

ARTICLE 4. DISTRICT REGULATIONS

SECTION 18.51 ESTABLISHMENT OF DISTRICTS

Berlin Charter Township is hereby divided into districts having the following name and symbols:

RC	Recreation Conservation District
AG	Agricultural District
R-1	Single-Family Rural Non-Farm Residential District
R-2	Single-Family Suburban Residential District
RM	Multiple-Family Residential District
MH	Manufactured Housing Community
C	Commercial District
MU	Mixed Use District
WM	Waterfront Marina District
I	Industrial District

SECTION 18.52 OFFICIAL ZONING MAP

- A. **Official Zoning Map of Berlin Charter Township.** The zoning districts are bounded and defined as shown on a map entitled "Official Zoning Map of Berlin Charter Township" and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- B. **Signature and Seal.** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Berlin Charter Township Zoning Ordinance" together with the effective date of this Ordinance.
- C. **Changes due to the Zoning Enabling Act.** If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, as amended, a change is made in a zoning district boundary, such change shall be entered on the Official Zoning Map by the Township Zoning Official promptly after the Ordinance authorizing such change shall have been adopted and published. A date shall be affixed to the Official Zoning Map noting

revisions to the Map. No change in the Official Zoning Map of any other nature shall be made unless authorized by the Zoning Board of Appeals, and then only by the Township's Zoning Official. Any change in corporate boundaries within the Township shall be recorded on the Official Zoning Map in conformity with procedures set forth herein.

- D. **Damaged, Destroyed, Lost, or Difficult to Interpret.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Berlin Charter Township, adopted on February 10, 2020 which replaces and supersedes the Official Zoning Map which as adopted on November 14, 1988.

Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

- E. **Location.** Regardless of the existence of reported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township's Zoning Official and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

SECTION 18.53 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

- A. **Centerline.** A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. **Recorded Lot Line.** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. **Corporate Boundary.** A boundary indicated as approximately following the municipal boundary line of a city, village, or township shall be construed as following such line.
- D. **Railroad.** A boundary indicated as following a railroad line shall be construed as following the right-of-way line.

- E. **Shoreline.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline, shall be construed as following the actual shoreline.
- F. **Body of Water.** A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- G. **Parallel or Extension.** A boundary indicated as parallel to, or an extension of, a feature indicated in this Section shall be so construed.
- H. **Inconsistent.** Where a natural or manmade feature existing on the ground is inconsistent with that shown on the Official Zoning map, or in any other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
- I. **Distance.** A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- J. **Division through a Lot.** Where a district boundary line divides a lot which is in single ownership at the time of adoption of the Zoning Ordinance the regulations for the more restrictive district shall apply for the entire lot or parcel.

SECTION 18.54 APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within Berlin Charter Township except as specifically, or by necessary implication, authorized by this Ordinance, in the zoning district in which said structure or use is to be located. Special land uses shall be allowed only if listed as a special use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a special land use has been approved. Where a lot is devoted to a principal use, either permitted by right or as a special land use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use, building, or structure in this Ordinance.

SECTION 18.55 SCOPE OF PROVISIONS

- A. **Effective Date.** Where a building permit for a building or structure, use of a building or structure, or use of a lot or parcel, has been issued in accordance with the law prior to effective date of this Ordinance and provided that construction is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, and said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and may, upon completion, be occupied by the use for which originally designated, subject thereafter to the provisions of Article 15, Non-Conformities.

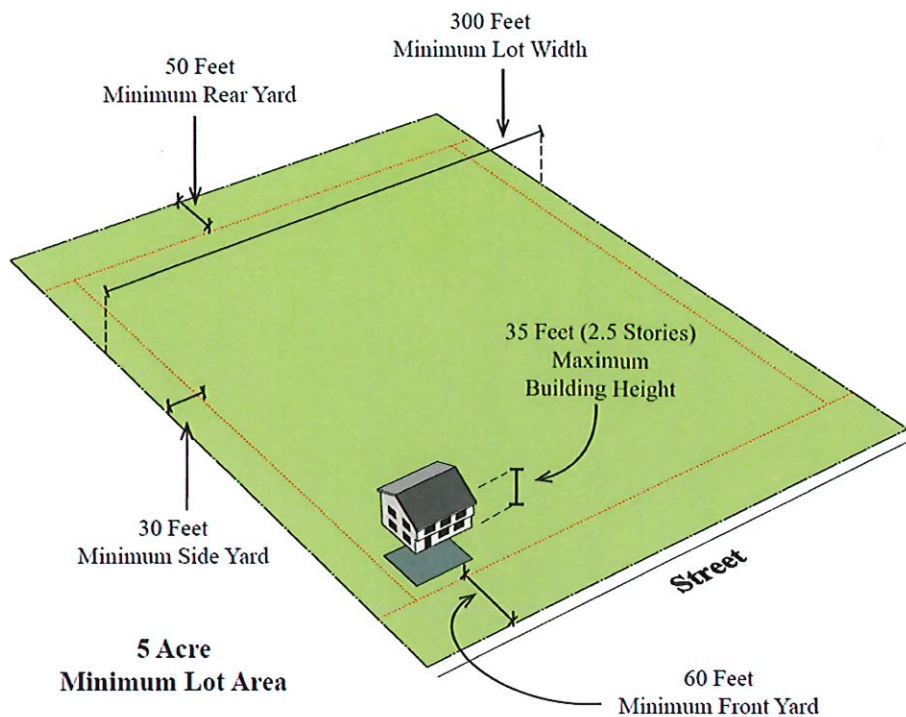
- B. **Minimum Requirements.** No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 18.56 RC RECREATION CONSERVATION DISTRICT

- A. **Intent.** The Recreation Conservation district is intended to create, preserve, and enhance parkland, open space, and undeveloped natural amenities to meet the active and passive recreation needs of Township residents, encourage and protect the conservation of undeveloped areas, promote recreation uses that are compatible with surrounding land uses, and prevent the encroachment of incompatible land uses on undeveloped areas. This district is designed to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, and protect public recreation areas.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses allowed in the RC District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the RC District:

Table 18.56-C. RC Recreation Conservation District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
5	300	N/A	10%	60	30	50	35	2.5

Figure 18.56-C. RC Recreation Conservation District Dimensional Requirements



D. Supplemental District Standards.

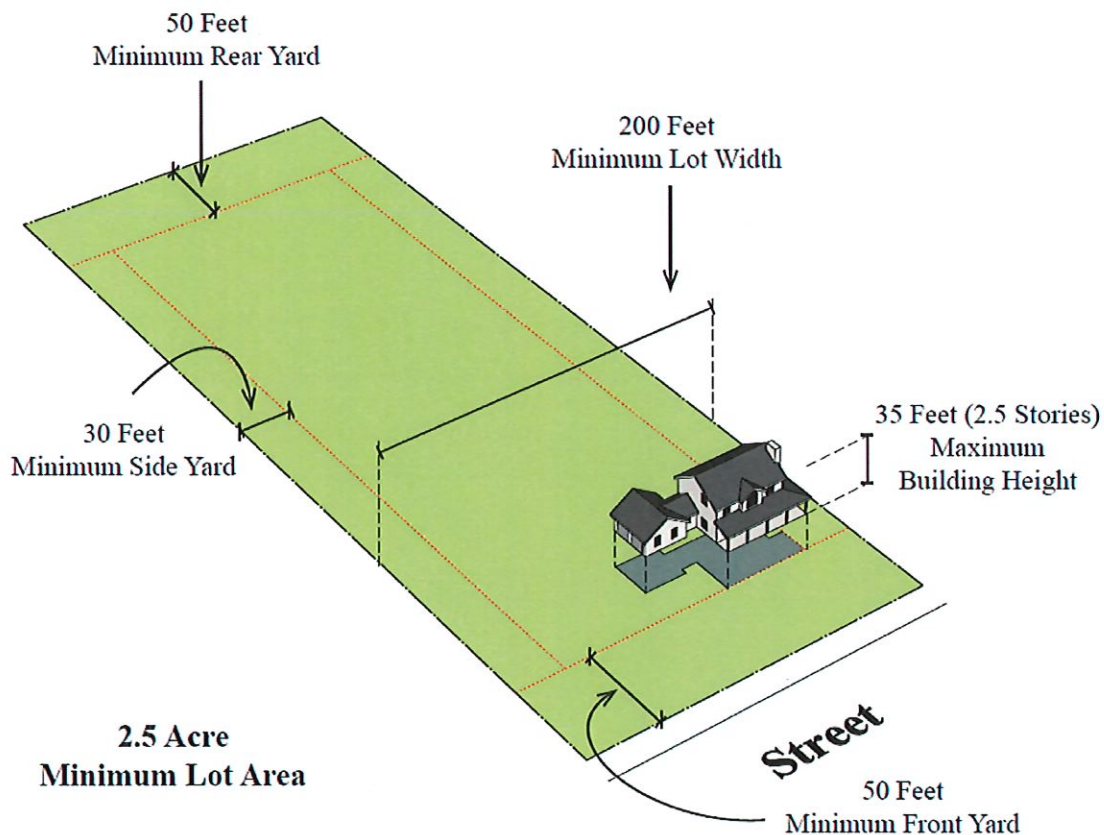
1. In addition to those bulk regulations listed in Section 18.56.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Where livestock is raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

SECTION 18.57 AG AGRICULTURAL DISTRICT

- A. **Intent.** The Agricultural district is intended to protect and preserve agricultural land uses, maintain rural character, minimize population density, and minimize the burden on public facilities and services. It is also the intent of this district to allow only low-density residential use which promotes open space preservation and is compatible with and maintains existing agricultural operations. Accordingly, the AG district allows both agricultural uses and single-family dwellings.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses allowed in the AG district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the AG District:

Table 18.57-C. AG Agricultural District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
2.5	200	N/A	10%	50	30	50	35	2.5

Figure 18.57-C. AG Agricultural District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 18.57.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Where livestock are raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

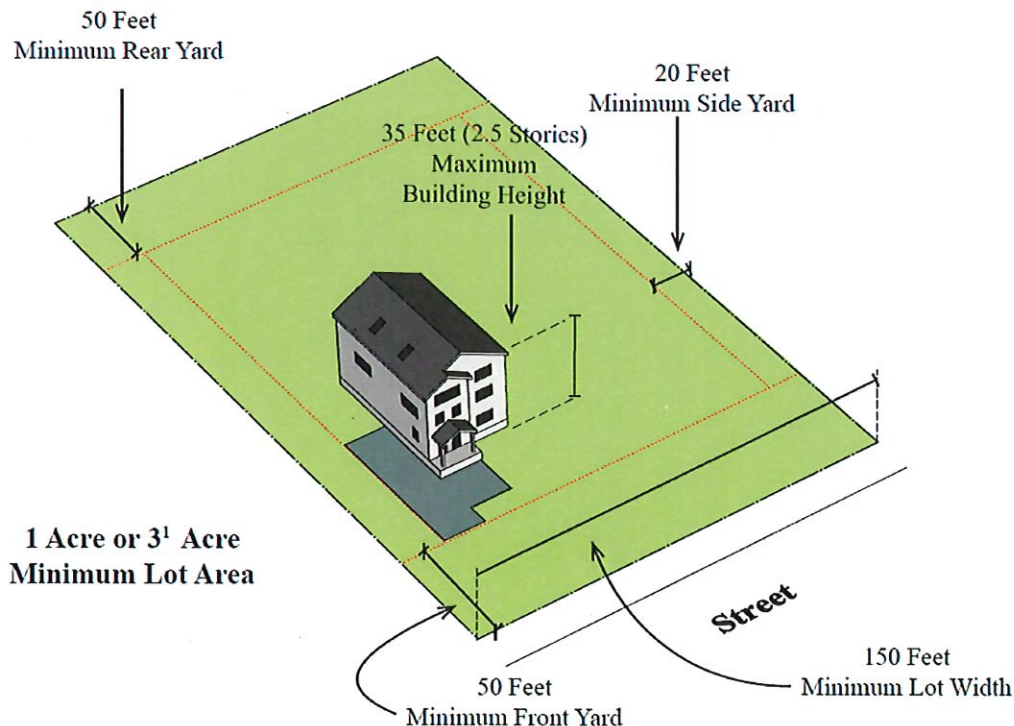
SECTION 18.58 R-1 SINGLE FAMILY RURAL NON-FARM RESIDENTIAL DISTRICT

- A. **Intent.** The R-1 Single Family Rural Non-Farm Residential district is intended to accommodate low-density residential development and designed to preserve a predominantly rural character. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal use of this district are permitted. These lots are intended to be served by well and septic facilities, in areas where public water and sanitary sewer is not available.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses allowed in the R-1 District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the R-1 District:

Table 18.58-C. R-1 Single Family Rural Non-Farm Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 or 3 ¹	150	20%	25%	50	20	50	35	2.5

¹ Minimum lot area of 1 acre for single family use and 3 acres for other principal uses.

Figure 18.58-C. R-1 Single-Family Rural Non-Farm Residential District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 18.58.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.

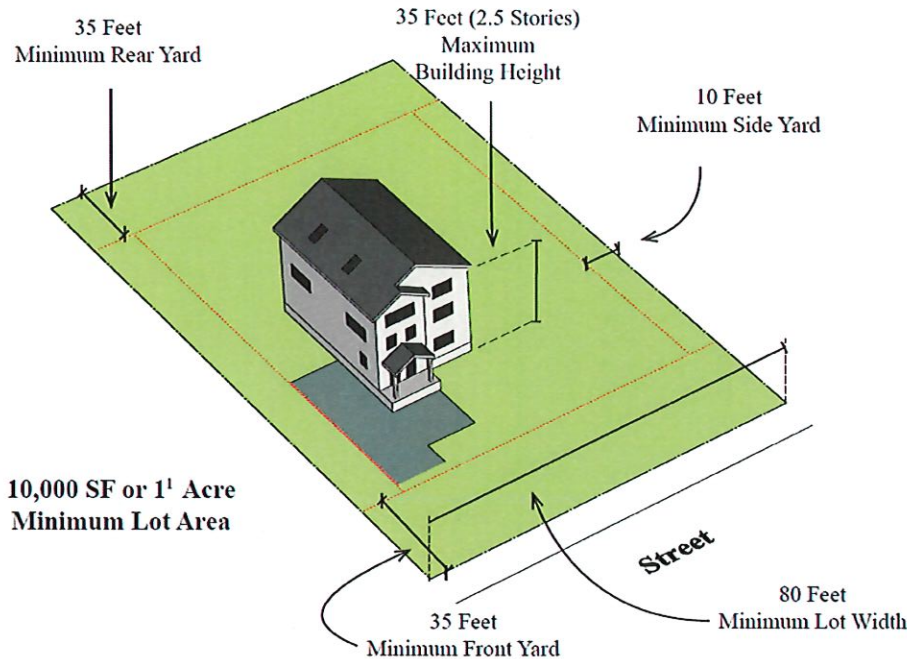
SECTION 18.59 R-2 SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT

- A. **Intent.** R-2 Single-Family Suburban Residential district is intended for moderate density areas that consist primarily of detached single-family units. The regulations of this district are designed to create predominantly suburban character in those areas which are served by public water supply and sanitary sewage systems. In addition to the dwelling permitted in this zoning district, certain civic and public land uses such as municipal buildings, schools, places of worship, and parks which have been strictly regulated to make them compatible with the principal use of this district are permitted.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses allowed in the R-2 District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the R-2 District:

Table 18.59-C. R-2 Single Family Suburban Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
7,200SF or 1 acre ¹	60	30%	40%	35	10	35	35	2.5

¹ Minimum lot area of 10,000 square feet for single-family use and 1 acre for other principal uses.

Figure 18.59-C. R-2 Single-Family Suburban Residential District Dimensional Requirements



D. Supplemental District Standards.

- a. In addition to those bulk regulations listed in Section 18.59.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.

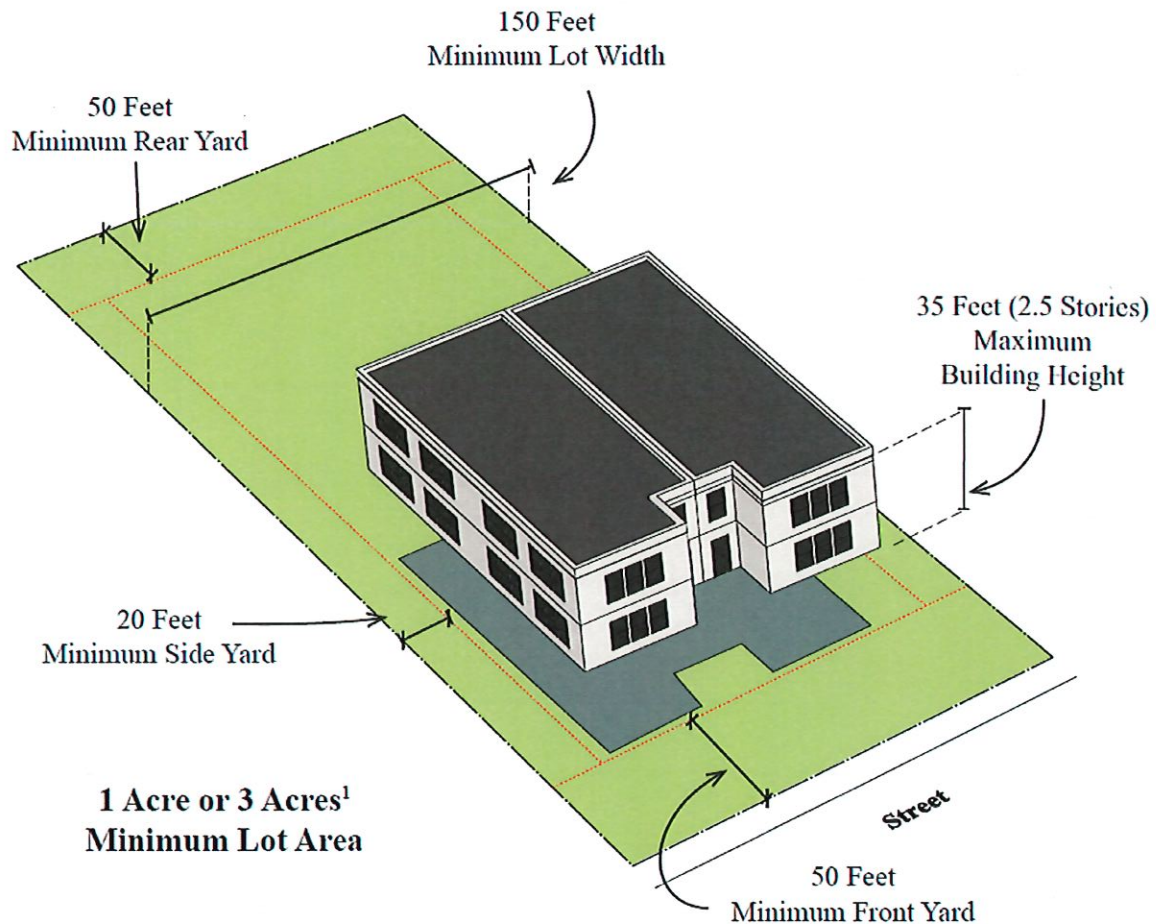
SECTION 18.60 RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. **Intent.** This district is intended for multiple-family units including attached and apartment-style dwelling units including townhouses, duplexes, row houses, terrace and garden-style apartments, and condominiums. This district is intended for locations that have substantial infrastructure including public utilities and should be in close proximity to mixed-use areas or local commercial areas that provide retail, personal service, entertainment, and employment opportunities. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal uses of this district are permitted.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses allowed in the RM District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the RM District:

Table 18.60-C. RM Multiple-Family Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 acre or 3 acres ¹	150	20%	25%	50	20	50	35	2.5

¹ Minimum lot area of 1 acre for single-family use and 3 acres for other principal uses.

Figure 18.60-C. RM Multiple-Family Residential District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 18.60.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Site plan review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 18.204.

SECTION 18.61 MH MANUFACTURED HOUSING DISTRICT

- A. **Intent.** The purpose of this district is to provide for the development of manufactured housing developments (mobile home parks) and to promote manufactured housing communities with the character of residential neighborhoods. It is the intent of this Ordinance that manufactured housing communities be located in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses within the MH district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the MH district:

Minimum Lot Area	Total Lot Area Required	20 acres
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D. **Supplemental District Regulations.**

1. Refer to Section 18.164.

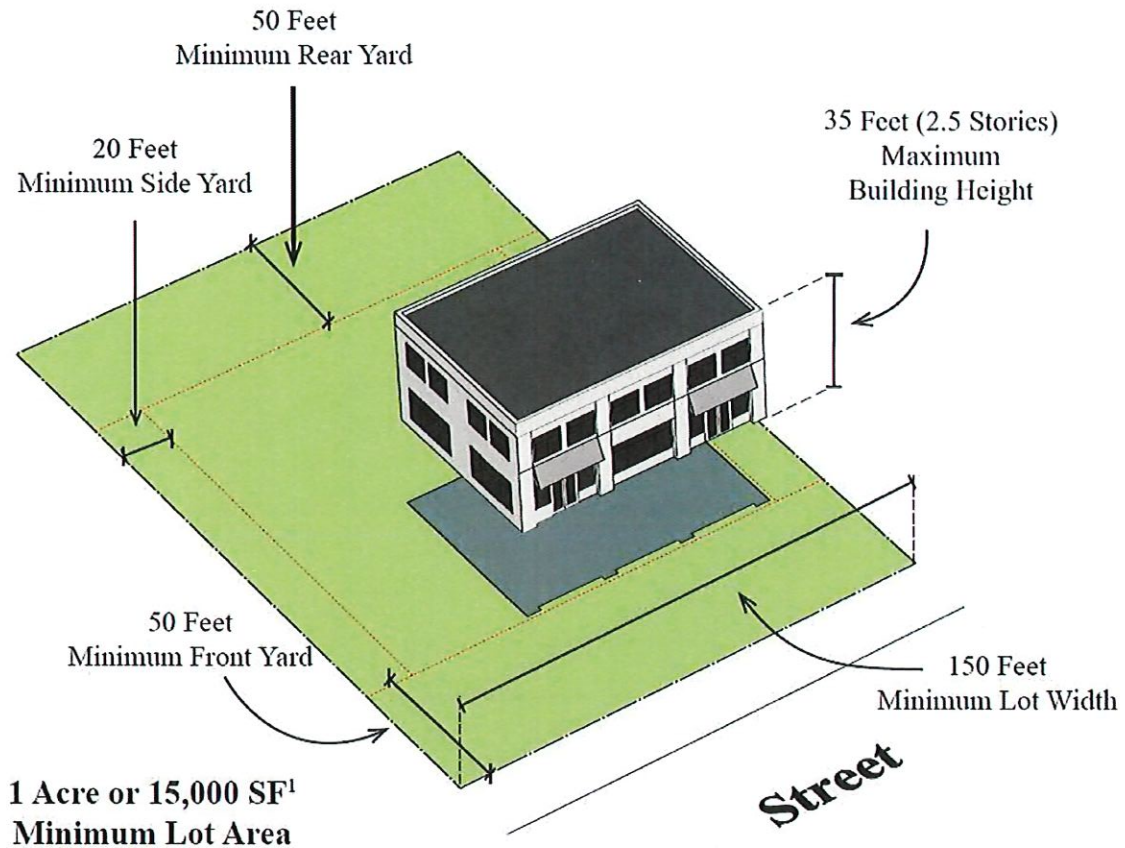
SECTION 18.62 C COMMERCIAL DISTRICT

- A. **Intent.** It is the intent of the C Commercial district to allow commercial enterprises which provide convenient shopping and services addressing daily needs, as well as, serving the community-wide needs. The regulations are designed to provide compatibility with surrounding land uses and ensure the provision of adequate infrastructure.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses within the C district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the C District:

Table 18.62-C. C Commercial District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
15,000 SF ¹ or 1 acre	150	30%	n/a	50	20	50	35	2.5

¹ Minimum lot area of 15,000 square feet where municipal water and sanitary sewer facilities are available and 1 acre for all other sites.

Figure 18.62-C. C Commercial District Dimensional Requirements



D. Supplemental District Standards.

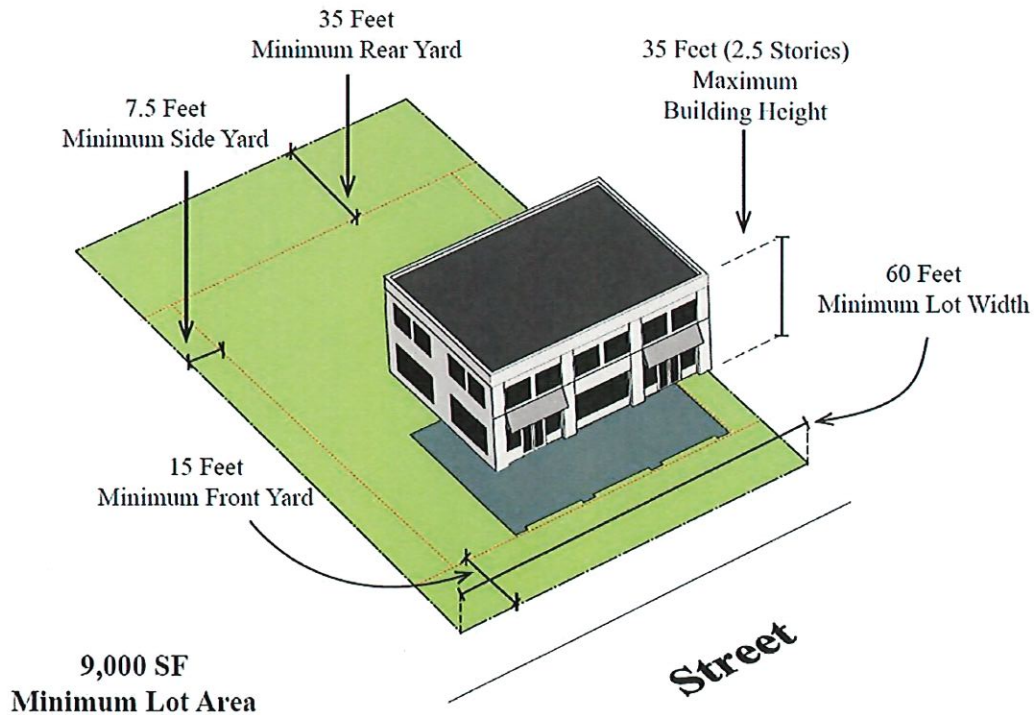
1. In addition to those bulk regulations listed in Section 18.62.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Minimum interior side yards may not be required when two (2) or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
3. Site plan review is required in accordance with Article 6.
4. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 18.204.

SECTION 18.63 MU MIXED-USE DISTRICT

- A. **Intent.** It is the intent of the MU Mixed Use district to promote development of the Township's existing unincorporated village areas with a density and combination of land uses (both residential and non-residential) similar to that found in a traditional village settlement. Such districts are intended to be established as close as reasonably possible to the intended core of such village areas, with access to municipal water and sanitary sewer facilities.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses within the MU district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the MU District:

Table 18.63-C. MU Mixed Use District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
9,000 SF	60	50%	n/a	15	7.5	35	35	2.5

Figure 18.63-C. MU Mixed Use District Dimensional Requirements



D. Supplemental District Standards.

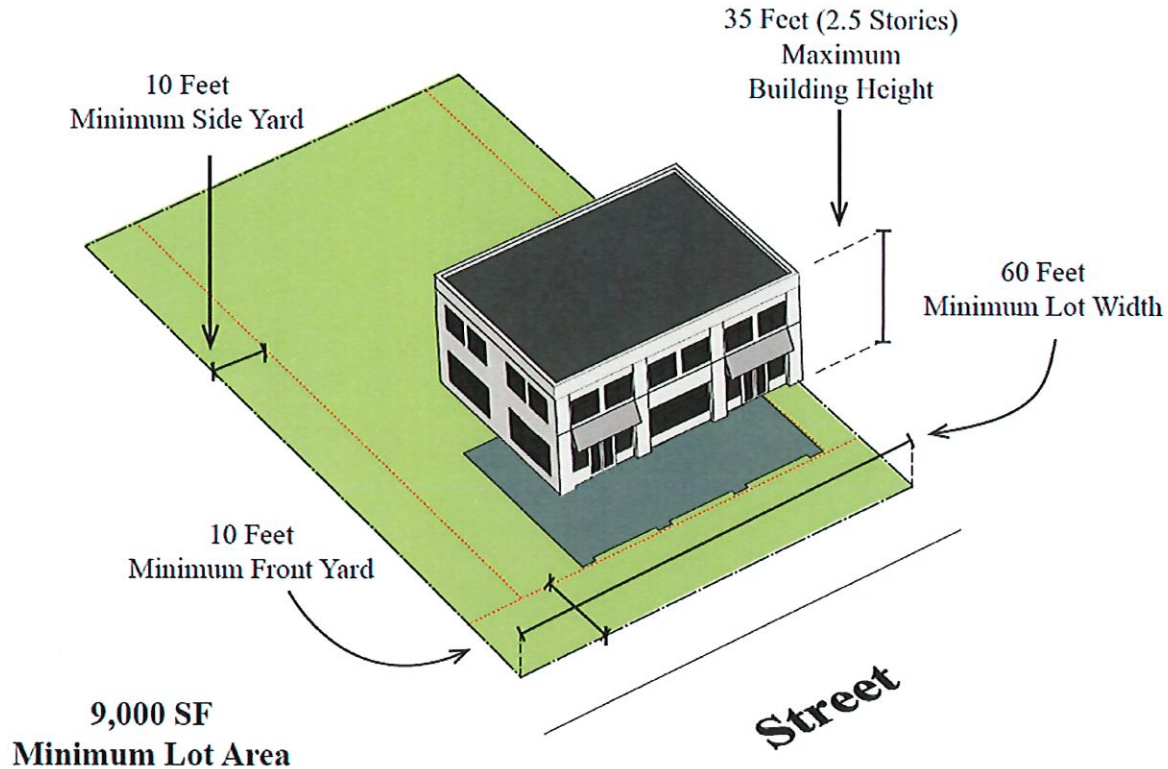
1. In addition to those bulk regulations listed in Section 18.63.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Site plan review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 18.204.

SECTION 18.64 WM WATERFRONT MARINA DISTRICT

- A. **Intent.** It is the intent of the WM Waterfront Marina district is to provide areas along Lake Erie, Huron River, and Swan Creek specifically for those uses and services which are marine-oriented and for related recreational, entertainment, and retail establishments.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses within the WM district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the WM District:

Table 18.64-C. WM Waterfront Marina District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
9,000 SF	60	50%	n/a	10	10	n/a	35	2.5

Figure 18.64-C. WM Waterfront Marina District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 18.64.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Site Plan Review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 18.204.

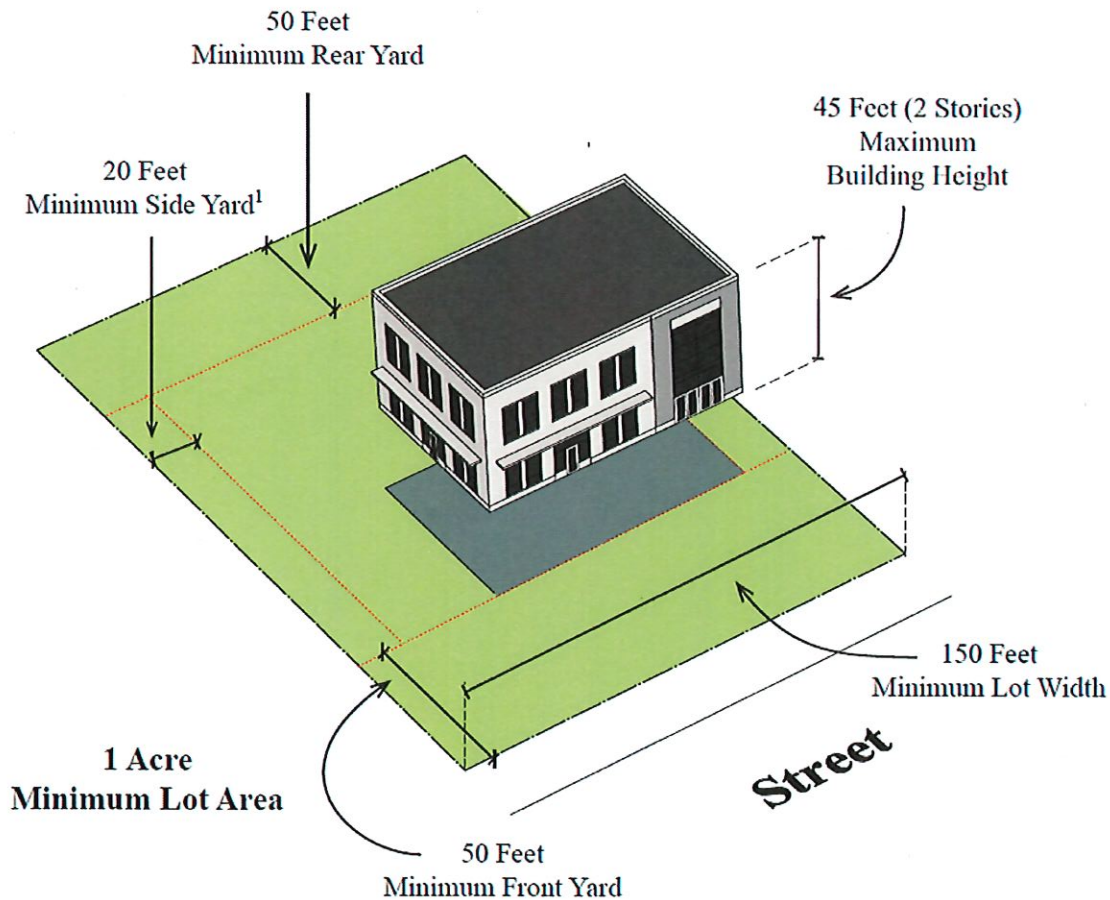
SECTION 18.65 I INDUSTRIAL DISTRICT

- A. **Intent.** It is the intent of the I Industrial District to provide areas suitable for a variety of warehousing, industrial, and manufacturing uses. The regulations for this district are designed to result in industrial areas which will be compatible with one another as well as adjacent land uses.
- B. **Use Regulations.** Section 18.68 sets forth permitted, accessory, and special land uses within the I district.

- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the I District:

Table 18.65-C. I Industrial District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 acre	150	30%	60%	50	20	50	45	2

Figure 18.65-C. I Industrial District Dimensional Requirements



D. **Supplemental District Standards.**

1. In addition to those bulk regulations listed in Section 18.65.C., all development shall conform to supplemental bulk regulations as listed in Section 18.67.
2. Site plan review is required in accordance with Article 6.

3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 18.204.
4. All goods or materials stored outside which are visible from a public road shall be screened by a fully-opaque fence or wall a minimum of six (6) feet in height.