during the earth change work;
 4. Possible impact upon adjoining and nearby properties after completion of the earth change;
 5. The need for the Earth Change in relation to other possible uses for the property;
 6. The impact of the Earth Change on the health, general welfare and safety of residents;
 7. Preservation of natural and environmental resources of the Township; and
 8. Prevention of nuisances and hazards.

Section 24.08 – Prohibition of Permits Creating Dangerous Topographic Conditions

- A. The Planning Commission shall reject any application when it appears from investigation thereof, that the Earth Change would remove lateral or sub-lateral support of the adjacent land, or result in a dangerous topographic conditions, or result in seepage, or slides, or create a nuisance, dangerous to public safety, or that it would, otherwise, in any manner endanger the public health, or safety, or prevent the preservation of natural resources, or be detrimental to the environment and general public welfare.

Section 24.09 – Application of Special Conditions - Violations of Special Conditions by Applicant

- A. The Planning Commission shall consider the attachment of such special conditions to the recommendation for approval of a Special Land Use Earth Change Permit limiting the size, amount of material movement, and operations as deemed necessary to protect the health, safety and general welfare of adjoining and surrounding residents and the Township. Such conditions shall be made in writing and when approved by the Planning Commission attached to the Special Land Use Earth Change Permit. Violation of the terms of these conditions shall be deemed a violation of the zoning ordinance and enforced pursuant to the provision of Article XII (12).

Section 24.10 – Appeals

- A. Any person, firm corporation or department, board or bureau of the Township aggrieved by the decision of the Planning Commission on Special Land Uses for the purpose of an Earth Change Permit may seek review by the Board of Appeals in the manner prescribed in Article XIII (13).

Section 24.11 – Effect of Approval Filing of Approved Soil and Sedimentation Permit Prior to Issuance of Commencement to Proceed

- A. The approval of the application by the Planning Commission shall allow the Zoning Administrator to issue a Zoning Compliance Permit in conformity with the application as approved and Article X (10).
- B. The Zoning Administrator shall not issue a Commencement to Proceed for a Special Land Use Earth Change Permit approved pursuant to this article until the applicant has filed with the Zoning Administrator an approved Berrien County Soil and Sedimentation Permit