

BLOOMINGDALE BUILDING SITE AND SETBACK ORDINANCE # 7-97

An Ordinance to protect the public health, safety and general welfare by establishing regulations relevant to building site and setback requirements relating to the Township of Bloomingdale, Van Buren County, State of Michigan and to provide penalties for the violations of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION I: TITLE

This Ordinance shall be known and cited as the Bloomingdale Township Building Site and Setback Ordinance.

SECTION II: BUILDING SITE MINIMUMS AND SETBACK REQUIREMENTS

A. Building

A building shall mean any structure, permanent or temporary.

B. Front Setback

No structure shall be nearer than fifty feet from the road right-of-way.

C. Side Setback

No structure shall be nearer than twenty feet of a side property line except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setback or, no structure on a corner lot shall be nearer than fifty feet from the road right-of-way.

D. Rear Setback

No structure shall be nearer than thirty-five feet from the rear property line.

E. Minimum Building Site Width

The building site or parcel width shall be not less than one hundred and fifty feet along a public street, or private road.

F. Minimum Building Site Area

No building or structure shall be established on any site or parcel less than thirty two thousand square feet.

TOWNSHIP OF BLOOMINGDALE

A Bloomingdale Building Site and Setback Ordinance Amendment # 7-97

H. APPEALS

Appeals of this ordinance may be made to the Bloomingdale Township

Board if an applicant is denied a building permit.

The township board may grant a variation from this ordinance upon

showing that:

1. that special conditions and circumstances exist which are peculiar to the land ordinance;
2. that literal interpretation of the provisions of this ordinance would deprive applicant of rights commonly enjoyed by other similar properties, and;
3. that the special conditions and circumstances do not result from actions of the applicant, and;
4. applicant meets the requirements established by the Van Buren County Health Department and State Of Michigan as to septic and water requirements.

Motion by Hassing, Seconded by Scamehorn to accept the set back ordinance amendment as presented.

Yeas: Bly, Stange, Scamehorn, Hassing, Miller

Nays: None

Date: December 17, 1997

BLOOMINGDALE BUILDING SITE AND SETBACK ORDINANCE # 101

AMENDED MAY, 17, 2006

An Ordinance to protect the public health, safety and general welfare by establishing regulations relevant to building site and set back requirements relating to the Township of Bloomingdale, Van Buren County, State of Michigan and to provide penalties for the violations of said Ordinance: and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION I: TITLE

This Ordinance shall be known and cited as the Bloomingdale Township Building Site and Setback Ordinance.

SECTION II: BUILDING, SITE MINIMUMS AND SETBACK REQUIREMENTS.

A. BUILDING

A building shall mean any structure, permanent or temporary.

B. The minimum setback from all public and private road right-of-way lines shall be fifty (50) feet to the nearest point of the foundation of all principal and accessory buildings and structures located upon a lot or parcel.

C. The minimum side yard for all principal and accessory building and structures shall be a minimum of ten (10) feet and a minimum total of twenty (20) feet for both side yards between the side lot or parcel lines and the nearest point of the foundation of all principal accessory buildings and structures located upon a lot or parcel.

D. The minimum rear yard for all principal buildings and structures shall be a minimum of thirty five (35) feet between the rear lot or parcel line and nearest point of the foundation of all principal buildings and structures located upon a lot or parcel, and the minimum set back in the rear yards from all property lines for accessory buildings and structures shall be at ten (10) feet.

E. Minimum Building Site Width. The building site or parcel width shall be not less than one hundred and fifty (150) feet along a public street or private road.

F. Minimum Building Site Area. No building or structure shall be established on any site or parcel less than thirty two thousand square feet

SECTION III VARIANCE AUTHORITY AND PROCEDURE

A. Variance Authority and Standards. The Township Board may grant variances/waivers from the requirements of this ordinance when the Township Board determines that the following standard are satisfied in the circumstances of each specified case:

1. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape or topographical conditions of the parcel of property involved, as distinguished from a mere inconvenience or economic hardship.
2. The variance/waiver may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
3. The ordinance requirement at issue is not applicable to the specific situation presented; or, the purpose is applicable but may be served even if a variance is granted.
4. The conditions upon which the request for variance is based are unique to the subject property.
5. Approval of a variance/waiver will not in any manner result in a violation of any other ordinance, or any other requirement of law.
6. The conditions providing support for the variance/waiver were not created by the applicant or the applicant's predecessors in title.

B. Procedure. A written request for a variance must be submitted to the Township together with an application fee in the amount that shall be set by the Township Board via resolution and which amount may be changed for time to time by the Township Board via resolution. Once a variance request has been received, the Township shall set the request to be heard at a regular meeting of the Township

Board and shall notify the applicant of the date and time of the same. Furthermore, the Township shall notify via regular U.S. Mail all adjoining property owners according to the tax rolls of the date and time of the hearing on the variance request no less than seven (7) calendar days prior to the date of hearing. Applicant need not be present at meeting to have variance request considered.

SECTION IV: PENALTY

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine not to exceed \$500.00, plus court costs, or by both at the discretion of the Court.

SECTION 5: REPEAL

Conflict of Ordinances: All Ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 6: SEVERABILITY

This Ordinance and its various parts are hereby declared to be severable. . If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take affect thirty (30) days after publication as required by law.

Yes: 4 No: 0 Absent: Burleson

Ordinance 101 (#7-97), Amendment #3, declared adopted this 17th day of May, 2006.

David Bly, Supervisor Linda Stange, Clerk

Original Adopted 7/16/97 Amendment #1, 9/30/97

AN ORDINANCE REGULATING OUTDOOR ASSEMBLIES