

St. Joseph Charter Township Zoning Ordinance

Recommended by Planning Commission _____

ADOPTED: _____

EFFECTIVE: _____

AS AMENDED: _____

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Article 2: General

Section 2.04 Intent and purpose of chapter.

(A) This chapter is adopted to implement one or more of the following purposes:

- (1) Promote and protect the public health, safety, morals, comfort and general welfare of the people of St. Joseph Charter Township.
- (2) Divide the Township into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures and land for residence, business, manufacturing and other specified uses.
- (3) Protect the character and stability of the residential, business, and manufacturing areas within the Township and promote the orderly and beneficial development of such areas.
- (4) Provide adequate light, air, privacy, and convenience of access to property.
- (5) Regulate the intensity of lot areas and determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health.
- (6) Establish building lines and the locations of buildings designed for residential, business and manufacturing or other uses within such areas.
- (7) Fix reasonable standards to which buildings or structures shall conform therein.
- (8) Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.
- (9) Prevent additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under this chapter.
- (10) Limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles.
- (11) Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
- (12) Protect against fire, explosion, noxious fumes, and other hazards in the interest of public health, safety, comfort, and general welfare.
- (13) Prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.
- (14) Conserve the taxable value of land and buildings throughout the Township.
- (15) Conserve the natural resources and character of land throughout the Township.
- (16) Provide for the gradual elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.

- (17) Define and limit the powers and duties of the administrative officers and bodies as provided in this Chapter.
- (18) Prescribe the penalties for the violation of the provisions of this chapter or any amendments thereto.

Section 2.05 **Definitions**

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where context clearly indicates a different meaning. The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

Uses of land are defined in Article 4. Signage terms are defined in Article 10. Any term not defined in this Ordinance shall have the meaning listed in the most recent edition of Webster’s Dictionary.

Abandonment means any action or inaction indicating an intent to give up one's right or interest in property or intention to give up a particular use of such property.

Accessory structure or use.

- (1) An accessory structure or use is one which:
 - (c) Is subordinate to and serves a principal use;
 - (d) Is subordinate in area, extent or purpose to the principal use served;
 - (e) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
 - (f) Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (2) An accessory use includes but is not limited to the following:
 - (a) A children's playhouse, garden house and private greenhouse.
 - (b) A shed, garage or building for domestic storage.
 - (c) Incinerators incidental to residential use.
 - (d) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 - (e) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
 - (f) Swimming pool, private, for use by the occupant and guests. Swimming pools, either in-ground or above-ground, shall be considered accessory structures, and must meet accessory structure regulations.
 - (g) Off-street vehicle parking areas, and loading facilities.
 - (h) Signs as permitted and regulated in each Zoning District.
 - (i) Carports.
 - (j) Public utility facilities, telephone, electric, gas, water and sewer lines, their supports and incidental equipment, unless such use is excluded by the district regulations.

Agriculture means all the processes of planting, growing, harvesting of crops in the open and the raising and feeding of livestock and poultry, including farming.

Alteration, structural, means any change which would tend to prolong or to alter the life of or alter or change or remove the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

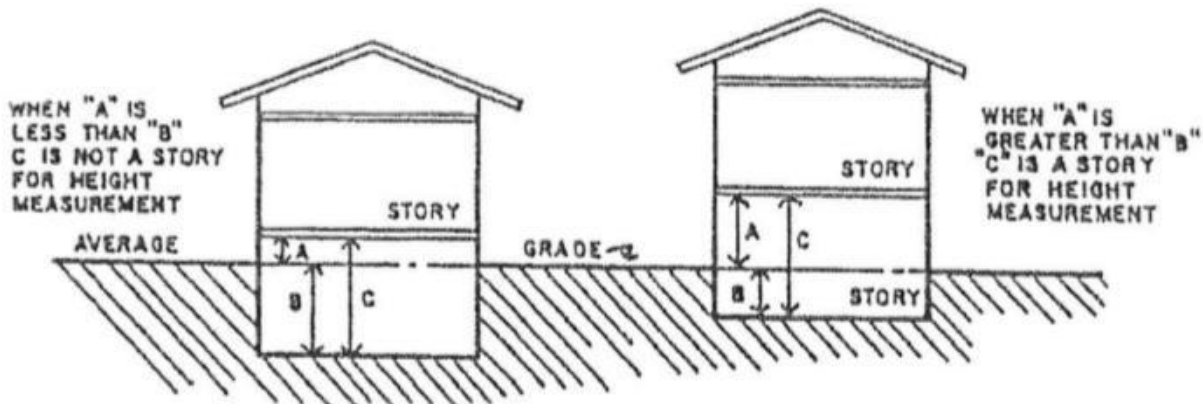
Apartment means a room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities (sink, stove, refrigerator and storage facilities) and necessary sanitary facilities must always be included for each apartment.

Apartment hotel. See **Hotel, apartment.**

Auditorium means a room, hall or building, made a part of a church, theater, school, recreation building or other building, assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Awning means a roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

Basement means a story partly or wholly underground. Where more than one-half of its height is above the established curb level, or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purpose of height measurement.



Bedroom. Any room other than a living room, family room, dining room, kitchen, bathroom, or utility room shall be considered a bedroom.

Block means a tract of land bounded by streets, or in lieu of streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

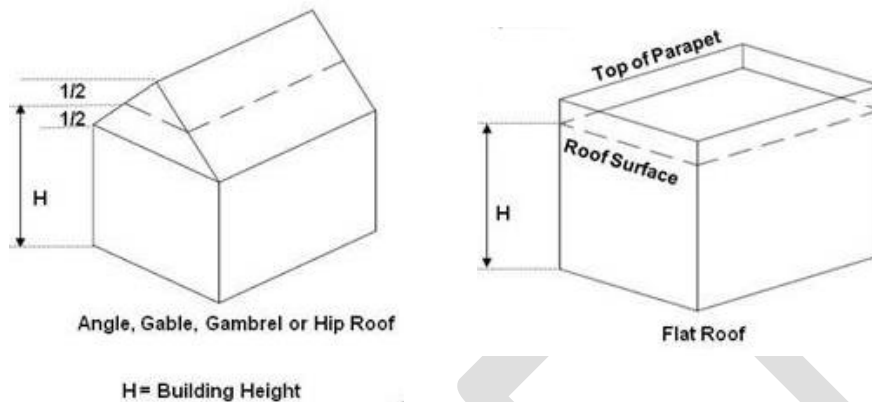
Boardinghouse means a building other than a hotel or restaurant where meals are provided for compensation to three but not more than 12 persons who are not members of the keeper's family.

Buildable area means the space remaining on a zoning lot after the minimum open space requirements have been complied with.

Building means any covered structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind, and which is permanently affixed to the land.

Building, detached, means a building surrounded by open space on the same building lot.

Building Height means the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof and to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof; provided that, where buildings are set back from the right-of-way line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



Building line means the line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building, nonconforming, means any building which does not conform to the regulations in this Chapter prescribing the required yards, coverage, height and setbacks and minimum required usable open space for the district in which the building is located.

Building permit means a permit issued by the Township Building Official for the construction, alteration, removal or demolition of a building or structure within the Township.

Building, principal, means a non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

Building setback line means a line parallel to the lot line at a distance from it regulated by the yard requirements set up in this chapter.

Building, temporary, means any building not designated to be permanently located in the place where it is or where it is intended to be placed or affixed.

Bulk is a term used to indicate the size and setbacks of buildings or structures and location of buildings or structures with respect to one another, and includes the following:

- (1) Size and height of buildings.
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
- (3) All open spaces allocated to the building.
- (4) Amount of lot area per dwelling unit.
- (5) Required parking areas.

Carport means a roofed-over area, attached to and/or detached from the principal building, for vehicle storage, which may be open on three sides if attached or four sides if detached.

Cluster subdivision means a land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean of the street grade shall be considered the curb level.

Districts means the areas into which the Township has been divided for which uniform regulations governing the use, size and intensity of land and buildings and open space around buildings are established.

Dwelling means a building or portion thereof, not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units and two-family dwelling units, but not including hotels, motels, boardinghouses or lodginghouses.

Dwelling, detached, means a dwelling which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

Dwelling, group, means two or more one-family, two-family, or multiple-family dwellings or boardinghouses or lodginghouses located on one zoning lot, but not including tourist courts or motels.

Dwelling, modular, means a detached residential dwelling composed of two or more units containing an assembly of materials or products intended to compose part of a building or structure, which are assembled at other than the final location of the unit under circumstances intended to ensure conformity of quality and material content.

Dwelling, multiple-family, means a residential building, other than a mobile home, designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, row (party wall), means a row of two to eight attached one-family party wall dwellings, not more than 2 1/2 stories in height, and not more than two rooms in depth, measured from the building line.

Dwelling, single-family, means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Dwelling, two-family, means a detached residential building, other than a mobile home, containing two dwelling units and designed for occupancy by not more than two families.

Dwelling unit means a room or rooms connected together constituting a separate, independent housekeeping establishment for one-family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

Efficiency unit means a dwelling unit consisting of one principal room for living, sleeping, and eating plus facilities for cooking and a complete bath and toilet facilities.

Family means one or more persons related by blood, marriage or adoption, or a group of persons (including live-in assistance), who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations.

Fence means a structure which is a barrier and is used as a boundary or means of protection or confinement.

Fence, solid, means a fence, including gates, which conceals from view of the adjoining properties, streets or alleys activities conducted behind it.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

Floodplain means the area defined by the most current 100-year flood hazard elevation (one percent chance of flooding in any given year) as described within the U.S. Department of Housing and Urban Development-Federal Emergency Management Agency flood insurance study for the Township.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.01 foot.

Frontage means all the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway or other similar barrier.

Garage, means any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the families resident on the premises, and in which no business, service or industry connected directly or indirectly with the automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one- or two-car capacity may be so rented. Such a garage shall not be used for more than two commercial vehicles and the load capacity of such vehicles shall not exceed 2 ½ tons.

Golf Course means public, semipublic, or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

Grade, street, means the elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the county or authorized engineer shall establish such street grade or its equivalent for the purpose of this Chapter.

Gross floor area. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal area of the several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production of goods or to business or professional offices. However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily to storage purposes. The following areas shall not be included for the purpose of measurement of off-street parking spaces:

- (1) Floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.
- (2) Basement floor area other than area devoted to retailing or service activities or the production or processing of goods, or to business or professional offices.

Ground floor area, means the lot area covered by a principal building measured at grade from the exterior walls, excluding open porches or terraces, garages, or carports.

Home occupation means an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purposes.

Hotel, apartment, means a hotel in which at least 90 percent of the hotel accommodations are for occupancy by permanent guests.

Laboratory, means a place devoted to experimental study such as testing and analyzing.

Loading and unloading space or area, off-street, means an open, hard-surfaced area, other than a street or a public way, the principal use of which is for standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, 50 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space.

Lodginghouse and roominghouse mean a building with the owner in residence with not more than five guestrooms where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight or per-meal basis to transient guests.

Lot means a parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this Chapter. The word "lot" includes the words "plot" and "parcel." A lot shall have frontage on a recorded public or private street. In no case of division or combination shall any new or residual lot or parcel be created which does not meet the requirements of this chapter.

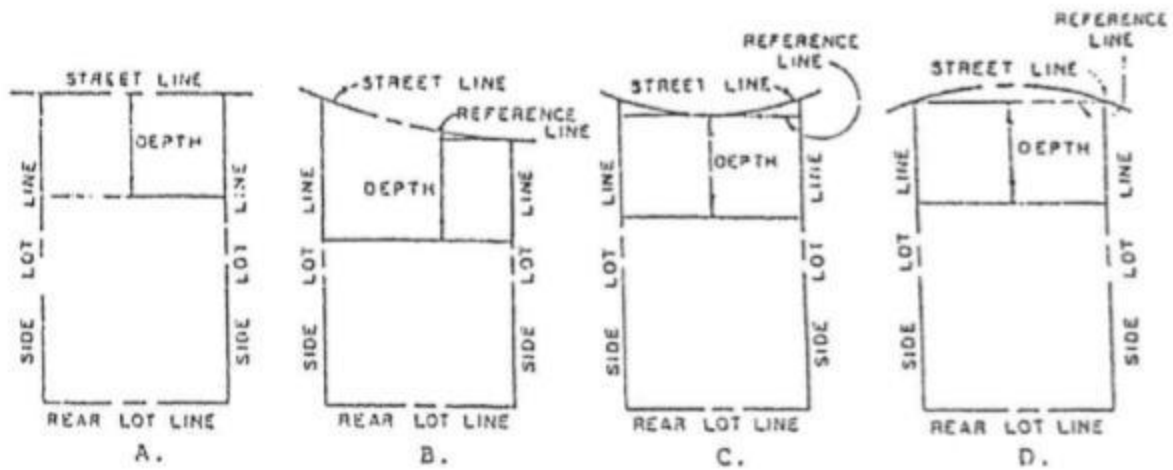
Lot coverage means the area of a zoning lot occupied by the principal building or buildings and accessory structures. These structures include, but are not limited to, swimming pools, decks and driveways and other habitable and non habitable dwelling areas.

Lot frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the yard definitions in this section.

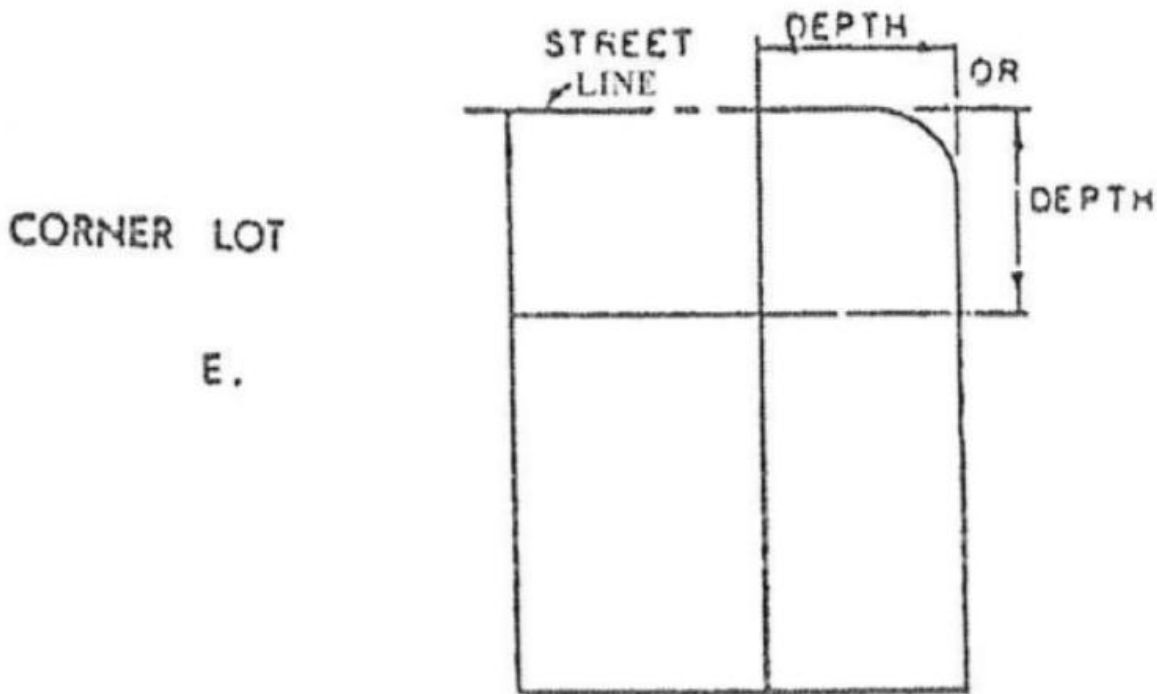
Lot line means a property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot measurement.

- (1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot. In determining lot frontage on odd-shaped lots, if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building. In determining lot frontage on odd-shaped lots, if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear line of the principal building, the measurement shall be taken at the front building line or 30 feet behind the front setback line, parallel to the street or street chord. Every corner lot in a residential district having on its side street an abutting interior lot shall have minimum setbacks from both streets equal to the minimum required front setback of the district in which it is located; provided, however, that this does not reduce the buildable width of any lot of record to less than 25 feet. On corner lots where a rear lot line abuts on a side lot line on the adjoining lot, accessory buildings on the corner lot shall have a rear yard setback from the rear lot line a distance equal to the side yard setback required for the district.
- (3) Depth of required front yards shall generally be measured from the innermost point of the street line (right-of-way) inward for a distance of the required front yard depth, as in diagrams A, B, C, and D.



In the case of rounded property corners at street intersections, reference points for measurements shall be placed as though the side lot lines would have met the street line if the corner were not rounded, as in diagram E. The front and rear lot lines of the front yard shall be parallel.

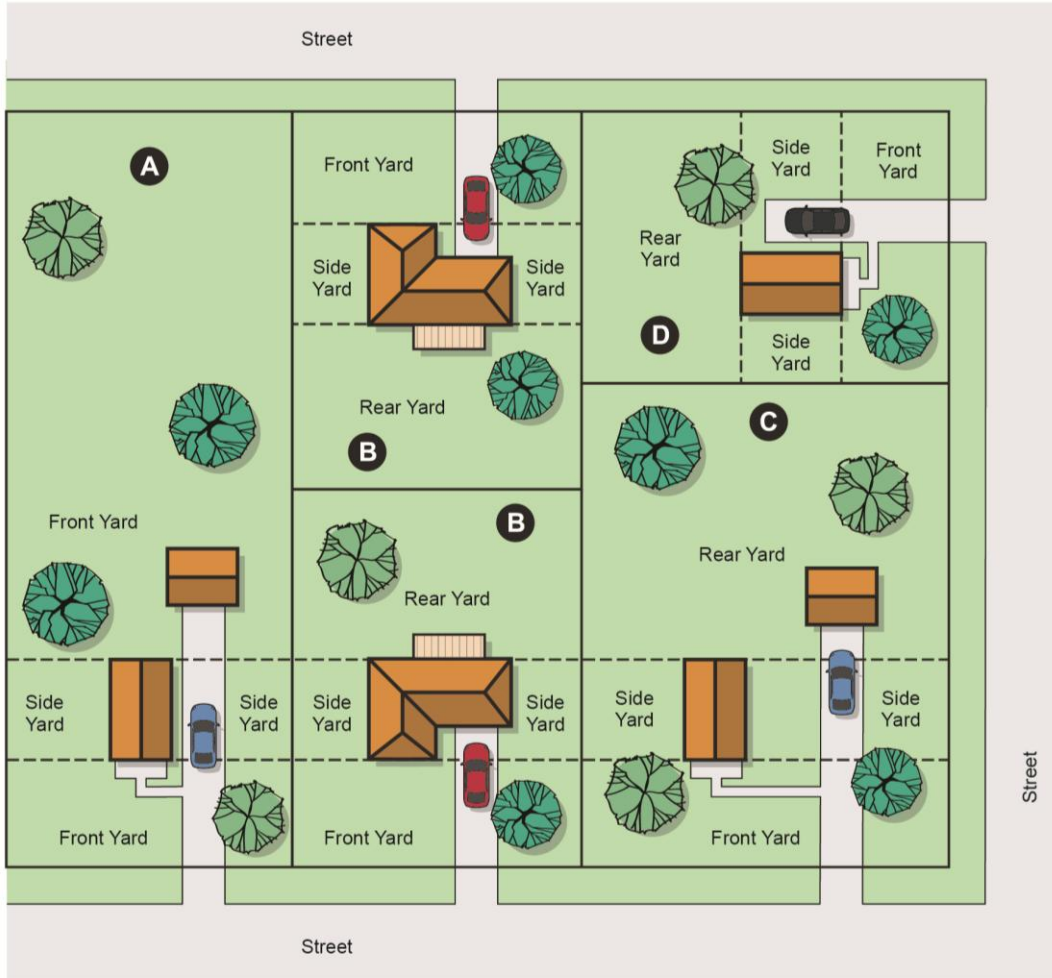


Lot of record.

- (1) Lot of record means a lot which is a part of a subdivision recorded in the office of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded.
- (2) Every single-family, two-family, and multiple-family dwelling structure shall be located upon a lot of record, and no more than one such structure or unit shall be erected upon such lot of record.

(3) The creation of a lot of record on any premises or parcel of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of creating a lot of record creates five or more lots of record each of which is ten acres or less in area created by successive acts within a period of ten years, shall be deemed subdividing as defined in Public Act No. 288 of 1967 (MCL 560.101 et seq.), even if such lots of record are surveyed and a plat thereof submitted, approved and recorded as required by such act and the ordinances of the Township.

Lot types. The following diagram illustrates terminology used in this chapter with reference to corner lots, interior lots, and through lots and reverse corner lots:



Lot Types

- A – Through Lot
- B – Interior Lot
- C – Corner Lot
- D – Reverse Corner Lot

In the diagram:

A	Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
B	Interior lot, defined as a lot other than a corner lot with only one frontage on a street.
C	Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than 130 degrees. See lots marked A in the diagram.
D	Reverse corner lot, defined as a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Manufacture means the production, making or processing of products or commodities for general consumption of the public or for sale to specialized institutions or organizations. Also included is the subassembly, fabrication, or processing of parts or components for use in other products or commodities.

Net site area means the area of a zoning lot, parcel or tract, excluding boundary rights-of-way.

Nonconforming use means any building, structure or land lawfully occupied by a use or lawfully established at the time of adoption of the ordinance from which this chapter is derived or the time of adoption of amendments to this Chapter, which does not conform, after the passage of the ordinance from which this Chapter is derived or amendments thereto, with the use regulations of this chapter.

Occupancy certificate means a certificate issued by the Building Official stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

Parking area means an open, hard-surfaced area (macadam base and bituminous top), other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1-1/2 tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking space, off-street, means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any street, walk, or alley and so that any automobile may be parked and unparked without moving another. Each parking space shall comprise a net area of at least ten feet by 20 feet. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this definition are provided and maintained, improved in manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Township.

Passenger vehicle means a vehicle used primarily for the transportation of people, and does not include any vehicle in excess of one ton capacity, and specifically excludes a truck-tractor, whether attached to a trailer or not.

Planned development means a tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than normally would be had through the development. Adequate provision shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others.

Porch means a roofed-over building, projecting out from the wall of a main structure and commonly open to the weather in part.

Principal use means the main use of land or buildings as distinguished from a subordinate or accessory use.

Public open space means any publicly owned open area, including but not limited to parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public utility means any organization duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, communications service, transportation or water.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

Roadside stand means a structure used or intended to be used solely by the owner or tenant of the parcel on which such structure is located for the sale of the farm products raised on such parcel.

Sign. Please see Section 10.02 for the definition of Sign and other definitions related to signage.

Special use means a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted upon the issuance of a special use permit by the Township Board in such zoning district as a special use, if specific provision for such special use is made in this chapter.

Stable, private, means any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

Stacking requirements means the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to or from a specified business or service establishment.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or, if there is no floor above, then the space between the floor and the ceiling above it to it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Story, half, means that portion of a building under a gable or hip roof, the wall plates of which on at least two opposite exterior walls are not more than 4 1/2 feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping room shall not be counted as a story.

Street means a public way other than an alley which affords a primary means of access to abutting property.

Street line means a line separating a lot, piece or parcel of land from a street.

Structural alterations. See **Alterations, structural.**

Structure means anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall. A sign or other advertising medium, detached or projecting, shall be construed to be a structure.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.

Township: St. Joseph Charter Township.

Trailer means a vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character, nor shall the erecting of additions to the trailer, unless the trailer itself and any additions thereto conform to all Township laws.

Trailer sales area means an open area, other than a street, used for the display or sale of new or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

Trailer, sports or camping, means a vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers and tent trailers.

Trailer, utility. See **Utility vehicles and trailers.**

Truck parking area or yard means any land used or intended to be used for the storage or parking of trucks, trailers, and tractors, including commercial vehicles, while not loading or unloading, which exceed 1 1/2 tons capacity.

Use means the purpose for which land or buildings is designed, arranged or intended or for which it is occupied or maintained, let or leased.

Use, principal means the main use of the land or structures as distinguished from a subordinate or accessory use.

Utility vehicles and trailers means trucks and trailers available on a rental basis.

Variance is a dispensation permitted for individual parcels of property to alleviate practical difficulty by allowing a reasonable construction or alteration of a building, structure, or property denied by the terms of this Zoning Ordinance because of unusual or unique practical difficulties and not by actions of the property owner. The Zoning Board of Appeals may grant variance dispensation from dimensional regulations of the Zoning Ordinance if such action will not be contrary to the public interest, literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance, and that the variance is the minimum necessary.

Vehicle sales lot (with or without motor power) means a zoning lot on which used or new cars, trailers or trucks are displayed in the open for sale or trade.

Yard means a required open space between a lot line and a structure or group of structures, other than a court, unoccupied and unobstructed by any structure or portion of a structure except as provided in this Chapter; provided, however, that fences, walls, poles and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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Yard, front, means a front yard extending between side lot lines across the front of a lot adjoining a public street; or, in the case of waterfront lots, which shall be considered as through lots, a public street on one frontage and the waterfront on the other frontage.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, the narrowest street frontage shall be considered the front lot line. Any other street frontages shall be considered side lot lines.

Yard, rear, means the yard extending across the rear of a lot between side lot lines. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.

Yard, side, means a yard extending from the rear line of the required front yard to the front line of the required rear yard. In the case of through lots, side yards shall extend between the rear lines of the required front yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the side lot line.

Zoning Administrator means the Zoning Administrator, usually the Building Official, appointed by the Township Board, and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his or her duty to administer and enforce the provisions of this Chapter, making such determinations, interpretations and orders as are necessary therefor and with applications for permits as are necessary for him or her to judge compliance with this Chapter.

Zoning lot means a single tract of land within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

Zoning Map means the map incorporated in this Chapter as a part of this Chapter, designating zoning districts.

Section 2.06 **Interpretation of Chapter**

(A) **Minimum Requirements.** The provisions of this chapter shall be held to the minimum requirements for the promotion of public health, morals, and welfare or as set by law.

(B) **Relationship with other laws.** Except as otherwise provided in the Township Zoning Act (MCL 125.271 et seq.), insofar as the provisions of this chapter are inconsistent with the provisions of other ordinances, the provisions of this chapter shall be controlling.

State law reference – Similar provisions, MCL 125.298

(C) **Effect on existing agreements.** This Chapter is not intended to abrogate any easement, covenant, or another private agreement, provided that, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.

Section 2.07 **Violations Declared Nuisance; Abatement of Violations**

Any use of land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of any provision of this chapter, or regulations lawfully adopted under this Chapter, is hereby declared to be a nuisance, and the Township Board, after resolution duly adopted, or any private citizen, may take action in any court of competent jurisdiction to cause the abatement of such nuisance, and such remedy shall be in addition to the imposition of penalty for violation of the terms of this Chapter.

State law reference – Similar provisions, MCL 125.294

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Article 3: Administration and Enforcement

Section 3.04 Generally

(A) Administrative Officer

- (1) **Designated.** The Building Official, as the Zoning Administrator, is designated to administer and enforce this chapter.
- (2) **Duties.** The Building Official shall:
 - (c) Receive applications required, issue permits and furnish certificates, all in their judgment and discretion as authorized.
 - (d) Examine premises for which permits have been issued and make necessary inspections to determine compliance.
 - (e) When requested by the Township Board or when the interest of the Township so requires, make investigations and write reports.
 - (f) Issue such notices or orders as may be necessary.
 - (g) Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices, orders, and all localized actions of the Township Board and file such records permanently by street address.
 - (h) Keep all such records open to public inspection at reasonable hours but not for removal from their office.
 - (i) Report to the Township Board at least once each month as to permits and certificates issued and orders promulgated.
 - (j) Request and receive the assistance and cooperation of the police department, the legal department, and other Township officials.
 - (k) Inform the Township Board of all violations and all other matters requiring prosecution or legal action.
 - (l) Be entitled to rely upon any opinion of the legal department as to the interpretation of this Chapter or the legal application of this chapter to any factual situation.
 - (m) Discharge such other duties as may be placed upon him or her by this Chapter.

(B) Building Permits and Zoning Certificates

- (1) No permit as required by the Township Building Official shall be issued by the Building Official for the construction of a building, structure or land improvement or an alteration or enlargement of an existing building, structure or land improvement and the uses thereof until the Building Official has certified in such permit that the application for a permit with accompanying plans and specifications conforms with the regulations of this Chapter.
- (2) When a permit is not required by the Zoning Ordinance of the Township for an improvement and the use thereof requiring conformance with the regulations of this Chapter, an application for a zoning certificate shall be filed with the Building Official. A zoning certificate shall be issued only when the application shows conformance with the regulations of this Chapter.

- (3) All applications for building permits or zoning certificates shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot, and such other information as may be necessary to provide for the enforcement of this chapter. A careful record of such applications and plats shall be kept in the office of the Building Official. The Building Official shall, in writing, approve or disapprove all building permits in whole or in part, or deny same within 10 business days, except that in case of an unusually complicated building or structure, action shall be taken within 15 business days. Failure to grant, in whole or in part, or deny an application within these periods of time shall be deemed a denial of the application for purposes of authorizing the institution of an appeal to the Board of Appeals. The Building Official shall, in writing, approve or disapprove all zoning certificates within five business days after submission thereof; failure to act shall be deemed approval thereof.

(C) Certificate of Occupancy for New Construction and Uses

- (1) No structure or addition thereto constructed after the effective date of the ordinance from which this Chapter is derived, and no addition to a previous existing building, shall be occupied, and no land vacant on the effective date of the ordinance from which this Chapter is derived shall be used for any purpose, until an occupancy certificate has been issued by the Building Official. No change in a use in any district shall be made until an occupancy certificate has been issued by the Building Official, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of an occupancy certificate. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of this Chapter.
- (2) Every application for a building permit shall also be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required shall be made to the Building Official.
- (3) No occupancy certificate for a building or addition thereto constructed after the effective date of the ordinance from which this chapter is derived shall be issued until construction has been completed and the premises have been inspected and certified by the Building Official to be in full and complete compliance with the plans and specifications upon which the zoning certificate was based. No addition to a previously existing building shall be occupied, and no new use of a building in any district shall be established, until the premises have been inspected and certified by the Building Official to be in full compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued and valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises
- (4) An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than five (5) business days after receipt by the Building Official of a written application therefore on a form to be prescribed by the Township and payment of the required fee.

(D) Certificate of Occupancy for Nonconforming Uses. Certificates for the continued occupancy of nonconforming uses existing at the time of passage of the ordinance from which this Chapter is derived, or made nonconforming by this chapter shall indicate the use is a nonconforming with the provisions of this Chapter. The Building Official shall notify the owner of the property being used as a nonconforming use and shall furnish the owner with a certificate of occupancy for such nonconforming use.

(E) Fees. The Township Board shall establish fees for certificates, occupancy certificates, appeals, applications for amendments or special uses, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Township Clerk and may be altered or amended only by the Township Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

State Law References: Fees authorized, MCL 125.3406.

Section 3.05 **Nonconforming Use, Structures, and Parcels**

(A) Intent; work under existing permits. Within the districts established by this Chapter or any amendments thereto, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before the ordinance codified in this Chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Chapter or amendments. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- (1) Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. A nonconforming use of land or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of the ordinance from which this Chapter is derived by attachment on a building or premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (2) Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which it was originally designated, subject thereafter to the provisions of this division.

(B) Non-Conforming Uses.

- (1) Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity or content during its continuance, except as provided otherwise by proper authority.
- (2) Any non-conforming use which has ceased its usual conduct of such business for a period of one (1) year or more shall be considered to have terminated and may not thereafter commence operation.

(C) Non-Conforming Structure.

- (1) The use of or occupancy of a non-conforming structure, which was a lawful structure at the time of the effective date of this Ordinance, may be continued; provided however, no enlargement, change, or alteration shall be permitted upon such non-conforming structure, except upon a finding by the Building Official that such enlargement, change or alteration will bring such structure into conformance with this Ordinance, and that the use within such structure is in conformity with the requirements of this Ordinance; and further provided, that no enlargement, change, or alteration of a non-conforming structure housing a non-conforming use shall be permitted, except upon a finding by the Zoning Board of Appeals that such enlargement, change, or alteration will permit greater compliance with the provisions of this Ordinance and that adequate provisions, as required by the Zoning Board of Appeals, are installed or instituted to minimize the detrimental effects on the non-conforming use upon adjoining conforming use.
- (2) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.

(D) Non-Conforming Properties (Lots, Parcels, and Condominium Units)

- (1) Any properties, including all lots, parcels, and condominium units that was lawful at the time of the effective date of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided, however, the change in use of, or the location, modification, or construction of any structure on such property shall not be permitted, except upon a variance approved by the Zoning Board of Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Board may find necessary to provide for the public health, safety, and general welfare.

(2) No building permit shall be issued for the construction of any structure upon any property within any zoning district that cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this Zoning Ordinance, or after the enactment of any amendment which affects such standards or requirements, except as provided above.

(E) Destruction of Structure. Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any non-conforming structure, or a structure housing a non-conforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including fifty (50%) percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two appointees, with the cost of such appraisers shared equally by the Township and the owner, and provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction.

(F) Maintenance. Nothing in this Ordinance shall prevent the renovation or repair of non-structural members, or the maintenance of a non-conforming structure made necessary by ordinary wear and tear, provided the cost of such repair or maintenance does not exceed fifty (50) percent of the state equalized value of the structure.

(G) Uses Under Special Use Provisions are Not Nonconforming Uses. Any use which is approved by the Township Board after the effective date of the ordinance from which this Chapter is derived as a special use in a district under the terms of this Chapter in accordance with [Article 2, Section 4](#) of this Chapter shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use. The Township Board may approve as a special use a use existing prior to the effective date of the ordinance from which this Chapter is derived, subject to the limitations and conditions of this Chapter, as though such existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for in this Section.

(H) Change of Tenancy, Ownership or Management. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

Section 3.06 **Zoning Ordinance Text Amendment and Map Revision Procedures**

(A) Generally. The regulations imposed and the districts created under the authority of this chapter may be amended from time to time, by ordinance, in accordance with applicable statutes of the state. An amendment shall be granted or denied by the Township Board only after a public hearing has been held before the Planning Commission and a report of its findings and recommendations has been submitted to the Township Board.

(B) Contents. All petitions for amendments to this chapter, without limiting the right to file additional material, shall contain the following:

- (1) The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or equitable interest in the land.
- (2) The nature and effect of the proposed amendment.
- (3) If the proposed amendment would require a change in the Zoning Map, a site plan prepared in accordance with [Article 2, Section 5](#) of this Chapter, a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.

- (4) If the proposed amendment would require a change in the Zoning Map, the names and addresses of the owners, according to the current tax roll, of all land within 300 feet of the perimeter of the area to be changed by the proposed amendment.
- (5) The alleged error in this chapter which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the error.
- (6) The changed or changing conditions in the area or in the Township which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
- (7) **Optional: Conditional Rezoning Agreement.** If the applicant wishes to present a Conditional Rezoning Agreement, as permitted by the Michigan Zoning Enabling Act, it should be submitted with the application, for approval or rejection by the Planning Commission and Township Board.
- (8) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

(C) Filing and Processing of Application. An application for an amendment to this chapter shall be filed with the Township Clerk and thereafter reviewed by the Township Board. Such an application shall be forwarded from the Township Board to the Planning Commission, with a request to hold a public hearing.

(D) Public Hearing: Procedure for Adoption. Before submitting its recommendations on a petition to amend this chapter, the Planning Commission shall hold at least one public hearing, notice of which shall be given by two publications in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. In addition, the following procedures shall be required:

- (1) Not less than fifteen (15) days' notice of the time and place of such hearing shall be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving such notice, and to each railroad operating within the district or zone affected. An affidavit of mailing shall be maintained.
- (2) If an individual property or ten or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning to all property owners individually. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall not be required to give notice to all property owners individually, but must meet all other notice requirements in this Section.
- (3) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (c) Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.
 - (d) The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - (i) Describe the nature of the request.
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(iii) State when and where the request will be considered.

(iv) Indicate when and where written comments will be received concerning the request.

(e) All notices required by this section shall include the places and times at which the proposed text and maps may be examined.

- (4) Following the public hearing, the Planning Commission shall submit the proposed amendment to the county Planning Commission for approval. The approval of the county Planning Commission shall be conclusively presumed unless the county Planning Commission, within thirty (30) days of receipt, notifies the Township Clerk of its disapproval.
- (5) The Township Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefor.
- (6) A public hearing conducted by the Township Board shall not be necessary unless a request is made by a property owner by certified mail, addressed to the Township Clerk. If a hearing is requested, notice must be given as provided in this section for hearings before the Planning Commission. An amendment for the purpose of conforming a provision of this Chapter to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency. Thereafter, at any regular meeting or any special meeting called therefor, the Township Board may adopt and enact the proposed amendment, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.)

(E) Notice of Adoption. Upon enactment of an ordinance under this division, the ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. A copy of the notice shall be mailed to the airport manager of an airport entitled to notice under Section 2.03.D. The notice shall include the following information:

- (1) In the case of a newly adopted zoning ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of St. Joseph Charter Township."
- (2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected or the text of the amendment.
- (3) The effective date of the ordinance or amendment.
- (4) The place and time where a copy of the ordinance or amendment may be purchased or inspected.

(F) Filing in Ordinance Book: Change in Zoning Map. Within seven (7) days after publication, the amendment to this chapter shall be filed in the official ordinance book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the official Zoning Map, such change shall be made on the map in accordance with provisions of this chapter within ten (10) days after enactment of the amendment.

Section 3.07 **Special Uses**

(A) Authorized. The development and execution of this Chapter is based upon the division of the Township into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses/variances which, because of their unique character, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location. Such special uses/variances fall into three categories:

- (1) Uses operated by a public agency or publicly regulated utilities, or uses traditionally associated with a public interest.
- (2) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (3) Variations. The Township Board shall have concurrent jurisdiction with the Zoning Board of Appeals in deciding on variations. The standards for allowing variations shall be the same as set forth in [Section 2.07](#) for allowing variances by the Zoning Board of Appeals.

(B) General Procedures and Prerequisites for Approval. Special uses shall be authorized or denied by the Township Board in accordance with the provisions of this Chapter applicable to amendments of this Chapter and the regulations and conditions set forth in this Chapter for special uses. No application for a special use shall be acted upon by the Township Board until after:

- (1) Minutes or a written report is prepared and forwarded to the Township Board by the Planning Commission.
- (2) A public hearing has been held by the Planning Commission after due notice by publication as prescribed in [Section 2.03 \(D\)](#) and the findings and recommendations of the Planning Commission have been reported to the Township Board.

(C) Initiation of Application. An application for a special use permit may be made by any person or by any office, department, board, bureau or commission requesting or intending to request a building permit or occupancy certificate.

(D) Contents and Processing of Application

- (1) **Submission; fee.** Applications for special use permits shall be submitted through the Township Clerk to the Township Board. 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.
- (2) **Required information.** Three (3) copies of an application for a special use permit shall be presented to the Township Clerk, accompanied by the following documents and information:
 - (c) A special use permit application form supplied by the Township Clerk which has been completed in full by the applicant.
 - (d) A site plan in conformance with [Article 2, Section 5](#) of this Chapter.
 - (e) A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in [Section 2.04 \(I\)](#) and other standards imposed by this Chapter affecting the special use under consideration.
- (3) **Incomplete applications.** An application which is incomplete or otherwise not in compliance with this Chapter shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
- (4) **Review and recommendations by Planning Commission.** The Township Clerk shall forward a copy of the application for the special use request to the Township Planning Commission within seven days of receiving the request. The Planning Commission may review the application and make recommendations within thirty (30) days following the date of the public hearing on each application, unless it is withdrawn by the petitioner. All comments or recommendations shall be advisory and submitted in writing to the Township Board. A summary of the public hearing shall also be included in the report to the Township Board.

(E) Public Hearing. After a preliminary review of the site plan and an application for a special use permit, the Township Planning Commission shall hold a hearing on the site plan and the special use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special use permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located within the Township. Notice of the public hearing shall also be published in a newspaper of general circulation in the Township. Public notice shall be given not less than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that, if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

- (1) Describe the nature of the special use request;
- (2) Indicate the property which is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
- (3) State when, where, and at what time the public hearing on the special use request will be considered and indicate when and where written comments will be received concerning the request.

(F) Review and Approval of Application and Site Plan. The review of an application and site plan requesting a special use permit shall be made by the Township Board in accord with the procedures and standards specified in this Chapter. If a submitted application and site plan do not meet the requirements of this chapter, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with this Chapter, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating the changes. A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this chapter and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a special use permit shall signify prior approval of the application and site plan therefore, including any modification and any conditions imposed where necessary to comply with this Chapter. The site plan, as approved, and any statements of conditions and modifications, shall become part of the special use permit and shall be enforceable as such. The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify the basis for the decision, any changes to the originally submitted application and site plan necessary to ensure compliance with this Chapter, and any conditions imposed with approval. Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit, unless a change conforming to the requirements of this chapter receives the mutual agreement of the landowner and the Township Board and is documented as such.

(G) Issuance of Permit; Monitoring of Compliance. Upon approval by the Township Board, the Zoning Administrator shall issue a special use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of a violation of the special use permit.

(H) Appeals; Records. Appeal of a decision on a special use request may be taken to the Zoning Board of Appeals in accord with [Section 2.07](#). All decisions of the Township Board and board of appeals relating to special use applications, including the findings supporting any decision, shall be recorded in written form and retained as permanent records on file with the Zoning Administrator, with a copy in the office of the Township Clerk.

(I) Standards for Approval; Conditions; Performance Guarantee. Prior to approval of a special use permit application and required site plan, the Township Board shall ensure that the following standards, as well as applicable standards established elsewhere in this Chapter, shall be satisfied by the completion and operation of the special use under consideration:

(1) **General standards.** The Township Board shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter:

(a) The proposed special use must fit the character of the general vicinity. It should be compatible with nearby properties and not unreasonably affect their use, enjoyment, or orderly development of the area or Township

(b) The special 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.

(c) The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.

(d) The special use shall be consistent with the intent and purpose of this Chapter and the objectives of any currently adopted Township development plan.

(2) **Conditions.** The Township Board may impose conditions with the approval of a special use application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter or other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special use permit and approved site plan and shall be enforced by the Zoning Administrator. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(3) **Performance guarantee.** In authorizing a special use permit, the Township Board may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to ensure compliance with an approved site plan and the special use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special use permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this chapter and to protect the natural resources of the Township and future users or inhabitants of the proposed project or project area, including but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. For purposes of this subsection, the term "improvements" does not include the entire project which is the subject of zoning approval or improvements for which a performance guarantee has been deposited pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.). The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. The agreement shall be written as an element of the conditions surrounding the approval of the special use permit.

(J) Effective Date of Permit; Use of Permit

- (1) The special use permit shall become effective when the application has been approved by the Township Board.
- (2) A building permit shall not be issued until approval of such special use permit by the Township Board.
- (3) Until a building permit has been granted pursuant to the special use permit, there shall be no construction or excavation of the land, nor shall use of the land be made toward the intended purposes of such special use permit.
- (4) Land subject to a special use permit may not be used or occupied for the purpose of such special use until after a certificate of occupancy for the use has been issued pursuant to the provisions of this chapter.

(K) Effective Change of Ownership; Periodic Review of Permit

- (1) Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- (2) In instances where development authorized by a special use permit has not commenced within one (1) year from the date of issuance or the last date of review authorized by this subsection, the Township Board shall review the permit in relation to the applicable standards and requirements of this Chapter. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Chapter applicable to the special use permit under review, such that the permit is no longer in conformance with the requirements of this Chapter, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this Chapter and there has not been a change in conditions affecting the validity of the permit, the special use permit shall remain valid, subject to periodic review in accord with the provisions of this subsection.

(L) Compliance with Use Requirements. It shall be the duty and obligation of the owner and occupant of land and uses subject to a special use permit and approved site plan therefor that the continued use of such land shall at all times be in compliance with the use requirements of this Chapter. Failure thereof shall be a violation of this chapter and subject to the penalties and remedies provided in this Chapter, and the continuance thereof is declared to be a nuisance per se.

(M) Uses Under Special Use Permit Deemed Permitted Use. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:

- (1) Such permit was issued in conformity with the provisions of this Chapter;
- (2) Such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the special use permit shall have been explicitly granted; and
- (3) Such permit authorizes a use which is subsequently built, operated and maintained in compliance with this Chapter, the special use permit, and all conditions established with its approval.

Section 3.08 **Site Plans**

(A) Intent and Purpose of Section. The intent of requiring site plan submittal and review in certain instances specified in this Section 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 Chapter. It is further the intent to assist Township Officials in encouraging and assisting proposals of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in the Township.

(B) Applicability of Site Plan Requirements. A site plan shall be prepared and submitted in accordance with this Section for all new construction, expansion, or exterior improvements on any lot other than single family or two-family permitted use. A site plan shall also be submitted for approval with any application for a special use permit or variance not involving a single-family or two-family permitted principal use, other than for a special use permit for a home occupation, and with any application for rezoning, other than rezoning for the sole purpose of constructing a single-family or two-family permitted principal use.

(C) Administrative Approval vs Planning Commission Approval. The Planning Commission shall review all site plans for the construction of a new principal building on a site, other than a single family or two-family permitted use. The Planning Commission shall also review all site plans for which a waiver from parking, landscaping, or lighting regulations is requested. The Planning Commission shall have the option of reviewing the Site Plan when a Special Use approval is requested, but may, by majority vote at a public meeting, refer the Site Plan approval to the Zoning Administrator instead.

In all other circumstances, the Zoning Administrator shall approve the Site Plan.

(D) Contents. A required site plan shall be drawn at a minimum scale of one inch equals 50 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 feet.
- (3) The shape, size and location of all structures that will remain 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 wooded lots, trees of more than one foot in diameter, streams and lakes or ponds, and manmade features which are to be retained, and those which are to be removed or altered. Adjacent properties and their uses shall be identified.

- (5) Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with an indication of the 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 the 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 chapter and any other ordinances and the availability of adequate utility capacity.

(E) Review and Approval

- (1) Ten copies of the site plan with ten copies of a cover letter signed by the owner of the land and/or prospective developer giving a general explanation of and background information on the proposed development shall be filed with the Township Clerk, along with all necessary fees and documents required by this chapter. All applicants are encouraged to confer informally with the Planning Commission before any documents for application are prepared.
- (2) The site plan and any accompanying documents shall be forwarded to the Planning Commission for its consideration at its next regular meeting, provided such application has been received by the Township Clerk at least 15 days prior to the regular meeting of the Planning Commission. If not received within this time schedule, the site plan will be considered at the next following meeting.
- (3) The Planning Commission shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of this Chapter.
- (4) If the proposed development requires the issuance of a special use permit, the Planning Commission shall transmit its findings to the Township Board along with one copy of the site plan and covering letter. The Township Board shall follow the special use procedure as provided in [Article 2, Section 4](#) of this chapter. The proposer of the development shall be notified of the status of his requested site plan approval.
- (5) If the proposed development requires a rezoning of land, the Planning Commission shall transmit its findings to the Township Board along with one copy of the site plan and covering letter. The Township Board shall follow the amendment procedure as provided in [Article 2, Section 3](#) of this Chapter. The proposer of the development shall be notified of the status of the requested site plan approval.
- (6) If the proposed development requires the issuance of a variance, the Planning Commission shall transmit its findings to the board of appeals along with one copy of the site plan and covering letter. The Board of Appeals shall follow the variance procedure as provided in [Section 2.07](#). The proposer of the development shall be notified of the status of the requested site plan approval.

Section 3.09 Planning Commission

(A) Jurisdiction. The Planning Commission of the Township, which has been duly established, is the Planning Commission referred to in this Chapter, and shall have the following duties under this Chapter:

- (1) Hear all applications for amendments and special uses and thereafter submit reports of findings and recommendations thereon to the Township Board in the manner prescribed in this Chapter for amendments and special uses;

- (2) Initiate, direct and review, from time to time, studies of the provisions of this chapter and make reports of its recommendations to the Township Board, not less frequently than once each year;
- (3) Hear and decide all matters upon which it is required to pass under this Chapter or by law; and
- (4) Review site plans for major industrial, commercial and residential projects.

(B) Meetings; Records; Rules of Procedure. All meetings of the Planning Commission shall be held monthly or at the call of the chair, and at such times as the Planning Commission may determine. All hearings conducted by the Planning Commission under this chapter shall be in accordance with state statutes. The Planning Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Planning Commission under this chapter shall be filed in the office of the Township Clerk and shall be a public record. The Planning Commission shall adopt its own rules and procedures, not in conflict with this chapter or with applicable state statutes.

Section 3.10 **Zoning Board of Appeals; Appeals and Variances**

(A) Established; Membership; Meetings

- (1) **Established.** There is established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in Public Act No. 110 of 2006 The Zoning Board of Appeals in addition to the general powers and duties conferred upon it, by Act No. 110, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this chapter in harmony with their purpose and intent as set forth in this Chapter.
- (2) **Membership.** The term of each ZBA member shall be for three (3) years, except that, of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (3) **Meetings.** Decisions and deliberations. The ZBA shall state the grounds of any determination made by the Board. All decisions of the Zoning Board of Appeals shall be made at a meeting open to the public. All deliberations of the Zoning Board of Appeals constituting a quorum of its member shall take place at a meeting open to the public except as provided in compliance with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).
 - (c) **Quorum; one vote per member.** A majority of the ZBA members of the Zoning Board of Appeals shall constitute a quorum for purposes of transacting the business of the Board and the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). Each member of the Zoning Board of Appeals shall have one vote.
 - (d) **Regular meetings; notice; record of proceedings.** Regular ZBA meetings shall be called as needed in response to the Township's receipt of a completed ZBA appeal applications and all associated fees. The meeting can be called by the Township Clerk, the chairperson of the Zoning Board of Appeals, or, in their absence, the Vice-Chairperson. The ZBA shall maintain a record of its proceedings filed in the Township Clerk's office.
 - (e) **Rules of Procedure.** The ZBA must conduct business in accordance with its adopted rules of procedure.

State Law References: Zoning Board of Appeals membership, MCL 125.3601; meetings of Zoning Board of Appeals, MCL 125.3602

(B) Powers and Duties

- (1) **General.** The ZBA has the power to act on matters as provided in this chapter and Public Act No. 110 of 2006. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, land use classifications of any property, or text of this chapter. The specific powers of the Zoning Board of Appeals are enumerated in this section.
- (2) **Administrative review.** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this chapter.
- (3) **Interpretation.** The ZBA shall hear and decide requests for interpretation of this chapter or the Zoning Map taking into consideration the intent and purpose of this chapter and the Township Master Plan.

The ZBA must keep a record of all decisions for interpretation of this chapter or Zoning Map and land uses which are approved under the terms of this section. The ZBA shall request the Planning Commission and Township Board to review any ordinance amendment it deems necessary.

- (4) **Variances.** The ZBA has the power to hear and decide specific appeals and authorize such variances from the provisions of this chapter which will not be contrary to the public interest. A variance may be granted by the ZBA where, due to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty. A variance shall not be granted by the ZBA unless all of the following conditions are met:
 - (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - (b) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.
 - (c) The special conditions and circumstances that create the practical difficulty do not result from the actions of the applicant
 - (d) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - (e) The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - (f) In granting any variance, the ZBA may prescribe appropriate conditions and safeguards pursuant to Section 2.07.

(C) Procedure for Appeal.

- (1) **Request for action.** An applicant requesting any action by the Zoning Board of Appeals shall commence such request by filing a notice of appeal, on the form supplied by the Township, accompanied by such appeal fee as determined by the Township Board, the entire record and all plans, including the staff report and any supporting documents all of which shall be made a part of the record. All application materials shall be copied to the Zoning Board of Appeals.
- (2) **Time limit for appeal.** Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the applicant within 30 days of the date of the order issuance or refusal to issue permit, requirement, or refusal.

- (3) **Notice of hearing.** Upon receipt of the application seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall hold a public hearing in accordance with the notification requirements of Act 110, Public Acts of 2006, as may be amended or superseded from time to time in the future. A notice of the public hearing shall be published in at least one newspaper of general circulation in St. Joseph Charter Township and sent by first class mail or personal delivery to the person requesting the interpretation or owner(s) of the property if different. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request shall be sent to by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located in the Township, disclosed from the assessment roll of the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than 15 days before the public hearing. The notice shall state the nature of the interpretation request or the appeal of an administrative decision; the time, date, and location of the public hearing; indicate when and where written comments relative to the application shall be directed prior to the hearing; the location where the application and documents may be viewed or copied prior to the hearing; and shall include a listing of all existing street addresses within the property(ies) which is(are) subject to the appeal. Street addresses do not need to be created and listed if no such addresses currently exist within the property(ies). If there are no street addresses, another means of identification may be used. A list of those owners mailed notices shall be a part of the record of the Zoning Board of Appeals.
- (4) **Presentation of evidence.** Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Zoning Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.
- (5) **Decision on appeal.** The Zoning Board of Appeals shall not decide an appeal until after a public hearing. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or other duly authorized enforcing agent, or to decide in favor of the applicant any matter upon which they are required to pass under this chapter, or to effect any variance from the terms of this chapter. A member of the Zoning Board of Appeals shall disqualify himself from a vote in which he or she has a conflict of interest. Failure of a member of the Zoning Board of Appeals to disqualify himself or herself from a vote in which he or she has a conflict of interest shall constitute misconduct in office.
- (6) **Reversal or modification of order or requirement.** The Zoning Board of Appeals may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- (7) **Conditions.** The Zoning Board of Appeals may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (c) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
- (8) **Form of decision; notification of applicant.** All decisions of the Zoning Board of Appeals shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Zoning Board of Appeals. The applicant shall be advised of the decision after the public hearing unless the Zoning Board of Appeals moves for a continuation of such hearing.
- (9) **Validity of decision.** Any decision of the Zoning Board of Appeals favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- (10) **Reconsideration.** The Zoning Board of Appeals may reconsider an earlier decision, if, in the opinion of the Board, circumstances justify taking such action.
- (11) **Duration of orders.** No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.
- (12) **Appeal to circuit court.** Any party aggrieved by a decision of the Zoning Board of Appeals shall have the right to appeal to the circuit court for the county in which the property is located on questions of law and fact. Such appeal must be taken within 30 days after the date the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. A request for reconsideration under subsection (10) of this section shall not toll the time for taking such appeal. If a request for reconsideration is granted, the time period for appeal shall commence from the date the Zoning Board of Appeals certifies its decision or approves the minutes of the meeting where the appeal was reconsidered. In any event, only one request for reconsideration on each appeal shall be allowed. An appeal may be had from the decision of the circuit court to the court of appeals.

Article 4: Zoning Districts Established

Section 4.04 Districts Established

In order to accomplish the purpose of this Chapter as stated in [Section 1.01](#), the Township is hereby divided into the following districts:

R-1	Single Family – Low Density District
R-2	Single Family – Medium Density District
R-3	Mixed Density Residential District
R-4	Multiple Family Residential District
B-1	Limited Business District
B-2	General Business District
I-1	Limited Industrial District
I-2	General Industrial District

Section 4.05 Official Zoning Map

- (A) The boundaries of the zoning districts are established as shown on the map entitled "Official Zoning Map of St. Joseph Charter Township, Berrien County, Michigan." This map is made a part of this Chapter, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described in this Chapter.
- (B) The official Zoning Map shall be identified by the signature of the Township supervisor, attested by the Township Clerk, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in [Section 3.02.B](#) of Zoning Ordinance Chapter 46 of St. Joseph Charter Township, Berrien County, Michigan," together with the date of the adoption of the zoning ordinance.
- (C) If, in accordance with the provisions of this chapter changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map by the Township Clerk within ten days after the amendment has been approved by the Township Board, with an entry on the official Zoning Map as follows: "On (date), by official action of the Township Board, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Township supervisor and attested by the Township Clerk. No amendment to this Chapter which involves matter portrayed on the official Zoning Map shall become effective until after such change and entry have been made on the map.
- (D) No changes of any nature shall be made in the official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this Chapter.
- (E) Regardless of the existence of purported 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 Township hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- (F) If the official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new official Zoning Map. The new official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original official Zoning Map or any subsequent amendment thereof. The new official Zoning Map shall be identified by the signature of the Township supervisor, attested by the Township Clerk, and shall bear the seal of the Township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Zoning Ordinance Chapter 46 of St. Joseph Charter Township."

(G) Unless the prior official Zoning Map has been lost or has been 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.

Section 4.06 Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of the various districts as shown in the Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
- (B) Boundaries indicated as approximately following property, parcel, or lot lines shall be construed as following such lines.
- (C) Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- (D) Boundaries indicated as following Township section lines shall be construed as following such section lines.
- (E) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (F) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (G) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- (H) Where physical features existing on the ground are at variances with those shown on the official Zoning Map, or in other circumstances not covered by subsections (1) through (7) of this section, the Zoning Board of Appeals shall interpret the district boundaries.
- (I) Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this chapter is derived, the entire lot shall be construed to be within the more restricted district

Section 4.07 Zoning of Streets, Waterways, and Railroad Right of Ways

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public ways and railroad rights-of-way or waterways. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

Article 5: Permitted and Special Uses

Section 5.04 Table of Permitted Uses

P= Permitted By Right S=Permitted by Special Use Permit Blank = Prohibited

Use	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	Definition and Examples
Community Uses									
Cemeteries	S	S	S	S	S	S		S	4.03
Essential Services	P	P	P	P	P	P	P	P	4.07
Municipal or Public Buildings	S	S	S	S	S	S	S	S	4.19
Indoor Recreation				S	S	S	S	S	4.24
Outdoor Recreation	S	S	S	S	S	S	S	S	4.25
Hospital						S	S	S	4.12
Religious Institution	S	S	S	S	S	S	S	S	4.26
Private Schools or Child Care	S	S	S	S	S	S	S	S	4.23
Nursing or Convalescent Home			S		S	S			4.20
Residential Uses									
One Dwelling Unit	P	P	P	P					4.06
Two-Family Dwelling Units			P	P					4.06
Multiple Family Dwelling Units				P	S	S			4.06
Upper Floor Dwellings Above Commercial					P	P			4.06
Mobile Home Parks				S					4.18
Home Occupations	P	P	P	P					4.11
Commercial Uses									
Retail					S	P			4.29
Personal Services					P	P			4.22
Automotive Fueling Station (Gas Station)						S			4.10
Vehicle Wash						P			4.35
Vehicle Sales and/or Rental						P			4.34
Vehicle Repair						P			4.33
Self-Storage Facility						P	S	S	4.30
Drive-Thru or Drive-In						P			4.04
Drive-In Movie Theater						P			4.05
Restaurant					S	P			4.28
Funeral Home						P			4.09
Bed and Breakfast	S	S	S	S	S	P			4.02
Hotels and Motels						P			4.13
Marinas					P	P			4.16
Event Space					S	P			4.08
Office					P	P	S	S	4.21
Medical or Dental Clinic					P	P			4.17
Industrial Uses									
Warehouse							P	P	4.36
Wholesale							P	P	4.37
Kennels							P	P	4.14
Manufacturing						S	P	P	4.15

Use	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	Definition and Examples
Trucking and Logistics							P	P	4.32
Research and Development					P	P	P	P	4.27
Wind Energy Facilities	S	S	S	S	S	S	S	S	4.38
Small-Scale Solar Facilities	P	P	P	P	P	P	P	P	4.31
Large-Scale Solar Facilities						S	S	S	4.31
Wireless Telecommunications	S	S	S	S	S	S	S	S	4.39

- (A) The Township Board shall have the authority to determine that a use not listed above is similar in character and intensity to the uses permitted in a given district, and therefore permit that use by Special Use Approval.
- (B) Within the R-2/B-2 Residential Business Overlay District, the permitted and special uses of **both** the R-2 and B-2 district shall apply. Two or more principal uses, allowed in either district, may be permitted on a given lot, to achieve a mixed-use character.
- (C) Within the I-2/R-2 Industrial Residential Overlay District, the permitted and special uses of **both** the R-2 and I-2 districts shall apply. However, if a use is only permitted in one of those two districts, once that use is in place on a lot, no use from the other district shall be permitted. For instance, if a lot contains a dwelling unit, manufacturing shall not be permitted, and if a lot contains manufacturing, dwelling units shall not be permitted.

Section 5.05 **Bed and Breakfast**

(A) **Definition:** A use which is subordinate to the principal use of a dwelling unit as a one-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

(B) **Standards:**

- (1) Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- (2) Not more than thirty-five (35) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- (3) No bed and breakfast sleeping rooms shall be located in a basement or attic.
- (4) There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
- (5) Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- (6) Bed and breakfast occupants shall be limited to four (4) in one (1) room at any one time.
- (7) The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- (8) A maximum of six (6) persons per each restroom will be permitted.

- (9) Every bed and breakfast bedroom shall contain a functional smoke detector. A fire extinguisher rated five (5) pounds ABC shall be located on each floor. Each bed and breakfast bedroom shall contain a diagram showing all exists with an arrow indicating "YOU ARE HERE."
- (10) Bed and breakfast facilities shall be licensed by the Township. The initial licensing fees shall be set by the Township Board for each bed and breakfast bedroom which sum shall be paid annually. In addition, there shall be an inspection fee to be set by Township Board for every inspection after the initial inspection prior to licensure. The license will be renewed annually, subject to inspection and payment of fees.
- (11) A two feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.
- (12) All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards. Natural buffers by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- (13) Bed and breakfast facilities will comply with all rules, regulations and ordinances of all applicable State and County regulatory agencies.
- (14) No bed and breakfast facilities shall be located within three hundred (300) feet of any other bed and breakfast building, as measured along the centerline of the road upon which such bed and breakfast facilities front.

Section 5.06 Cemetery

- (A) **Definition.** Land used for the burial of the dead, including columbarium, crematory, and mausoleum.
- (B) **Standards.** All structures other than gravestones must meet the required setbacks and building heights for a principal structure in the district the cemetery is located within.

Section 5.07 Drive-Thru or Drive-In

- (A) **Definition.** The provision of goods and services provided by a business directly to people in motor vehicles. This shall be considered an accessory use to an indoor restaurant, bank, or other principal use. Drive-in movie theaters are regulated separately, in Section 4.05

Section 5.08 Drive-In Movie Theater

- (A) **Definition.** An entertainment venue consisting of a large screen and a parking area, where customers watch movies or other video entertainment while in their parked vehicles. A refreshment stand serving food may also be included.

Section 5.09 Dwelling Unit

- (A) **Definition.** A building or portion thereof, which is occupied wholly as the permanent, day-to-day home, residence, or sleeping place by one (1) or more human beings, containing at least a bedroom, bathroom, and cooking facilities.

Section 5.10 Essential Services

(A) Definition: The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance. Examples include, but are not limited to:

- (1) Electric Utilities
- (2) Public Water Utilities
- (3) Public Sewer Systems
- (4) Natural Gas Pipelines
- (5) Wired Telecommunications

Section 5.11 Event Space

(A) Definition. Non-residential space designed to be used for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include, but are not limited to:

- (1) Banquet Facilities
- (2) Theaters for Live Performance
- (3) Sports Arenas primarily used for viewing sports, rather than indoor recreation by the public
- (4) Community Centers
- (5) Meeting Facilities

(B) The following uses shall not fall under this definition:

- (1) Movie theaters, which shall be considered "Recreation – Indoor"
- (2) Religious institutions, which shall be considered "Religious Institutions"

Section 5.12 Funeral Home

(A) Definition. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Section 5.13 Automotive Fueling Station (Gas Station):

(A) Definition. A facility designed or used for the retail sale of fuel (including, but not limited to, gasoline, hydrogen, or biofuels), to be dispensed directly into automobiles or approved containers.

(B) Electric Vehicle Charging Stations. Electric vehicle charging stations shall not be considered automotive fueling stations, and shall be permitted accessory to any use in any zoning district (including automotive fueling stations). Up to three electric vehicle charging stations may be located within a parking lot, provided that the parking lot retains compliance with all dimensional requirements. If any additional electric vehicle charging stations are proposed after the first three, then the parking spaces containing the additional electric vehicle charging stations shall not count towards the minimum parking space requirement on the lot, and additional parking spaces shall be required if the site falls below the required minimum.

Section 5.14 Home Occupations

(A) Definition. Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

Section 5.15 Hospital

(A) Definition. An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Section 5.16 Hotel or Motel

(A) Definition. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Examples include, but are not limited to:

- (1) Motels
- (2) Hotels
- (3) Boutique Hotels
- (4) Hostels
- (5) Extended-Stay Hotels (that do not meet the definition of dwelling unit)

Section 5.17 Kennels

(A) Definition: Any structure, lot or premises where four or more dogs or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats.

Section 5.18 Manufacturing

(A) Definition. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

Section 5.19 Marina

(A) Definition. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests. May also include restroom and shower facilities.

Section 5.20 Medical or Dental Clinic

(A) Definition. Non-residential space that is designed to be used to provide medical or therapeutic care to patients. Examples include, but are not limited to:

- (1) Doctor's Offices
- (2) Medical Treatment Facilities
- (3) Medical Testing Facilities
- (4) Medical Counseling Facilities
- (5) Dentist's Offices
- (6) Outpatient Surgery Centers

- (7) Ophthalmologists Clinics
- (8) Massage Clinics
- (9) Day Spas
- (10) Medical Administration Offices
- (11) Veterinary Clinics

Section 5.21 **Mobile Home**

(A) Definition. A dwelling unit which is substantially built, constructed, assembled, and finished off the premises in which is intended to be located.

Section 5.22 **Municipal / Public Uses:**

(A) Definition. Land used primarily and specifically by public entities.

(1) Examples include, but are not limited to:

- (c) Government Administration Buildings (Village Hall, etc)
- (d) Libraries
- (e) Museums
- (f) Public Safety Facilities (Police, Fire, etc)
- (g) County, State, or Federal Office Buildings
- (h) School Administration Buildings
- (i) Public Works Yards
- (j) Post Offices

(2) The following uses shall not fall under this definition:

- (a) Parks, which shall be considered "Recreation – Outdoor"
- (b) K-12 Schools, which shall be considered "K-12 Schools"
- (c) Institutions of Higher Education, which shall be considered "Institutions of Higher Education"
- (d) Any other use that is not listed above and fits a use category in this Ordinance, even if it is owned and/or operated by a public entity.

Section 5.23 **Nursing or Convalescent Home**

(A) Definition. A facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, that provides organized nursing care and medical treatment to unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a correctional facility that is operated by the department of mental health.

Section 5.24 **Office**

(A) Definition. Non-residential space that is designed to be used for the provision of services to customers who are not generally on the premises, or for administrative duties relating to an organization such as a business or public entity.

(1) Examples include, but are not limited to:

- (c) Professionals Offices (Lawyers, Accountants, Financial Services, etc)
- (d) Real Estate Brokerages
- (e) Administrative Offices of Businesses
- (f) Offices accessory to a retail or manufacturing business

(2) The following uses shall not fall under this definition:

- (a) Bank branches, which shall be considered “Retail”
- (b) Public Administrative Offices (for Village, County, State, Federal, School District, etc), which shall be considered “Government/Public Uses”
- (c) Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered “Institutions of Higher Education”
- (d) Medical offices, which shall be considered “Medical or Dental Clinics”
- (e) Uses requiring large fabrication or testing facilities, which shall be considered “Research and Development”

Section 5.25 **Personal Services**

(A) Definition. A commercial use dedicated to providing services to customers on the premises of the business.

(1) Examples include, but are not limited to:

- (c) Barber Shops/Beauty Salons
- (d) Nail Salons
- (e) Animal Grooming
- (f) Electronics/Small Appliance Repair

(2) The following uses shall not fall under this definition:

- (a) Professionals Offices (Lawyers, Accountants, Financial Services, Real Estate etc), which shall be considered “Office”)
- (b) Bank branches, which shall be considered “Retail”
- (c) Public Administrative Offices (for Village, County, State, Federal, School District, etc), which shall be considered “Government/Public Uses”
- (d) Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered “Institutions of Higher Education”
- (e) Medical offices, which shall be considered “Medical or Dental Clinics”
- (f) Massage clinics, which shall be considered “Medical or Dental Clinics”
- (g) Uses requiring large fabrication or testing facilities, which shall be considered “Research and Development”

Section 5.26 **Private School and/or Child Care**

(A) Definition. A facility that provides child day care and/or a curriculum of elementary and/or secondary academic instruction, including preschools, kindergartens, elementary schools, junior high schools, and high schools.

Section 5.27 **Recreation – Indoor**

(A) Definition. An indoor facility for leisure, exercise, and/or entertainment. Examples include, but are not limited to:

- (1) Bowling Alleys
- (2) Video Game Arcades
- (3) Laser Tag
- (4) Indoor Playgrounds
- (5) Fitness Centers
- (6) Dance Schools
- (7) Gymnastics Centers

Section 5.28 **Recreation – Outdoor**

(A) Definition. An outdoor facility for leisure, exercise, and/or entertainment. Examples include, but are not limited to:

- (1) Public Parks
- (2) Golf Courses
- (3) Nature Preserves
- (4) Mini-Golf
- (5) Go-Carts
- (6) Batting Cages
- (7) Sports Facilities

Section 5.29 **Religious Institution**

(A) Definition. Any structure wherein persons regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility. Accessory uses such as K-12 schools, event space, offices, or recreation may shall not be considered part of the religious institution for the purposes of zoning regulations, and shall be subject to all requirements for each given use.

Section 5.30 **Research and Development**

(A) Definition. Engineering and testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.

Section 5.31 **Restaurant**

(A) Definition. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

(1) Examples include, but are not limited to:

- (c) Full Service Restaurants
- (d) Fast Food Restaurants
- (e) Bars
- (f) Microbreweries/Distilleries/Wineries, although the Township may determine that the manufacturing portion of the use is sufficiently large to be considered a separate use.

(2) The following uses shall not fall under this definition:

- (a) Tasting counters at grocery stores, which shall be considered “Retail.”
- (b) Tasting counters at manufacturing facilities, which shall be considered “Manufacturing”

Section 5.32 **Retail**

(A) Definition. The selling of goods or merchandise directly to the public.

(1) Examples include, but are not limited to:

- (c) Grocery/Convenience/Beverage Stores
- (d) Clothing/Shoe/Accessory Stores
- (e) Book/Music/Video/Electronics Stores

- (f) Hardware Stores
- (g) Art Galleries
- (h) Bank Branches

(2) The following uses shall not fall under this definition:

- (a) Gas Stations, which shall be considered “Automotive Fueling Stations”
- (b) Real Estate Brokerages, which shall be considered “Office”

Section 5.33 **Self-Storage Facilities**

(A) Definition. Enclosed space for rent to the general public for use to store non-perishable goods.

Section 5.34 **Solar Energy Facility**

(A) Definition. Solar energy system whose purpose is to provide for the collection, storage, and/or distribution of solar energy for space heating, cooling, or power generation, including both the solar panels and all accessory structures.

Section 5.35 **Trucking & Logistics**

(A) Definition. A use primarily dedicated to storing and moving products, including in trucks and other vehicles utilizing more than two axles.

Section 5.36 **Vehicle Repair**

(A) Definition. An enclosed building where the following services may be carried out: general repairs, engine re-building, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activity.

(1) Examples include, but are not limited to:

- (c) Body Shops
- (d) General automobile repair facilities
- (e) Oil change facilities
- (f) Boat repair
- (g) Recreational vehicle repair
- (h) Motorcycle/Powersport repair

(2) The following uses shall not fall under this definition:

- (a) Bicycle repair or lawnmower repair, which shall be considered “Personal Services.”

Section 5.37 **Vehicle Sales and/or Rental**

(A) Definition. A structure or premises used primarily for the sale of new or used automobiles and other motor vehicles.

(1) Examples include, but are not limited to:

- (c) New car sales
- (d) Used car sales
- (e) Recreational vehicle sales

- (f) Motorcycle/Powersport sales
- (g) Construction equipment sales
- (h) Boat sales

(2) The following uses shall not fall under this definition:

- (a) Lawnmower sales, which shall be considered “Retail.”
- (b) Bicycle sales, which shall be considered “Retail.”

Section 5.38 **Vehicle Wash**

(A) Definition. A building or portion thereof or an area of land where automobiles or trucks are washed.

Section 5.39 **Warehousing**

(A) Definition. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Section 5.40 **Wholesale**

(A) Definition. On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

Section 5.41 **Wind Energy Conversion System (WECS)**

(A) Definition. A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.

Section 5.42 **Wireless Telecommunication Facility**

(A) Definition. A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services, and which consists of antennae, equipment and storage, and other accessory structures.

(B) Standards. See [Article 12](#).

Article 6: Schedule of Regulations

Section 6.04 Schedule of Regulations for Principal Structures

	Minimum Lot Dimensions		Maximum Structure Height (c)		Minimum Required Setback (in feet)			Maximum Coverage of Lot (%)	Minimum Dwelling Unit Size (Sq. ft)
	Area (Sq. ft.) (a)	Width (Feet)	Stories	Feet	Front Yard	Each Side Yard (b)	Rear Yard		
R-1	20,000	100	2.5	30	42	10(d)	25-35	25%	950
R-2	10,000	75	2.5	30	42	10(d)	25-35	30%	950
R-3	8,700	70	2.5	30	42	7(d)	30	35%	See Footnote
R-4	8,700	70	4	40	42	10	30	45%	
B-1	None	None	None	55	10	5	20	None	None
B-2	None	None	None	55	10	5	20	None	None
I-1	None	None	None	None	50	10	30	75%	None
I-2	None	None	None	None	50	10	30	None	None

FOOTNOTES TO THE SCHEDULE OF REGULATIONS

- (c) **Lot Area.** Net Lot Area shall be used to determine compliance with lot area requirements. No new parcel shall be created unless the parcel has adequate usable lot area, such that the parcel can be built upon in compliance with Zoning Ordinance standards.
- (d) **Setback on Side Yards Facing a Street.** On corner lots the required front setback shall be maintained along each street frontage.
- (e) **Maximum Height to the Peak:** The maximum heights listed in the table shall be measured from grade to the halfway point between the peak and the eaves.
- (f) A side yard may not be less than specified except where it adjoins a street or residential uses, where the minimum width of such shall no be less than 25 feet.
- (g) For Multiple Family Structures, the following dwelling unit sizes shall apply:
 - (1) Efficiency: 400 Square Feet
 - (2) 1 Bedroom: 600 Square Feet
 - (3) 2 Bedroom: 800 Square Feet
 - (4) 3 Bedroom: 1000 Square Feet
 - (5) Each Additional Bedroom shall require an additional 200 Square Feet of habitable space

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Article 7: Zoning District Regulations

Section 7.04 R-1 Single Family – Low Density District

(A) Purpose. The R-1 district is established to encourage the orderly transition of land from agricultural to low density residential use, to provide areas well suited as to location and topography to meet the market demand for large lots, and to prohibit any uses which are incompatible. The principal use of land is for single-family dwellings on large lots where minimum community services may be appropriate.

(B) Minimum lot size.

- (1) **One-family dwellings.** Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 20,000 square feet, a width at the established building line of not less than 100 feet, frontage of not less than 50 feet and a depth of not less than 120 feet. The street and/or highway right-of-way line bordering the front of the lot or parcel of land shall be the point of beginning for the depth measurement required in this subsection.
- (2) **Nonresidential uses.** All nonresidential principal uses of buildings, as permitted in this Section, shall be located on a tract of land having an area of not less than 20,000 square feet, frontage of not less than 50 feet and a width at the established building line of not less than 100 feet.
- (3) **Special uses.** Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 20,000 square feet, frontage of less than 50 feet or a width at the established building line of less than 100 feet.

(C) Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building structure or enlargement:

- (1) **Front yard.** A front yard of not less than 42 feet
- (2) **Side yard.** A side yard on each side of the main building of not less than ten feet; except, where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet.
- (3) **Rear yard.** A rear yard of not less than 20 percent of the depth of the lot; provided, however, that such rear yard shall not be less than 25 feet but need not exceed 35 feet.

(D) Maximum lot coverage. No more than 25 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(E) Building height. No building shall exceed a height of 30 feet or 2 1/2 stories, whichever is lower.

Section 7.05 R-2 Single Family – Medium Density District

(A) Purpose. The R-2 district is established to provide low density areas in which the principal use of land is for single-family dwellings on medium sized lots.

(B) Minimum lot size.

- (1) **One-family dwellings.** Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 10,000 square feet, frontage of not less than 50 feet and a width at the established building line of not less than 75 feet. The street and/or highway right-of-way line bordering the front of the lot or parcel of land shall be the beginning for the depth measurement required by this subsection.

- (2) **Nonresidential uses.** All nonresidential principal uses of buildings as permitted in this Section shall be located on a tract of land having an area of not less than 10,000 square feet, frontage of not less than 50 feet, and a width at the established building line of not less than 75 feet.
 - (3) **Special uses.** Minimum lot sizes for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet or frontage of less than 50 feet.
- (C) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained:
- (1) **Front yard.** A front yard of not less than 42 feet; measured from the front lot line to the house.
 - (2) **Side yards.** A side yard on each side of the main building of not less than ten feet; except, where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet.
 - (3) **Rear yard.** A rear yard of not less than 20 percent of the depth of the lot; provided, however, that such rear yard shall not be less than 25 feet but need not exceed 35 feet.
- (D) **Maximum lot coverage.** Not more than 30 percent of the lot area may be occupied by buildings and structures, including accessory buildings.
- (E) **Building height.** No building shall exceed a height of 30 feet or 2 1/2 stories, whichever is lower.

Section 7.06 **R-3 Mixed Density Residential District**

- (A) **Purpose.** The R-3 district is established as a general residence district to provide for a wider variety of dwelling accommodations with a medium density of dwelling units, to provide for two-family dwellings with adequate open space for family living, to provide for and encourage the redevelopment of older residential districts in the Township, and to provide for a transition between nonresidential areas and single-family areas of lower density.
- (B) **Minimum lot sizes.**
- (1) **One-family and two-family dwellings.** Every one-family detached dwelling or two-family dwelling hereafter erected or structurally altered shall be located on a lot having an area of not less than 8,700 square feet, frontage of not less than 50 feet and a width at the established building line of not less than 70 feet.
 - (2) **Alteration of existing residential buildings.** Existing residential buildings in the R-3 district may be altered to provide for not more than two dwelling units, provided that no existing residential building is altered in such a way as to conflict with or further conflict with the requirements in subsection (B)(1) of this section.
 - (3) **Special uses.** Minimum lot sizes for special uses shall be prescribed at the time a special use permit is authorized, but in no case shall any such lot be less than 8,700 square feet, have a frontage of less than 50 feet, or have a width at the established building line of less than 70 feet.
- (C) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained:
- (1) **Front yard.** A front yard not less than 42 feet deep shall be provided.
 - (2) **Side yards.** In the R-3 district, the minimum side yard requirements for permitted uses shall not be less than the following:

- (c) **One-family and two-family dwellings.** For one-family and two-family buildings, the same regulations apply as permitted or required in the R-2 one-family residence district.
- (d) **Nonresidential buildings.** For each permitted nonresidential building, interior side yards on each side of the building shall not be less than 15 feet plus one foot for each two feet by which the building height exceeds 15 feet.
- (e) **Special uses.** For special uses, the interior side yards shall be as specified in the special use permit, but in no case shall the interior side yards be less than those specified for nonresidential buildings in subsection (d)(iii) of this Section.
- (f) **Minimum corner side yards.** In an R-3 district, the minimum corner side yard requirements for permitted uses shall be not less than the following:
 - (i) **One-family and two-family dwellings.** For one-family and two-family dwellings, the same regulations shall apply as permitted or required in the R-2 district.
 - (ii) **Reverse corner lots.** For reverse corner lots, there shall be maintained a setback from the side street of not less than 50 percent of the front yard required on the lots in the rear of such corner lots, but such setbacks need not exceed 25 feet. No accessory building on the reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, or be located nearer than ten feet to the side lot line of the adjacent lot.
 - (iii) **Nonresidential uses.** For permitted nonresidential uses, the minimum corner side yards shall be not less than 25 feet plus one foot for each two feet by which the building height exceeds 15 feet.
 - (iv) **Special uses.** For special uses, corner side yards shall be as specified in the special use permit, but in no case shall such side yards be less than that specified for nonresidential buildings in subsection (d)(iii) of this Section.

(3) **Rear yard.** There shall be a rear yard of not less than 30 feet.

(D) **Maximum lot coverage.** Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(E) **Building height.** No building shall exceed a height of 30 feet or 2 1/2 stories, whichever is lower.

Section 7.07 **R-4 Multi-Family Residential District**

(A) **Purpose.** The R-4 district is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units for multiple-family dwellings with adequate open space for family living, to provide for and encourage the redevelopment of older residential districts in the Township, and to provide for a transition between nonresidential areas and single-family areas of lower density.

(B) **Minimum lot sizes.**

- (1) **One-family detached dwellings.** Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 8,700 square feet, frontage of not less than 50 feet and a width at the established building line of not less than 70 feet.
- (2) **Multiple-family dwellings.** All structures or buildings containing four or more dwelling units shall be located on a lot which provides a minimum lot area per dwelling unit as follows:

Type of Dwelling Unit	Land Area per Dwelling Unit (square feet)
More than 4 bedrooms	4,000
4 bedrooms	3,000
3 bedrooms	2,700
2 bedrooms	2,400
1 bedroom and efficiency	2,100

However, in no case shall there be a lot area of less than 8,700 square feet, frontage of less than 50 feet or a width at the established building line of less than 70 feet. Existing residential buildings in the R-4 district may be altered to provide for not more than four dwelling units, provided that no existing residential building is altered in such a way as to conflict with or further conflict with the requirements of this subsection.

- (3) **Nonresidential uses.** All nonresidential principal uses permitted in this district shall be located on a lot having an area of not less than 8,700 square feet, frontage of not less than 50 feet and a width at the established building line of not less than 70 feet.
- (4) **Special uses.** Minimum lot sizes for special uses shall be prescribed at the time a special use permit is authorized, but in no case shall any such lot be less than 8,700 square feet, have frontage of less than 50 feet or have a width at the established building line of less than 70 feet.

(C) Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained:

- (1) **Front yard.** A front yard shall be provided of not less than 42 feet plus one additional foot of front yard for each two feet over 30 feet in building height.
- (2) **Side yards.** In the R-4 district, the minimum side yard requirements for permitted uses shall be not less than the following:
 - (c) **Multifamily dwellings.** For buildings containing three or more dwelling units, there shall be a side yard on each side of each building of ten feet plus five additional feet for each additional story above two stories in height.
 - (d) **Nonresidential buildings.** For permitted nonresidential buildings, side yards on each side of the building shall not be less than 15 feet plus one foot for each two feet by which the building height exceeds 15 feet.
 - (e) **Special uses.** For special uses, side yards shall be as specified in the special use permit, but in no case shall the side yards be less than those specified for nonresidential buildings in subsection (e)(iii) of this section.
 - (f) **Minimum corner side yard.** In an R-4 district, the minimum corner side yard requirements for permitted uses shall be not less than the following:

- (i) **Multifamily dwellings.** For buildings containing three or more dwelling units, the minimum corner side yard shall be ten feet, except that buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 15 percent of the building width or 30 percent of the building height, whichever is greater.
- (ii) **Reversed corner lots.** For reversed corner lots, there shall be maintained a setback from the side street of not less than 50 percent of the front yard required on the lots in the rear of such corner lots, but such setbacks need not exceed 25 feet. No accessory building on such reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, or be located nearer than ten feet to the side lot line of the adjacent lot.
- (iii) **Nonresidential uses.** For permitted nonresidential uses, the minimum corner side yard shall be 25 feet plus one additional foot for each two feet by which the building height exceeds 15 feet.
- (iv) **Special uses.** For special uses, corner side yards shall be as specified in the special use permit, but in no case shall such side yards be less than that specified for nonresidential buildings in subsection (C)(2)(e)(iii) of this section.

(3) **Rear yard.** There shall be a rear yard of not less than 30 feet.

(D) **Maximum lot coverage.** The principal building shall not cover more than 45 percent of the lot area; provided, however, that a one-story attached garage shall be considered an accessory building and not part of the principal building.

(E) **Building height.** No building shall exceed a height of 40 feet or four stories, whichever is lower.

Section 7.08 **B-1 Limited Business District**

(A) **Purpose.** The B-1 district is established to provide areas for a limited range of retail stores and personal service establishments which are desirable to provide for both day-to-day and occasional shopping needs for the immediate neighborhood.

(B) **Yard area.**

(1) **Transitional yards.** Where a B-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

- (c) Where lots in a B-1 District front on the street and at least 80 percent of the frontage directly across the street between two consecutive intersecting streets is in a residence district, the front yard regulations for the residence district shall apply to the lots in the business district.
- (d) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Chapter for a residential use on the adjacent property in residence district.
- (e) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Chapter for a residential use on the adjacent property in the residence district.
- (f) In a B-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth.

(g) In a B-1 District, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residence district, a yard of not less than ten feet shall be provided.

(h) Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 8.03 (e).

(2) **Side yards.** If an interior side yard is provided, it shall be not less than five feet wide.

(3) **Rear yard.** A rear yard of not less than 20 feet in depth shall be provided.

(C) **Signs.** Signs shall be permitted as allowed in Article 10 of this chapter.

(D) **Off-street parking and loading.** Parking and loading facilities shall be provided as required or permitted in Article VII of this Chapter.

(E) **Building height.** The height of any structure shall not exceed 55 feet, except as provided in this Chapter.

(F) **Conditions of use.** All permitted uses in this district, except residence district uses, shall be retail and shall be subject to the following conditions:

(1) There shall be no manufacture, processing or treatment of products other than those which are clearly indicated and essential to the retail business conducted on the same premises.

(2) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, or vibrations or other similar causes.

(3) All outside storage of refuse material shall be containerized.

Section 7.09 **B-2 General Business District**

(A) **Purpose.** The B-2 District is established to provide additional business and commercial uses and limited service uses not permitted in the B-1 District, and to provide for a greater bulk and intensity of use of land and buildings.

(B) **Yard areas.** All yard regulations shall be the same as required in the B-1 Retail Business District.

(C) **Signs.** Signs shall be as permitted in Article 10 of this Chapter.

(D) **Off-street parking and loading.** Parking and loading facilities shall be provided as required or permitted in Article 9 of this Chapter.

(E) **Building Height.** Height regulations shall be the same as required in the B-1 Retail Business District.

Section 7.10 **I-1 Limited Industrial District**

(A) **Purpose.** The I-1 Limited Industrial District is established to provide areas for industrial concerns whose operations are of a high performance standard, to ensure that operations will be conducted without substantial annoyance or inconvenience to the owners of surrounding property or the users of surrounding highways or streets, and to prevent adverse effects upon surrounding public or private property.

(B) **Off-street parking and loading.** Off-street parking and loading shall be as permitted or required in Article 9 of this Chapter.

(C) Conditions of use. All permitted uses are subject to the following conditions:

- (1) All local, county, state and federal laws, rules and regulations must be strictly adhered to as to the emission of odor, dust, smoke, gas, noise, vibration and the like.
- (2) All business, production, servicing, processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of a residence district, all storage shall be in completely enclosed buildings or structures. Storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least six feet high, and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles may be not enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Article 9 of this Chapter.

(D) Yard areas. No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building:

- (1) **Front yard.** On every zoning lot, a front yard of not less than 50 feet in depth shall be provided. However, where lots within the same block and composing 40 percent of the frontage on the same street are already developed on the effective date of the ordinance from which this Chapter is derived with front yards with an average depth shall be the required front yard depth for such frontage in such block. No industrial building or a portion thereof, or any accessory building in connection therewith, shall be hereafter erected in front of a building or setback line.
- (2) **Side yards.** A side yard ten feet deep is required, except on the side of a lot adjoining a residence district, in which case there shall be a side yard of not less than 40 feet.
- (3) **Rear yard.** On every zoning lot there shall be a rear yard of not less than 30 feet, except, where a use in the I-1 limited industrial district is adjacent to a residence district, a rear yard shall be provided and maintained of not less than 50 feet.

(E) Maximum lot coverage. No building with its accessory buildings and accessory uses, including parking facilities, driveways and roadways, outside storage areas, railroad sidings, outside truck berths and other accessory uses, shall occupy in excess of 75 percent of any lot or tract.

Section 7.11 **I-2 General Industrial District**

(A) Purpose. The I-2 General Industrial District is established to provide areas in which a wide variety of intensive industrial concerns may be located, to provide performance standards that will adequately protect the community, and to provide regulations to ensure adequate open space between uses and between the boundaries of the I-2 General Industrial District and other established uses.

(B) Off-street parking and loading. Off-street parking and loading shall be as permitted or required in Article 9 of this Chapter.

(C) Conditions of use. Permitted uses are subject to the following conditions:

- (1) All local, county, state and federal laws, rules and regulations must be strictly adhered to as to the emission of odor, dust, smoke, gas, noise, vibration and the like.
- (2) Within 150 feet of a residence district, production, processing, servicing and fabrication shall take place or be within completely enclosed buildings or structures unless otherwise specified. All exterior storage within 150 feet of a residence district shall be enclosed with a solid wall or fence to a height of such stored materials. Off-street parking and off-street loading facilities may be not enclosed except for such screening and improvements as may be required under the provisions of Article 9 of this Chapter.

(D) **Yard areas.** All yard areas shall be the same as required in the I-1 Limited Industrial District.

Section 7.12 Floodplain Regulations

(A) **Purpose.** To designate an enforcing agency to discharge the responsibility of the Charter Township of St. Joseph located in Berrien County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended. The Charter Township of St Joseph ordains:

- (1) **Agency designated.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Charter Township of St. Joseph is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of St. Joseph under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Charter Township of St. Joseph assumes responsibility for the administration and enforcement of said Act throughout its corporation limits.
- (2) **Code appendix enforced.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Charter Township of St. Joseph.
- (3) **Designation of regulated flood prone hazard areas.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Berrien County, Michigan And Incorporated Areas" and dated April 17, 2006, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of:

St. Joseph Charter Township:	260210084C
	260210092C
	260210101C
	260210102C
	260210103C
	260210104C
	260210112C
	260210115C

and dated April 17, 2006 are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code and part of section 46-263 of the F-1 Floodplain Overlay District.

(B) **Delineation of district.**

- (1) The Floodplain District shall overlay existing zoning districts delineated on the official Township Zoning Map. The boundaries of the floodplain overlay district shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood boundary in the report entitled "The Flood Insurance Study, St. Joseph Charter Township," dated June 18, 1980, with accompanying flood insurance rate, flood boundary and floodway maps. The boundaries designate a regulatory floodplain and shall coincide with the 100-year flood boundary indicated on the flood boundary and floodway map. The study and accompanying maps are adopted by reference, appended and declared to be a part of this Chapter. The term "Floodplain District," as used in this Chapter, shall mean the floodplain overlay district and shall be the designated regulatory floodplain.
- (2) Where there are disputes as to the location of a floodplain overlay district boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute in accord with the following rules:

(c) Where disputes arise as to the location of the floodplain overlay district boundary or the limits of the floodway, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Emergency Management Agency. Where Federal Emergency Management Agency information is not available, the best available floodplain information shall be utilized.

(d) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Emergency Management Agency floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Emergency Management Agency.

(e) All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

(3) In addition to other requirements of this chapter applicable to the development on the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within the Floodplain Overlay Zone. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.

(C) Permitted uses. Notwithstanding any other provisions of this chapter, no building or structure shall be erected, converted or structurally altered and no land and/or structure shall be used in the Floodplain District except for one or more of the following uses:

- (1) Gardening, horticulture, and open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle paths and nature paths are permitted.
- (2) In the area outside the 100-year floodplain, uses permitted by the Zoning District otherwise established for the lot are permitted, subject to the regulations of such district: provided, however, the elevation of the lowest floor designed or intended for human use or habitation, including basements, shall be at least three feet above the elevation of the nearest point of the 100-year floodplain designated in subsection (b) of this Section.
- (3) In the area within the 100-year floodplain, land may be used to supply open space or lot area requirements of a lot partially located outside; provided, however, no building or structure shall be located within the 100-year floodplain.

(D) Accessory uses. Within the 100-year floodplain area, off-street parking is permitted as a use accessory to a principal use outside the 100-year floodplain on the same lot. However, no building, structure, or equipment other than boundary monuments are permitted within the 100-year floodplain as an accessory use.

(E) Special uses.

- (1) In the area within the 100-year floodplain, dumping or backfilling with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met.
- (2) In the area within the 100-year floodplain, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain. In addition, all equipment shall be anchored to prevent flotation and lateral movement. Approval of a special use permit for any of such uses shall be subject to an engineering finding by a registered engineer that the requirements of this subsection are satisfied, subject to approval by the Township engineer.

- (F) **Construction.** No building or structure shall be erected, converted or structurally altered or placed and no land filled or structure used in a floodplain district unless a permit therefor shall have first been obtained from the Zoning Administrator after due compliance is shown with all Township ordinances, state statutes and federal regulations.
- (G) **Utilities.** All on-site new and replacement water and sewer systems and appurtenances in the floodplain shall be designed to minimize infiltration of floodwater and so constructed so as to avoid impairment that might otherwise result from flooding.
- (H) **Alteration of watercourses.** No alteration of any watercourse in the floodplain district shall be undertaken unless and until neighboring communities and the state department of natural resources shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. Such plans shall show full compliance with local ordinances, state statutes, state regulatory agencies and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered watercourse.
- (I) **Violations; enforcement.** Any building or structure which is erected, altered, maintained or changed in violation of any provision of this section is hereby declared to be a nuisance, per se. The Township Board and the duly authorized attorney for the Township and the prosecuting attorney for the county may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use of lands in the floodplain district.
- (J) **Disclaimer of liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this section shall not be considered a guarantee or warranty or safety from flood damage. This section does not imply that areas outside the flood hazard area will be free from flood damage. This section does not create liability on the part of the Township or any officer or employees thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

Article 8: Planned Unit Development

Section 7.01 Purpose

The purpose of Planned Unit Development (PUD) is to promote orderly property development through creative and flexible planning. This approach establishes development standards for cohesive neighborhoods, encourages variety in dwelling types and land uses, ensures sufficient open space and natural feature preservation, minimizes traffic congestion, protects residential areas from incompatible uses, and promotes the general welfare of the community.

Section 7.02 Basic Provisions and Requirements

- (A) A PUD shall contain a minimum of one (1) acre and may combine one or more land uses or building types, including: single-family attached and detached residential, multifamily residential, education, business, commercial, industrial, recreation, park, and common use areas.
- (B) A PUD shall be reviewed as a rezoning request pursuant to Article 2, Section 2.03.
- (C) The PUD may be excluded from subdivision regulations (Chapter 34) and dimensional standards of this Chapter to the extent specified in the final PUD Development Agreement.
- (D) The PUD shall be consistent with the goals and objectives of the Master Plan and Future Land Use Map. Development shall provide appropriate public services and utilities, preserve open space where beneficial, and maintain the scale and character of the Township.
- (E) Development shall be designed so that proposed uses, buildings, and improvements relate compatibly to each other and to adjoining existing uses.

Section 7.03 Eligibility

- (A) All zoning districts are eligible for PUD, provided the PUD contains a minimum of one (1) acre in area.
- (B) Uses permitted and uses permitted subject to special land use in the underlying zoning district are eligible within the PUD.
- (C) Uses permitted and uses permitted subject to special land use listed in districts outside of the subject site(s) may be considered as provided below and per Section 7.05:
 - (1) Harmonious Relationship. There shall be a reasonably harmonious relationship between the location of buildings and uses on the site relative to buildings and uses on lands in the surrounding area.
 - (2) Combination of Residential and Non-Residential Uses. Residential and non-residential uses may be permitted together on the same site in a PUD development, provided that the residential and non-residential uses are carefully integrated in a manner that is consistent with the goals and objectives of the Master Plan so as to create a high-quality living environment.

Section 7.04 Height, Bulk, Density and Area Standards

The standards for height, bulk, density, and setbacks of each underlying zoning district shall be applicable within each district area designated on the plan, except as specifically modified and noted on the PUD site plan and narrative.

Section 7.05 PUD Review and Approval Standards

(A) General Standards: Planned Unit Development proposals shall include a development concept plan to the Planning Commission for feedback, followed by a detailed site plan that accompanies the PUD rezoning request. Alternatively, the Applicant may submit a full detailed site plan to the Planning Commission seeking recommendation to the Township Board for the rezoning and simultaneous site plan approval.

To be eligible for detailed site plan approval with PUD rezoning, the following findings shall be made in the affirmative by the Planning Commission in its recommendation to the Township Board. The Township Board shall also find in the affirmative, the following:

- (1)** The proposed detailed PUD site plan and land use program will not materially add service and facility loads beyond those considered in the Master Plan, and other public agency plans, unless the applicant can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated.
- (2)** A proposed PUD development shall be consistent with the goals and objectives and shall not have an adverse impact upon the Master Plan for the Township.
- (3)** The PUD development shall improve the appearance of the Township through quality building design and site development; the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and/or the provision of open space or other desirable features of a site beyond minimum requirements.
- (4)** The project as a whole promotes desirable economic development to such an extent, and the economics of the project are such, that a variation from a strict application of the height and story limitations is appropriate under the circumstances.
- (5)** Problems or constraints presented by applicable zoning provisions shall be identified in the application. Any permission given for any activity, building, dimensional requirement, or use not normally allowed shall result in an improvement to the public health, safety, and welfare of the area affected.
- (6)** For any PUD requesting to vary the underlying dimensional, density or use mix, a statement justifying the departures shall be provided and address the following review standards. During their review of the PUD, the Planning Commission and Township Board shall find in the affirmative all of the applicable standards to be met.

(B) Specific Review Standards by Deviation Type:

(1) Use deviations may be considered in any proposed PUD project with the following requirements:

- a. Land use patterns established by the PUD development shall be compatible with existing and planned uses on and adjacent to the site.
- b. Buffering and setbacks shall be used as a means to ensure that adjacent uses are not impacted by use deviations in the underlying Master Plan Land Use designation or underlying Zoning District.

(2) Height deviations may be considered with the following requirements:

a. In no instance shall height exceed thirty-five feet (35') nor three (3) stories, which includes any appurtenances above the roofline.

(3) Dimensional deviations may be considered in any proposed PUD project with the following requirements:

a. For site dimensional deviations, changes shall be in keeping with other similar uses facing the same street and the historic pattern of development in the Township such that a variation from a strict application of the setback limitations is appropriate under the circumstances.

b. That the modified setback will not cause a safety or fire hazard based on input received from St. Joseph Township Public Safety.

~~c. That the project as a whole promotes a desirable development and surrounding neighborhood to such an extent that a variation from a strict application of the ordinance is warranted.~~

(4) Density deviations may be considered with the following requirements:

a. There are dedications of open space within the proposed project. Open space shall be provided as follows: for every one dwelling unit increase in density, fifty percent (50%) of the same base lot area requirement shall be provided in dedicated and permanently preserved open space.

b. Open space shall include any area outside of the required setbacks.

c. Overall density in the project shall not exceed 1.5 times the density permitted in the underlying base district.

(C) The PUD shall aim to achieve the following objectives through design to the best of their ability:

(1) To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.

(2) To permanently establish land use patterns which are compatible with, or which will protect, existing or planned uses.

(3) To dedicate or set aside open space areas for public use in perpetuity through a conservation easement or other means acceptable to the Township.

(4) To provide alternative uses for lots that must provide transition buffers to adjacent properties.

(5) To foster the aesthetic appearance of the Township through high-quality building design and site development; and by providing trees and landscaping beyond minimum requirements; and to preserve any unique and/or historic features on the site; and to provide other desirable features of a site beyond minimum requirements.

(6) To bring about the redevelopment of sites where an orderly change of use or requirements is determined to be desirable and in the public interest.

(7) To provide a diverse mix of housing options, price points, and opportunities to rent or purchase.

Section 7.06 PUD Application Requirements

PUD applications shall follow the zoning map amendment procedures, as outlined in Article 2, Section 2.03. Additionally, the following may be required:

- (A) A market study, traffic impact study, utility capacity assessment, and/or environmental impact assessment, if requested by the Planning Commission or Township Board.
- (B) Building renderings and elevations, including identification of proposed materials.

Section 7.07 PUD Application Review Procedures

The PUD application review procedures follow four (4) primary steps: 1) submission of PUD plan and rezoning application materials, 2) completeness review with Zoning Administrator, 3) Planning Commission public hearing, review, and recommended approval, approval with conditions or denial of the PUD, and 4) Township Board final review and approval or denial of the PUD with or without conditions. An applicant may choose to have an informal concept plan review with the Planning Commission prior to full detailed site plan submission to the Planning Commission.

- (A) **Completeness Review:** Upon submission of a PUD application, the Zoning Administrator shall perform a completeness review. The completeness review will determine if all required elements of the PUD submittal, including required detailed site plan contents, are submitted. Site plan contents includes items listed in Article 2, Section 2.05 (D), as well as the following:
 - (1) Proof the Qualifying Standards in Sections 7.03 and 7.05 are or will be met.
 - (2) A conceptual land use plan or site plan containing enough detail to explain the role of open space; location and description of land use areas, streets providing access to the site, and pedestrian and vehicular circulation within the site; unit density and types; and buildings or floor areas contemplated, as applicable.
 - (3) A comparison of the proposed project and a by-right project to determine base density and use mix, as well as a table of the proposed dimensional deviations compared to the underlying zoning district(s).
 - (4) A plan to protect natural features or preservation of open space or greenbelts, and identification of open space areas if base density is proposed to change.
 - (5) If the applicant is pursuing a preliminary concept plan for review only, prior to PUD rezoning and site plan, grading and drainage plans shall not be required.
 - (6) The Planning Commission shall review the applicant's request. If the applicant is first providing a concept plan, the Planning Commission may pose questions to the applicant and offer discussion; however, the Planning Commission shall not be bound to comments made.
 - (7) If the applicant opts to proceed to site plan review and rezoning to PUD, without a concept plan review, the Planning Commission shall follow the site plan and rezoning procedures with public hearing, review, and recommendation to the Township Board.

Section 7.08 PUD Application Review Process

The review of a PUD application by the Planning Commission and Township Board shall follow the procedures below and shall be treated as a rezoning to the land to the PUD district.

- (A) Review.** Upon notification from the Township Zoning Administrator and/or Building Official of a complete PUD plan application the Planning Commission shall review the proposed PUD plan and make a determination about the adherence to the following objectives and requirements following a public hearing:
- (1)** The proposed PUD adheres to the Qualifying Standards in Sections 7.03 and 7.05 for PUD and promotes the land use goals and objectives of the Township.
 - (2)** The proposed PUD meets the applicable deviations review criteria for density, dimensional standards and/or use mix and all standards included in Section 7.05.
 - (3)** All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands within the PUD area.
 - (4)** At the time of development there will be an acceptable means of disposing of sanitary sewage, and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services.
- (B) Public Hearing.** The Planning Commission shall hold a public hearing on the PUD plan and shall give notice as provided in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
- (C) Recommendation.** After the review and public hearing, the Planning Commission shall submit its findings and recommendation to the Township Board for final determination.
- (D) Township Board Review and Determination.** Upon receipt of the findings of fact and recommendation of the Planning Commission, the Township Board shall review the application. Within a reasonable time after the public hearing, the Township Board shall make a determination as to whether to approve or deny the application, and any applicable conditions. Simultaneously with its decision, the Township Board shall issue a report making a finding of facts, and stating its conclusions, its decision, the basis for its decision and any conditions imposed, if approved. If approved, the Township Board shall state in its report why a variation from any of the requirements of the Zoning Code is appropriate in this case. The decision of the Township Board shall be final, and the Zoning Board of Appeals shall not have jurisdiction to hear an appeal of the Township Board's decision.
- (E) Following denial of a Planned Unit Development application, no substantially similar application shall be accepted for review for a period of twelve (12) months, except where the applicant demonstrates, to the satisfaction of the reviewing authority, that the revised proposal materially addresses the findings of denial.**

Section 7.09 Development Agreement

- (A)** If the Township Board approves the application, it shall direct the Township attorney to prepare a PUD Development Agreement setting forth the conditions on which such approval is based. The PUD Development Agreement shall:
- (1)** Be signed by the Supervisor, Township Clerk and the applicant.
 - (2)** Become effective on execution after its approval.
 - (3)** Be recorded at the Berrien County Register of Deeds' office by the applicant who shall provide a copy of the record to the Township within forty-five (45) days of Township Board approval.

- (4) Limit the development and uses that may take place in such area to those expressly permitted under the PUD Development Agreement unless otherwise amended following the procedures in this Section.

Section 7.10 Submission of Final Site Plans for Permitting

- (A) Before any zoning or building permits are issued for the PUD, final site plans for the project area shall be submitted to the Township for review and approval by the Planning Commission of the following:
 - (1) Review and approval of site plan shall comply with Article 8, as well as this section except as otherwise modified in the approved plan and the PUD Development Agreement.
 - (2) Before approving any site plan, the Planning Commission shall decide that:
 - a. All portions of the project area shown on the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses under the PUD Development Agreement.
 - b. The site plan is in conformity with the approved Development Agreement and plan for the PUD.
 - c. Provisions have been made under the PUD Development Agreement to provide for the financing of any improvement shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PUD Development Agreement.
 - d. A copy of the as-built drawing shall be submitted to the Township.

Section 7.11 Termination and Expiration

An approved PUD Development Agreement may be terminated or expire in the following ways:

- (A) An applicant or the applicant's successors or assigns may choose to terminate a PUD Development Agreement before any development within the area involved, by filing with the Township and recording at the Berrien County Register of Deeds an Affidavit so stating. The approval of the plan under the PUD agreement shall terminate on such recording.
- (B) No approved plan under a PUD Development Agreement shall be terminated after development begins except with the approval of the Township Board and of all parties with interest in the land.
- (C) Within one year following execution of the PUD Development Agreement by the Township Board, approved site plans for an area included within the PUD must be filed with the Township. If such plans have not been filed within one year, the rights to develop the approved plan under the PUD Development Agreement shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the Township Board. The Township Board may authorize one extension of up to one year.
- (D) If development of the approved site plan is not substantially completed in three years after approval, further final submittals under the PUD shall stop until the part in question is completed or cause can be shown for not completing same.

Section 7.12 Fees and Performance Guarantees

Fees and performance guarantees associated with the review and approval of a PUD application shall be consistent with those established by the Township Board, and paid at the time of submittal.

Section 7.13 Construction Improvements

The applicant for approval of a planned unit development shall construct and install the required improvements and must post with the Township a sum in cash or negotiable securities, or a surety bond running to the Township, in an amount sufficient to cover the full cost, including engineering and inspection fees and costs, plus ten percent of such total, to ensure the satisfactory installation of such improvements. The amount of such deposit or bond shall be based upon the confirmed estimate of cost provided for in Section 7.04. If a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the supervisor and Township Board. If the planned unit development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based upon the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the Township Board. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act (MCL 560.101 et seq.).

Section 7.14 Amendment to PUD

Proposed amendments or changes to an approved PUD plan and or PUD Development Agreement shall be presented to the Planning Commission who shall decide whether the proposed modification is of minor or major nature based on the following:

- (A) Minor Amendment: If determined to be a minor amendment, the Planning Commission may review and approve or deny the request. The PUD Development Agreement shall be modified to reflect any approved minor amendment. Examples of minor amendments include but are not limited to:
- (1) Small building changes: Slight adjustments to the location of buildings (e.g., up to 5-10 feet) or a small increase or decrease in floor area (e.g., up to 3-10% or a specified square footage amount).
 - (2) Internal parking adjustments: Rearranging a parking lot's internal layout as long as the total number of spaces and access points are unaffected.
 - (3) Minor landscaping changes: Replacing approved plantings with similar types of vegetation.
 - (4) Relocation of site features: Moving accessory structures, utilities, walkways, or parking lots less than 5'.
 - (5) Safety requirements: Changes requested by a government agency for safety reasons.
- (B) Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing and shall make a recommendation to the Township Board to approve or deny the request. The Township Board shall have the final determination to approve or deny a major amendment request. The PUD Development Agreement shall be modified to reflect any approved major amendment.

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Article 9: Supplemental District Regulations

Section 9.04 Scope of District Regulations

Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring thereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations in this chapter which are applicable to the zoning district in which such buildings, uses, or land shall be located.

Section 9.05 Use and Bulk Regulations

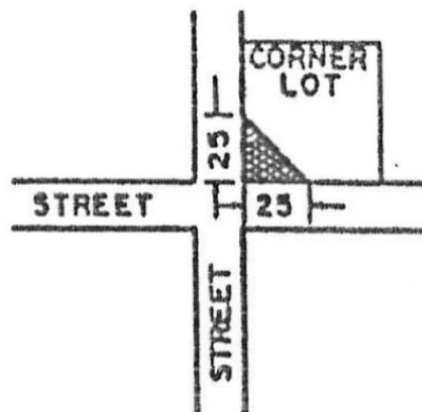
- (A) **Use regulations.** No building, structure or land shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with regulations specified in this chapter for the district in which it is located.
- (B) **Bulk regulations.** All new buildings and structures shall conform to the building regulations established in this chapter for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Township.

Section 9.06 Lot Coverage

- (A) **Preservation of yards, courts and other open space.** The maintenance of yards, courts and other open spaces and minimum lot area required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. No legally required yards, courts, or other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any reason be used to satisfy yard, court or other open space or minimum lot area requirements for any other building.
- (B) **Division of zoning lots.** No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. (See the Township Clerk for procedures for land splits.)
- (C) **Location of required open space.** All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- (D) **Required yards for existing buildings.** No yards now or hereafter provided for a building existing on the effective date of the ordinance from which this Chapter is derived shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this chapter for equivalent new construction.
- (E) **Permitted obstructions in required yards.** The following shall not be considered to be obstructions when located in the required yards as specified:
 - (1) **All yards.** In all yards:

Open terraces or decks not over two feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch. The two foot threshold shall be measured from grade to the floor of the deck.

- (c) Awnings and canopies not projecting more than ten feet, and at least seven feet above the average level of the adjoining ground.
 - (d) Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - (e) Chimneys projecting 18 inches or less into the yard.
 - (f) Arbors, trellises, flagpoles, fountains, sculptures, plant boxes and other similar ornamental objects.
 - (g) **Fences and walls.** Fences and walls shall not exceed six feet in height in any location, and shall not exceed four feet in height when located in the front yard.
- (2) **Front yards.** In front yards, one-story suspended bay windows projecting three feet or less into the yard, and overhanging eaves and gutters projecting three feet or less into the yard.
- (3) **Rear yards.** In rear yards, enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory sheds, tool rooms and similar buildings or structures for domestic or agricultural storage, balconies, breezeways and open porches, and one-story bay windows projecting three feet or less into the yard. In any residential district, no accessory building shall be nearer than five feet to the side lot line, or nearer than five feet to the rear lot line, or nearer than ten feet to any principal building unattached to the accessory building.
- (4) **Side yards.** In side yards, overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding four feet.
- (5) **Vision clearance on corner lots.** No building or structure hereafter erected and no planting or other obstruction to the vision of persons lawfully using the public streets shall be located:
- (a) In any residential district exceeding a height of three feet above the street grade within 25 feet of the intersecting right-of-way lines bordering corner lots; and
 - (b) In any manufacturing district within 25 feet of the intersecting right-of-way lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.



Section 9.07 Access to Public Streets

Except as otherwise provided for in this Chapter, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street, unless a permanent easement of access to a public street was of record prior to the adoption of the ordinance from which this chapter is derived.

Section 9.08 **Number of Buildings on Lot**

Except in the case of a planned development, not more than one principal detached residential building shall be located on a residential lot, nor shall a principal detached building be located on the same zoning lot with any other principal building. For regulations pertaining to accessory buildings, see [Section 8.07](#).

Section 9.09 **Rezoning of Public and Semipublic Areas**

An area indicated on the Zoning Map as a public park, recreation area, public school site, cemetery or other similar open space shall not be used for any other purpose than that designated, and when the use of the area is discontinued it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Township Board within three months after the day the application is filed for rezoning.

Section 9.10 **Accessory Buildings**

- (A) **Location.** When a side yard is required, no part of an accessory building shall be located closer than five feet to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no detached accessory building shall be closer than ten feet to the principal building. Except on a through lot as described in Subsection B, no accessory building shall be located in a front yard (in front of the front building line of the principal building on any zoning lot).
- (B) **Corner or Through Lots.** Accessory buildings must meet the same required setback from the secondary street frontage line as principal buildings in the zoning district they are located within. See Article 5.
- (C) **Swimming Pools.** All swimming pools, including in-ground swimming pools, shall meet all setback requirements for accessory buildings.
- (D) **Number.** On lots which are one acre or less in size, one accessory building is allowed. On lots that are greater than one acre in size, two accessory structures are allowed.
- (E) **Time of construction.** No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- (F) **Percentage of rear yard occupied.** No accessory building shall occupy more than 40 percent of the area of a required yard.
- (G) **Height of buildings in rear yard.** No accessory building or portion thereof located in a required rear yard shall exceed 15 feet in height.

Section 9.11 **Temporary Buildings for Construction Purposes**

Temporary buildings for construction purposes may be allowed in any district for a period not to exceed the completion date of such construction.

Section 9.12 **Home Occupations**

- (A) **Compliance.** Home occupations complying with the criteria established herein, may be allowed after receipt of a home occupation permit issued by the Building Official. Notwithstanding anything in this Chapter to the contrary, home occupations shall include the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence; provided, however, that this provision does not prohibit the regulation of noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of such a residence for such a home occupation.

(1) **Procedures.**

- (c) Applications must be filed by the home owner requesting the home occupation permit; the fee is received by St. Joseph Charter Township.
 - (d) The Building Official must do an on site inspection to ensure all applicable safety and building codes that would affect home occupations are adhered to.
 - (e) The Building Official shall make recommendations for approval and/or denial of home occupation based on the findings of the inspections and/or required credentials.
 - (f) The Building Official's recommendation will be heard by the Township Board for approval or denial (if denied the decision may be appealed to the Zoning Board of Appeals (ZBA).
 - (i) Home occupations that impact or affect surrounding properties will be recommended to the Planning Commission and will require a public hearing as determined by the Building Official.
 - (ii) Home occupations that do not impact or affect surrounding properties but meet criteria, state licensing requirements, etc. will be inspected by the Building Official.
 - (iii) The Building Official's recommendations for these types of home occupations will go directly to the Township Board for approval or denial.
 - (g) Final decision of all recommendations of the Building Official and/or Planning Commission will be made by the Township Board.
 - (h) Existing home occupations or special use for home occupation must be renewed annually by application and pay a renewal fee as set by action of the SJCT board. Providing there are no changes to the home occupation or special use for home occupation request the Building Official can renew without Planning Commission or Township Board approval.
 - (i) Notification must be given to the Township in writing to cancel a home occupation permit.
 - (j) Home occupation permits are non-transferable.
- (2) **Application.** Application for a home occupation permit shall be made to the Building Official on a form provided by St. Joseph Charter Township and shall be accompanied by the prevailing non-refundable filing fee as established by resolution of the Township Board. The Building Official shall make a decision and notify the applicant of same in writing, within five calendar days.
- (3) **Time limit.** All home occupation permits shall be valid to the original applicant for a period of one year from initial date of approval.
- (4) **Voiding of permit.** The Building Official may void any home occupation or special use for home occupation permit for noncompliance with the criteria set forth in this Chapter. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and said use shall be terminated.

- (5) **Appeal to Zoning Board of Appeals.** The decision of the Building Official concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Board of Appeals within ten calendar days after the decision is made and written notice is given to the applicant. An appeal may only be filed by the applicant, property owners within 1,000 feet of the subject property, or the Township Board,.
- (6) **Inspection.** Home occupation applicants shall permit a reasonable inspection of the premises by the Building Official to determine compliance with this chapter.
- (7) **Renewal.** A home occupation permit or special use for home occupation permit shall be renewed annually by the original applicant, provided there has not been any violation of the provisions of the chapter. Requests for renewal shall be submitted to the Zoning Administrator in writing, 30 days prior to the expiration of the home occupation permit and shall be accompanied by the prevailing renewal fee as set by action of the SJCT board, as established by the Township Board resolution.
- (B) Criteria for home occupations.** Home occupations shall be allowed by permit if in conformance with all of the following regulations:
- (1) No person other than the occupants residing on the premises shall work on the premises in such home occupation.
 - (2) 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 25 percent of the habitable space of the dwelling unit shall be used in the conduct of the home occupation.
 - (3) 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. There shall be no advertising, display, or other indications of a home occupation on the premises.
 - (4) No traffic shall be generated by such home occupation in greater volume 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.
 - (5) No equipment or process shall be used in such home occupation, which requires hazardous materials or 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.
 - (6) Hazardous material shall include but not be limited to (1) any material listed in the list of toxic pollutants found in 40 CRF § 401.15 as amended; (2) any material designated as hazardous material by applicable state law; (3) any compressed gas, explosive, flammable liquid, flammable solid oxidizer, poison or radioactive material.
 - (7) No storage or display of goods shall be visible from outside the structure.
- (C) Penalty.** Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of the section shall, upon conviction, be fined not more than \$500.00 or 30 days in jail, or both, plus court costs for each offense. Each day that a violation shall exist shall constitute a separate offense.

Section 9.13 Existing Special Uses

Where a use is classified as a special use and exists as a permitted use at the date of the adoption of the ordinance from which this Chapter is derived, it shall be considered a legal use, without further action of the

Township Board, the Zoning Administrator, the board of appeals or the Planning Commission.

Section 9.14 **Uses Not Specifically Permitted**

When a use is not specifically listed in the sections of this chapter devoted to permitted uses or special uses, it shall be assumed that such uses are expressly prohibited by this chapter unless by a written decision of the Board of Appeals. If it is determined that the use is similar to and not more objectionable than uses listed, then such uses may be permitted. Notwithstanding any provisions in this chapter to the contrary and to the extent mandated by Section 206 of the Michigan Zoning Enabling Act (MCL 125.3206):

- (1) A state licensed residential facility as defined in Section 102 of the Michigan Zoning Enabling Act (MCL 125.3102) is a permitted use in all residential zones and is not subject to a special use or permit or procedure different from those required for other dwellings of similar density in the same zone.
- (2) A family day-care home is considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.
- (3) A group day-care home shall be issued a special use permit if the group day-care home meets all of the following standards provided for in Section 206(4) of the Michigan Zoning Enabling Act (MCL 125.3206(4)).

Section 9.15 **Sidewalks**

(A) Requirements. Sidewalks shall be required in the following circumstances:

- (1) In conjunction with the construction of any new public or private road, along the entire length of the road, on both sides.
- (2) In conjunction with the construction of a new principal structure on any lot, except for single family homes.
- (3) In conjunction with any improvements to a site that trigger site plan approval under this Ordinance.

(B) Location and Width. Required sidewalks shall be a minimum of five (5) feet in width. Sidewalks shall generally be located one (1) foot off the property line inside the road right-of-way. The Planning Commission may modify these requirements in consideration of the location of utilities, landscaping, or other site improvements.

(C) Pavement. Sidewalks must be paved, although pervious pavement is permitted and encouraged.

(D) Curb and Gutter. All new public or private roads in the Township must be designed with curbs and gutters.

(E) Alignment with Adjacent Sidewalks. New sidewalks shall be aligned horizontally and vertically with existing pathways on adjacent properties.

(F) Signage. The Planning Commission may require installation of signs for the purpose of safety where it is necessary to separate vehicular traffic from pedestrian traffic, or where it is necessary to alert vehicular traffic of the presence of the pathways.

(G) Maintenance. The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalks including patching cracked or deteriorated pavement, snow removal, and removal of debris.

(H) Permits. It shall be the responsibility of the owner or developer to secure any required permits from the Berrien County Road Department (BCRD) or Michigan Department of Transportation (MDOT) to allow sidewalk construction in a road right-of-way. If the construction of a sidewalks is not permitted by the BCRD or MDOT, then the sidewalks requirement shall be waived.

Section 9.16 **Solar Energy**

(A) Rooftop Solar Panel Arrays. Solar Panel Arrays attached to the roof of a building must comply with the Building Code, and shall not cause the building to exceed the maximum height in the zoning district.

(B) Accessory Freestanding Solar Panel Arrays. Freestanding Solar Panel Arrays that are located on the same lot as another principal use shall be considered permitted accessory structures in all Zoning Districts, and shall be subject to the following standards:

- (1) Freestanding solar panel arrays shall not be located in the front yard.
- (2) Lot coverage standards for the district the solar panels are located within may not be exceeded.
- (3) The solar panel array must meet the setback requirements for accessory structures in the district they are located within.
- (4) Freestanding solar panel arrays shall not exceed 15 feet in height.
- (5) Freestanding solar panel arrays shall not count towards the maximum number of accessory structures on a lot.

(C) Principal Freestanding Solar Panel Arrays. Freestanding Solar Panel Arrays that are the principal use of the site shall be permitted by Special Use Approval in the B-2, I-1, and I-2 Districts and shall be subject to the following standards:

- (1) Solar panel arrays must meet all required setbacks for an accessory structure in the district they are located within.
- (2) The Planning Commission may permit lot coverage standards to be exceeded, provided that adequate land is provided for setbacks, maneuvering, and any non-solar panel uses.
- (3) The solar panels must be screened from all adjacent property by a fence, landscaping, or a landscaped berm.
- (4) Freestanding solar panel arrays may not exceed 25 feet in height.
- (5) Energy storage facilities must be set back at least 100 feet from the nearest lot line and from the nearest residential dwelling.
- (6) The applicant must submit a plan for connecting the solar panel arrays to the electrical transmission grid, including the design and routing of electrical transmission lines and on off the site and permission from the impacted transmission company.

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Article 10: Off-Street Parking and Loading

Section 10.04 Purpose of Article

The purpose of this Article is to alleviate or prevent the congestion of the public streets, and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

Section 10.05 General Provisions

(A) Applicability of parking and loading requirements. The off-street parking and loading provisions of this chapter shall apply as follows:

- (1) For all buildings and structures erected and all uses of land established after the effective date of the ordinance from which this chapter is derived, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived and provided that construction is begun within one year of such effective date and diligently prosecuted to completion, parking and loading facilities as required in this Chapter need not be provided.
- (2) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other unit of measurement specified in this chapter for required parking or loading facilities, parking and loading facilities as required in this chapter shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or used or lawfully established prior to the effective date of the ordinance from which this chapter is derived shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement existing upon the effective date of the ordinance from which this chapter is derived, in which event parking or loading facilities as required in this chapter shall be provided for the total increase.
- (3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of the ordinance from which this chapter is derived, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions in this Chapter.

(B) Reduction of existing parking and loading facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served which were in existence on the effective date of the ordinance from which this chapter is derived or were provided voluntarily after such effective date shall not hereafter be reduced below, or, if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or use.

(C) Inadequate Existing Parking. In instances involving long term existing parking that has become inadequate due to size or location, the following would be acceptable upon inspection and approval of the Building Official.

- (1) Off street parking spaces may be added to existing parking spaces, provided all current parking setback requirements are met. These spaces will be allowed only as accessory to an existing building or dwelling. All new construction must have a new hard dustless surface of concrete or asphalt installed prior to occupancy.

- (2) Alternative surfacing for off-street parking areas to existing buildings and dwellings must be limited to 10 feet in width and 20 feet in length. The surface must be of crushed stone, crushed concrete, crushed asphalt, or paving bricks. The entire surface area under the vehicle or trailer must be improved. The newly installed surface material must be a minimum of two inches in thickness.
- (3) A Zoning Permit must be obtained prior to installation of any supplemental off-street parking. No permit fee will be required. The Zoning Permit application must list the owner and address with a description of location, size, and material planned for the proposed parking area.

(D) Voluntary establishment of parking and loading facilities. Nothing in this Chapter shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities to serve any existing use of land or buildings, provided that all regulations in this chapter governing the location, design, improvement and operation of such facilities are adhered to.

(E) Restoration after damage or destruction. For any conforming or legally nonconforming building or use which is in existence on the effective date of the ordinance from which this Chapter is derived, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause and which reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

(F) Ownership and control of off-site parking facilities. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities is reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(G) Plot plan. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this chapter.

Section 10.06 **Design, Maintenance, and Use of Parking Facilities**

(A) Use of residential parking facilities. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this article shall be used for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

(B) Joint parking facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(C) Computations resulting in fractional number of spaces. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half shall be counted as one parking space.

- (D) **Size and clearance of parking spaces.** A required off-street parking space shall be at least ten feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet.
- (E) **Access to parking facilities.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property or curb cut shall exceed a width of 30 feet.
- (F) **Distance of parking areas from lot lines.** Off-street parking spaces may be located in any yard, but shall not be closer than five feet to the lot line. Off-street parking spaces shall not be less than 25 feet from the lot line in an industrial district where it abuts a residential district.
- (G) **Parking or storage in right-of-way.** No person shall park, deposit, leave or store any motor vehicle or tangible personal property of any type or description at any time within the right-of-way of any street within the Township.
- (H) **Overnight parking on streets.** No vehicle shall be parked on public streets between the hours of 2:00 a.m. and 6:00 a.m.
- (I) **Design and maintenance standards.**
- (1) **Open and enclosed parking spaces.** Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
 - (2) **Surfacing.** All open off-street parking areas and driveways shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.
 - (3) **Screening and landscaping.** All open automobile parking areas containing more than five parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence or densely planted compact hedge not less than four feet and not more than six feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.
 - (4) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
 - (5) **Signs.** Accessory signs are permitted on parking areas.
 - (6) **Repair and servicing of vehicles.** No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residence district. In addition, the sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residential district.

Section 10.07 **Location of Parking Facilities**

The location of off-street parking spaces in relation to the use served shall be as prescribed in this section. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- (A) Uses in residence district.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use.
- (B) Uses in business and industrial districts.** All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units, which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with Article 2 of this chapter within 200 feet of and adjacent to any business or industrial district.

Section 10.08 **Schedule of Parking Requirements**

For the following uses, accessory off-street parking spaces shall be provided as required in this section. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both on the premises at any one time.

- (A) Residential uses.** Parking spaces shall be provided as follows:
- (1) **One-family dwellings and two-family dwellings.** Two parking spaces shall be provided for each dwelling unit.
 - (2) **Multiple-family dwellings, including apartment hotels.** Two parking spaces shall be provided for every dwelling unit. For lodging rooms located in an apartment hotel, one parking space shall be provided for each two lodging rooms. One parking space shall be provided for each employee.
 - (3) **Motels, inns and auto courts.** One parking space shall be provided for each guest or sleeping room or suite, plus one additional space for the owner or manager and each employee.
 - (4) **Hotel.** One parking space for each dwelling unit and one parking space for each lodging room shall be provided. One parking space shall be provided for each employee.
 - (5) **Lodginghouses, roominghouses and boardinghouses.** One parking space shall be provided for each lodging room plus one space for the owner or manager and each employee.
 - (6) **Private clubs and lodges with sleeping facilities for guests.** One parking space shall be provided for each lodging room plus parking spaces equal in number to ten percent of the capacity in persons (exclusive of lodging room capacity) of such club or lodge. One parking space shall be provided for each employee.
 - (7) **Mobile home park.** Two parking spaces shall be provided for each mobile home space and for each employee.
- (B) Retail and service uses.** Parking spaces shall be provided as follows:
- (1) **Retail storage and banks.** One parking space shall be provided for each 200 square feet of floor area in excess of 2,000 square feet. Drive-in banks or other similar drive-in establishments shall provide three stacking spaces per teller or customer service window; in addition, one parking space shall be provided for each employee.
 - (2) **Automobile service stations.** One parking space shall be provided for each employee.

- (3) **Vehicle Wash.** 2 spaces for each self-service bay, plus 10 stacking spaces for the automated car wash line.
 - (4) **Bowling alleys.** Five parking spaces shall be provided for each alley, plus such additional spaces as may be required in this section for affiliated uses such as bars, restaurants and the like. One parking space shall be provided for each employee.
 - (5) **Establishments dispensing food or beverages for consumption on the premises.** One parking space shall be provided for each 200 square feet of floor area. One parking space shall be provided for each employee.
 - (6) **Furniture and appliance stores and household equipment or furniture repair shops.** One parking space shall be provided for each 600 square feet of floor area in excess of 2,000 square feet plus one parking space for each employee.
 - (7) **Motor vehicle sales and machinery sales.** One parking space shall be provided for each 300 square feet of floor area, in addition, one parking space shall be provided for each employee.
 - (8) **Theaters (indoor).** One parking space shall be provided for each four seats; in addition, one parking space shall be provided for each employee.
 - (9) **Offices; business, professional and governmental.** One parking space shall be provided for each 200 square feet of floor area; in addition, one parking space shall be provided for each employee.
 - (10) **Medical or dental clinics.** Eight parking spaces shall be provided for each doctor or professional person; in addition, one parking space shall be provided for each employee.
 - (11) **Wholesale establishments (but not including warehouses and storage buildings other than accessory).** One parking space shall be provided for each 600 square feet of floor area in excess of 4,000 square feet; in addition, one parking space shall be provided for each employee.
 - (12) **Manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products.** One parking space shall be provided for each employee, plus one parking space for each vehicle used in the conduct of the enterprise.
 - (13) **Warehouses and storage buildings.** One parking space shall be provided for each employee plus one space for each vehicle used in the conduct of the enterprise.
- (C) **Community service uses.** Parking spaces shall be provided as follows:
- (1) **Auditoriums.** One parking space shall be provided for each three auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - (2) **Colleges, universities, and business, professional and trade schools.** One parking space shall be provided for each three employees and one parking space shall be provided for each four students based on the maximum number of students attending classes on the premises at any one time during any 24-hour period.
 - (3) **Health centers, government operated.** Eight parking spaces shall be provided for each doctor or professional person; in addition, one parking space shall be provided for each employee.
 - (4) **Hospitals.** One parking space shall be provided for each two hospital beds, plus one parking space for each employee (other than staff doctors), plus one parking space for each doctor assigned to the staff.

- (5) **Libraries, art galleries and museums, public.** One parking space shall be provided for each 1,000 square feet of gross floor area.
- (6) **Schools, nursery and elementary.** One parking space shall be provided for each employee.
- (7) **Schools, high, public or private.** One parking space for each seven students based on the maximum number of students that can be accommodated with such design capacity of the building.
- (8) **Places of assembly.** For stadiums, arenas, auditoriums (other than church, college or institutional schools), undertaking establishments, funeral parlors, convention halls, exhibition halls, skating rinks and other similar places of assembly, parking spaces equal in number to 40 percent of the capacity in persons shall be provided; in addition, one parking space shall be provided for each employee.

(D) Miscellaneous uses. Parking spaces shall be provided as follows:

- (1) **Private clubs and lodges without sleeping for guests.** Parking spaces equal to 25 percent of the capacity in persons shall be provided.
- (2) **Rest homes and nursing homes.** One parking space shall be provided for each four beds, plus one parking space for each two employees, (other than staff doctors), plus one parking space for each doctor assigned to the staff
- (3) **Sanitariums, convalescent homes or institutions for the aged or for children.** One parking space shall be provided for each four beds plus one parking space for each employee (other than staff doctors), plus one parking space for each doctor assigned to the staff
- (4) **Theatres, automobile drive-in.** Reservoir parking space equal to ten percent of the vehicle capacity of such theatres shall be provided.

(E) Other uses. For the following uses, parking spaces shall be provided in adequate number as determined by the Planning Commission, to serve persons employed or residing on the premises as well as the visiting public:

- (1) Airports or aircraft landing fields and heliports
- (2) Convents and monasteries.
- (3) Crematories or mausoleums.
- (4) Fraternal or religious institutions.
- (5) Municipal or privately owned recreation buildings or community center.
- (6) Outdoor amusement establishments; fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
- (7) Rectories and parish houses

(F) Maximum Number of Parking Spaces. The maximum number of parking spaces shall be 150% of the minimum. Lots including joint parking as described in [Section 9.03.B](#) shall be exempt from the maximum parking requirement.

(G) Planning Commission Alteration of Parking Requirement. The Planning Commission, upon determining that the minimum number of parking spaces for a given use is higher than is practically necessary for that use, may reduce the minimum number of required spaces as part of Site Plan Approval.

Section 10.09 **Off-Street Loading Facilities**

- (A) For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display of goods, retail stores or blocks of stores of over 10,000 square feet, wholesale stores, markets, hotels, hospitals, funeral homes, laundromats, dry cleaners, restaurants or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided off-street loading spaces as follows:
- (1) **Location.** All required loading spaces shall be located on the same zoning lot as the use served. No loading space for vehicles over two tons capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by a building, wall or a uniformly painted solid fence or wall or any combination thereof, not less than six feet in height. No permitted or required loading space shall be located within 25 feet of the nearest point of intersection of any two streets.
 - (2) **Required number of loading spaces.** Off-street loading spaces shall be required in relation to floor area as follows:
 - (c) Floor area up to 20,000 square feet: one space.
 - (d) Floor area of 20,000 to 50,000 square feet: two spaces.
 - (e) Floor area of 50,000 to 100,000 square feet: three spaces.
 - (f) Each additional 100,000 square feet or fraction thereof of floor area: one additional space.
 - (3) **Size and clearance of loading spaces.** Unless otherwise specified, a required loading space shall be at least ten feet in width by at least 60 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.
 - (4) **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
 - (5) **Surfacing.** All open off-street loading spaces shall be improved with a compacted macadam base, not less than eight inches thick, surfaced with not less than three inches of asphaltic concrete or some comparable all-weather dustless material.
 - (6) **Repair and servicing of vehicles.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or business districts.
 - (7) **Use of loading spaces as parking area.** Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
 - (8) **Uses not specifically listed.** For special uses other than those provided for in this section, loading spaces adequate in number and size to serve such uses, as determined by the Planning Commission, shall be provided.
 - (9) **Adequate receiving facilities required for all uses.** Uses for which off-street loading spaces are required in this section but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

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Article 11: Signs

Section 11.04 Purpose and Intent

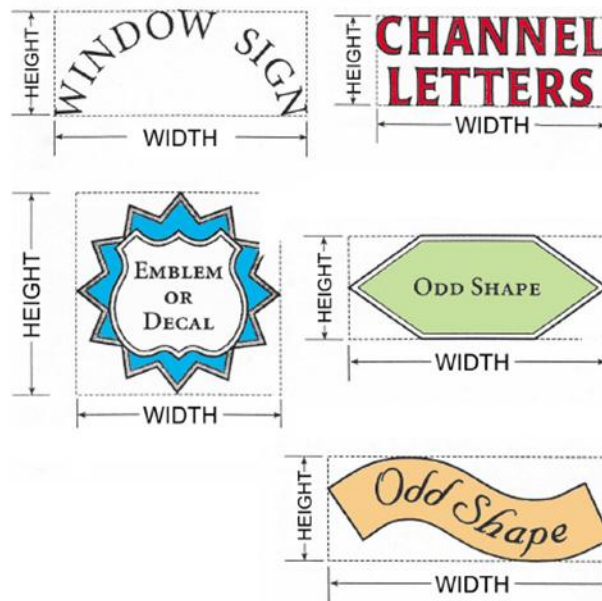
This section is intended to protect and promote the health, safety, and welfare of the residents of St. Joseph Charter Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

Section 11.05 Definitions

- (A) For the purposes of this section, the following terms shall have the following meanings. For all terms not defined in this section, the definitions in [Section 1.02](#) shall apply. For all terms not defined in [Section 1.02](#), the definition in the most recently published version of the Merriam-Webster Dictionary shall apply.
- (1) **Architectural Feature.** An integral element of a building that does not contain any discernable message.
 - (2) **Architectural Gateway Element.** A structure constructed at the entrance to a neighborhood, multi-family residential complex, business park, public park, or other similar complex that contains architectural features designed to attract attention to the entranceway.
 - (3) **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable message.
 - (4) **Awning.** A roof-like cover intended to shade a window or door opening or provide protection from the weather which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building. Awnings may or may not be constructed so as to be raised or retracted to a position against the building when not in use. No structure that extends beyond a roofline shall be considered an awning for the purposes of this Ordinance.
 - (5) **Building Frontage.** Any side of a building that either has a public entrance to the building or is visible from a public road or public parking lot. For the purposes of this section, “frontage” shall mean “building frontage.”
 - (6) **Business.** Any non-residential use occupying physical space on a lot, regardless of whether the use operates for a profit or not, regardless of whether the use is in the public or private sector, and regardless of whether the use is open to the general public. This definition shall only apply within this section.
 - (7) **Canopy.** A structure with a roof and support posts, but no walls. A canopy shall not be attached to a building. This definition shall apply only within this section.
 - (8) **Commercial Signs.** Signs that contain advertising for a product, service, or a business that offers products and services. The logos of educational institutions, units of government, and/or sports teams shall not be considered advertisements.
 - (9) **Directional Signs.** Signs located on a site in such a way as to direct pedestrian and/or automobile traffic through the site.
 - (10) **Drive-Thru Service Window.** A window used for serving a product directly from a building to customers in a car.

- (11) **Electronic Messaging.** The use of changing lights or video screen(s) to form a sign message or messages in text or graphic or video display form wherein the messages and the rate of change can be modified by electronic process.
- (12) **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
- (13) **Flag.** A piece of non-rigid cloth that is not used as a commercial sign. This definition shall only apply within this Section.
- (14) **Frame** means a complete static display screen on an electronic message display.
- (15) **Footcandles.** A unit of illuminance on a surface equal to one lumen per square foot.
- (16) **Freestanding Sign.** A sign supported by a base placed in or upon the ground and not attached to any building or other structure.
- (17) **Garage Sale Sign.** A temporary sign placed on residential property during a short-term sale of second-hand goods on the residential property.
- (18) **Government Sign.** Signs erected by or on behalf of or pursuant to the authorization of a government body.
- (19) **Internal Illumination.** Lights designed to illuminate a sign from within the sign itself.
- (20) **Main Pedestrian Entrance.** An entrance to a building where the general public is welcome to enter. If a building has multiple entrances where the general public is welcome, then the applicant shall designate a Main Pedestrian Entrance on the application for a sign permit.
- (21) **Marquee Sign.** A projecting sign that is taller, wider, or otherwise larger than the permitted maximum size for a projecting sign in this Ordinance.
- (22) **Mural.** See "Artwork."
- (23) **NIT.** A unit of luminance equivalent to one candela per square meter.
- (24) **Non-Commercial Signs.** Signs that do not contain advertising for a product, service, or a business that offers products and services. The logos of educational institutions, units of government, and/or sports teams shall not be considered advertising. Political messaging shall also not be considered advertising. Garage Sale Signs and Real Estate Signs, as defined in this Ordinance, shall be considered Non-Commercial Signs.
- (25) **Non-Conforming Sign.** A sign that was legally installed and was existing prior to the adoption of this section that does not comply with the provisions of this section.
- (26) **Off-Premises Signs.** Commercial signs that are not located on the same lot as the product, service, or business that they are related to. Non-Commercial signs shall never be considered off-premises.
- (27) **On-Premises Signs.** Commercial signs that are located on the same lot as the product, service, or business that they are related to.
- (28) **Permanent Sign.** Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, that is in place for more than six months shall be considered a permanent sign.

- (29) **Permit.** A sign permit issued by the Building Department that must be obtained prior to the installation of a sign.
- (30) **Portable Ground Sign.** A temporary commercial freestanding sign that is not permanently affixed to the ground.
- (31) **Projecting Signs.** A sign constructed as to be attached at one end to a building and to extend out from the building.
- (32) **Pylon or Pole Mounted Signs.** A sign supported by a single base that is less than 75% of the width of the sign.
- (33) **Real Estate Sign.** A temporary sign of any type placed on a property while that property, or a portion of that property, is for sale or for lease.
- (34) **Sign.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Architectural features, architectural gateway elements, and artwork that do not contain an explicit message shall not be considered signs.
- (35) **Sign Area.** The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed, as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. A supporting base that does not include any message shall not be considered part of the sign area, but shall be considered part of the sign height. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.



Computation of Sign Area

- (36) **Sign Height.** The distance from the grade at the bottom of a sign to the upper-most point of the sign. If the sign is located on a berm, the height of the berm shall be included in the height of the sign.

- (37) **Storefront.** An entrance open to the general public that allows direct access to a single ground floor business. This definition shall only apply to this section.
- (38) **Temporary Signs.** Any sign not constructed and intended to be displayed for an indefinite, long-term period of time.
- (39) **Tube Lights.** Any light fixture that has the appearance of a “tube” of light, including neon, LED, or other lighting types.
- (40) **Wall Signs.** Any sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.
- (41) **Window Signs.** Any sign, located within a building or affixed upon a window, which is intended to be visible from the exterior of the building.

Section 11.06 **Permits**

(A) Permit Process.

- (1) **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in [Section 10.03 \(B\)](#), without first obtaining a permit in accordance with the processes set forth by the Township Board and Building Department. A permit shall require payment of a fee, which shall be established by the Township Board. Sign permits must be requested by the owner of the building, not individual tenants.
- (2) **Removal agreement.** In the event that an active use or business ceases to operate, the message portion of all signage associated with the business must be removed and replaced with a blank sign face. The blank sign face may be replaced with a new sign once an active use or business begins operation on the lot. If the message is not replaced by a blank sign face within 90 days of the use or business ceasing, the sign shall be considered illegal and must be removed. The Township may remove the sign and invoice the property owner for the cost of removal.
- (3) **Exceptions.** A new permit shall not be required for changing the message of a previously-approved sign without altering the size, shape or backing material of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in [Section 10.03 \(B\)](#).

(B) Signs Exempt from Permitting Requirements. The following signs shall not require a permit to be installed:

- (1) Government Signs.
- (2) Flags, as defined in this Article.
- (3) All signs under one square foot in area.
- (4) All signs required to be erected by law.
- (5) **Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, including murals, so long as such features or works do not contain an explicit message, words in any language, moving parts, or illumination. Murals must be painted with the permission of the property owner.
- (6) **Temporary Non-Commercial Signs.** Temporary non-commercial signs shall not require a permit in any zoning district provided that the following standards are met. Signs that do not meet these requirements shall require a permit and shall only be permitted if they meet the applicable standards of this Ordinance.

- (c) All signs must be freestanding signs or window signs.
- (d) The total area of temporary non-commercial signs on a single lot shall not exceed thirty-six (36) square feet. No individual sign may exceed sixteen (16) square feet.
- (e) The maximum sign height of each freestanding temporary non-commercial sign shall be four (4) feet.
- (f) Temporary non-commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area.
- (g) Any temporary non-commercial sign in place for more than six months shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance. The sign must be taken down for at least 30 days for the six month period to re-start. The six month period may be waived by the Zoning Administrator if there is space on the site where the sign is located that is for sale or for lease.

Section 11.07 **Prohibited Signs**

(A) The following shall be prohibited throughout the Township:

- (1) Signs which incorporate in any manner or are illuminated by any flashing or moving lights, or where any illumination can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area, or into any window of any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device.
- (2) Exterior pennant strings, feather flags, spinners, and streamers.
- (3) Any sign or object which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for electronic message signs and flags.
- (4) Any sign which is structurally or electrically unsafe, in the opinion of the Building Official, or which obstructs any fire escape.
- (5) Any sign erected on a tree or utility pole.
- (6) Any sign structure or frame that no longer contains a sign.
- (7) Roof signs or any sign which projects above the roof line or top of a canopy.
- (8) Any sign projecting into the public right-of-way.
- (9) Any sign erected on any property, public or private, without the consent of the property owner.
- (10) Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.
- (11) Any sign which incorporates any open spark or flame.
- (12) Pylon or pole-mounted signs.
- (13) Off-premises commercial signage, except where the regulations of another jurisdiction (for example MDOT) take precedence over this Ordinance.

- (14) Tube lights, whether LED, neon, or any other type of light.
- (15) Temporary Commercial Signs in Residential Zoning Districts (R-1, R-2, R-3, and R-4)
- (16) Any sign which, in the opinion of the Building Official, has deteriorated to the point where it has become a blight on surrounding properties.
- (17) Township Building Official shall have the authority to immediately remove or cause to be removed any sign which has been placed or located within the public right-of-way contrary to the provisions of the Ordinance or not authorized by the Berrien County Road Department. The Township or its agents shall not incur any obligation to retain, store, or maintain any materials or salvage resulting from the removal of such signs.
- (18) In the event that an active use or business ceases to operate, the message portion of all signage associated with the business must be removed and replaced with a blank sign face. The blank sign face may be replaced with a new sign once an active use or business begins operation on the lot. If the message is not replaced by a blank sign face within 90 days of the use or business ceasing, the sign shall be considered illegal and must be removed. The Township may remove the sign and invoice the property owner for the cost of removal.

Section 11.08 **Temporary Commercial Signs**

- (A)** Property owners must receive a permit as described in this Article prior to the erection of any temporary commercial signs and must follow all applicable requirements as described below. Portable ground signs shall be considered temporary commercial signs under this section.
 - (1) Temporary commercial signs shall be permitted in the B-1, B-2, I-1, and I-2 Districts, and non-residential PUDs.
 - (2) Each sign shall be placed outside only during the hours when the entrance is open to the general public and shall be stored indoors at all other times.
 - (3) Temporary signs shall be limited to a total of sixteen (16) square feet.
 - (4) Only one temporary sign is permitted per business at any given time.
 - (5) The sign must be within ten feet of a public entrance to a building.
 - (6) Signs must be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.
 - (7) Each sign shall be placed in a manner which provides five feet of free passage for pedestrians, and does not interfere with normal pedestrian or automobile traffic, including maintaining required clear corner vision.
 - (8) All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.

Section 11.09 **Electronic Message Centers**

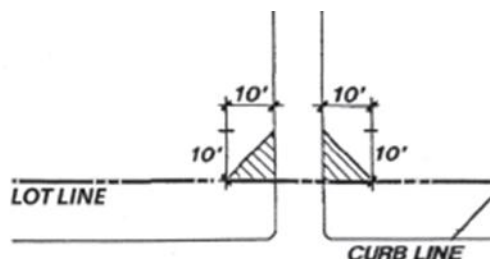
- (A)** An on-premises sign permitted in the B-1, B-2, I-1, and I-2 Zoning Districts may include an EMC subject to the following requirements:

- (1) Such display shall contain static or still frame messages only which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. "Transitions" between frame messages may utilize effects such as dissolve, fade, traveling, or scrolling text and /or images, provided such transitions occur over a period of time not exceeding one second, and such effects do not include text and/or images that expand or contract, rotate, twist, bounce, flash, undulate, pulse, imitate emergency vehicles or lighting, or utilize other similar movements or optical illusions.
 - (2) The maximum size of an EMC on an on-premises sign or off-premises wall sign shall not exceed the sign measurements specified in the Code for the zoning district in which the zoning lot or use is located.
 - (3) Each message on the EMC is changed not more than once every six seconds.
 - (4) When the EMC is 200 feet or less from a property line of a zoning lot that is located in a residential zoning district and such EMC is visible from any portion of a dwelling located within the residential zoning district, the EMC shall only:
 - (c) Operate between 7:00 a.m. and 10:00 p.m.; and
 - (d) Display only one "frame" between 10:00 p.m. and 7:00 a.m.
- (B)** An on-premises sign for a permitted use in a public or semi-public institution in a R-1, R-2, R-3 and R-4 Zoning District may include an EMC subject to the following requirements:
- (1) One property line of the zoning lot must be abutting a major thoroughfare, defined as a(n) Other Principal Arterial, Minor Arterial or Major Collector road as indicated on the MDOT National Functional Classification (NSF) Map and the freestanding sign incorporating an EMC must be situated along the property line abutting the major thoroughfare.
 - (2) Such display shall contain static or still frame messages only which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
 - (3) The maximum size of an EMC on an on-premises freestanding sign or accessory wall sign shall not exceed the sign measurements specified in this Code for the zoning district in which the zoning lot or use is located.
 - (4) Each message on such display is changed not more often than once every six seconds
 - (5) When the EMC is visible from any portion of a dwelling unit located within a residential zoning district, the EMC shall only:
 - (a) Operate between 7:00 a.m. and 10:00 p.m.; and
 - (b) Display only one "frame" as defined in [Section 10.02](#).
- (C) Electronic Message Center (EMC) Criteria:** The nighttime illumination of an EMC shall conform with the criteria set forth in this section.

- (1) **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
- (2) **EMC Illumination limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 foot-candles at night, as measured a distance of ten feet from the sign.
- (3) **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

Section 11.10 Clear Corner Vision

All freestanding signs in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs must be under three feet tall within a triangle formed by two points, each 10 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them, as displayed below:



Section 11.11 Permitted Permanent Signs

(A) Signs Permitted in the R-1, R-2, R-3, and R-4 Districts

- (1) **Non-Residential Uses.** Non-Residential Uses in R-1, R-2, R-3, and R-4 Districts, including but not limited to churches and private schools, shall be permitted to have one freestanding sign of up to 32 square feet in area. For all other signs, they shall be subject to the standards for the B-1, B-2, I-1, and I-2 Districts, in [Section 10.08.B](#).
- (2) **Wall Signs.** Wall signs are only permitted in R-1, R-2, R-3, and R-4 Districts under the following circumstances:
 - (c) Signs not requiring a permit, as described in [Section 10.03.B](#), and temporary signs as described in [Section 10.05](#).
 - (d) Signs on the exterior of buildings that front on a public road and contain more than two residential units shall be permitted under the following circumstances:
 - (i) Maximum of one wall sign per building frontage facing a public road.
 - (ii) Maximum one square foot of signage for every linear foot of building frontage, up to 32 square feet, regardless of the setback from the road center line.

(3) **Freestanding Signs.** Freestanding signs are only permitted in R-1, R-2, R-3, and R-4 Districts under the following circumstances:

- (a) One sign per vehicle entrance of residential subdivisions, neighborhoods, mobile home parks, and condominium/apartment complexes subject to the following standards:
 - (i) Maximum height of six feet, except if the sign is integrally designed as part of an ornamental wall or architectural gateway element and the wall or element meets all applicable standards of this Ordinance.
 - (ii) Signage shall not exceed 16 square feet in area. The signage may be a freestanding sign or may be wall signage affixed to an architectural gateway element. Architectural gateway elements are not considered signage and must receive approval from the Township in the same manner as any other structure.
 - (iii) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.
- (b) All freestanding signs in the R-1, R-2, R-3, and R-4 Districts must comply with the following standards:
 - (i) All signs on lots containing single family homes must be temporary. No permanent signs shall be permitted on lots containing single family homes.
 - (ii) All freestanding signs must be set back at least four feet from all side and rear lot lines, and must be set back from the curb or, if there is no curb, the edge of the road pavement (not the right-of-way line or the sidewalk) by a distance equal to its height.
 - (iii) All freestanding signs shall have a maximum height of 8 feet.
 - (iv) The base of the sign shall not exceed double the width of the sign itself.
- (4) All signs not specifically listed in this Ordinance are prohibited in R-1, R-2, R-3, and R-4 Districts.

(B) Signs Permitted In The B-1, B-2, I-1, and I-2 Districts

(1) **Wall Signs.** Wall signs in the B-1, B-2, I-1, and I-2 districts are subject to the following standards:

- (a) The maximum area of wall signage on any given wall shall be 10% of the area of the wall. Wall signs may be placed on any wall of a building.
- (b) Businesses that are set back more than 200 feet from the center line of an adjacent roadway shall be permitted additional square footage of wall signage on the building frontage facing the roadway, based on the following:
 - 200-299 feet: 25% additional square footage
 - 300-399 feet: 50% additional square footage
 - 400-499 feet: 75% additional square footage
 - 500 feet or greater: Double square footage
- (c) The width of any wall sign may not exceed 90% of the width of the building frontage it is attached to.
- (d) There shall be no limit on the number of wall signs permitted, provided that all other standards are met.

- (e) Canopy structures, such as those used for gas stations, shall not be subject to Sections a-d, and shall instead be permitted up to 20 square feet of signage on each face of the canopy.
- (2) **Awning Signs.** An awning sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.
- (a) The awning shall not extend more than six feet over the sidewalk in front of the business, regardless of whether the sidewalk is private or in the public right-of-way.
 - (b) The awning shall have a minimum ground clearance of eight feet.
 - (c) Signage may not exceed 70% of the face area of the awning.
 - (d) Awnings may be externally illuminated, but back-lit or internally illuminated awnings are prohibited. Awning signs may not contain electronic messaging.
- (3) **Freestanding Signs.** Freestanding signs in the B-1, B-2, I-1, and I-2 Districts are subject to the following standards:
- (a) Only one freestanding sign is permitted per street frontage of the lot.
 - (b) The maximum height shall be 25 feet.
 - (c) All freestanding signs must be set back at least four feet from all side and rear lot lines, and must be set back from the curb or, if there is no curb, the edge of the road pavement (not the right-of-way line or the sidewalk) by a distance equal to its height.
 - (d) The base of the sign shall not exceed double the width of the sign itself.
 - (e) The maximum area shall be 100 square feet.
 - (f) Lots immediately abutting the right-of-way of a ramp to or from I-94 to or from Niles Road shall be permitted a second freestanding sign and shall be permitted to exceed the height and area standards listed above, provided they do not exceed 100 feet in height. The design of the sign shall be reviewed by the Planning Commission prior to the issuance of a sign permit.
- (4) **Directional Signs.** One directional sign shall be permitted per approved driveway from a public road, subject to the following:
- (a) A maximum sign area of four square feet per sign.
 - (b) A maximum height of three feet.
 - (c) Directional signs may be internally or externally illuminated, but may not contain electronic messaging.
 - (d) Additional signage shall be permitted adjacent to the drive aisles for a drive-thru service window, with the following standards:
 - (i) No more than six signs shall be permitted.
 - (ii) The maximum area of any sign shall be 48 square feet.
 - (iii) No more than two signs shall exceed 32 square feet in area.

- (iv) The maximum height of any sign shall be 10 feet.
 - (v) No more than two signs shall exceed 8 feet in height.
 - (e) The Planning Commission may approve additional directional signs during the Site Plan Approval Process if the Commission determines they are necessary for efficient flow of traffic and pedestrians through a site.
- (5) **Projecting Signs.** Projecting signs are permitted in the B-1, B-2, I-1, and I-2 Districts, subject to the following:
- (a) Maximum sign area of 16 square feet.
 - (b) The faces of the sign must be parallel to each other and no more than six inches apart.
 - (c) The bottom of the sign must be at least nine feet from grade.
 - (d) The sign shall not extend above the roof line of the building.
 - (e) Electronic messaging is prohibited on projecting signs.
- (6) **Window Signs.** Window signs are permitted in the B-1, B-2, I-1, and I-2 Districts, subject to the following standards.
- (a) Signage may not cover more than 50% of any window.
 - (b) Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.
- (7) **Entrance Sign For Industrial Parks.** Multi-tenant industrial parks may have, in addition to the signs listed in this chapter, one suitable identifying sign not to exceed 250 square feet in area. One sign may be erected designating the name of the industrial park and a directory to access. No such sign shall be erected to exceed a height of 25 feet.

Section 11.12 **Non-Conforming Signs**

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this Section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.

Notwithstanding anything else in this Ordinance, any sign structure that is without a sign for more than 90 days must be removed.

Section 11.13 **Waiver Process**

(A) The Planning Commission shall have the ability to waive or modify any of the standards in this Chapter, provided that the following criteria are met. A waiver granted under this section shall apply for only the lifespan of the sign in question and shall not be transferable to any other sign or lot.

- (1) The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Township Board.

- (2) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.
- (3) The design of the sign is consistent with character of the surrounding area.
- (4) The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.
- (5) The sign will not be a nuisance to any residential uses.
- (6) A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.

Article 12: Missing Middle Overlay

Section 12.04 Statement of Purpose

St. Joseph Charter Township's Master Plan identifies a need for zoning regulations for a portion of the Township to allow seamless and vibrant infill development. The purpose of this Overlay achieves the following desirable outcomes:

- (A) Allow for more housing at a wider variety of price points to be constructed in the Township.
- (B) Improve the economic vibrancy of the Overlay area by reducing barriers to development and promoting a highly desirable character.
- (C) Preserve the natural environment and farmland in the Township, by incentivizing density in appropriate areas.
- (D) Attain population growth and stability.
- (E) Reduce new infrastructure needs.
- (F) Promote walking and bicycling to reduce air pollution and improve public health.
- (G) Encourage investment in built-out neighborhoods of the Township, increasing property values and vibrancy.
- (H) Ensure that individuals and families can meet their housing needs within St. Joseph Charter Township throughout their lives.
- (I) Provide missing middle housing types consistent with the existing surrounding neighborhood character.



This image reproduced from missingmiddlehousing.com.

All images in this section are meant to be illustrative of concepts, not specific requirements. In the event of a conflict between an image and the Ordinance text, the text shall govern.

Section 12.05 Applicability

The provisions of this Overlay supersede all other provisions in this Zoning Ordinance. Any provision in the Ordinance that is not explicitly contradicted and superseded by this Overlay shall be considered in force for all applicable properties.

Section 12.06 Eligibility

(A) MM-1 Neighborhood Node. The Intent of the MM-1 Sub-District is to allow the construction of mixed-use commercial-residential buildings, as well as missing middle housing types such as quadplexes, duplexes, and garden courts, where appropriate. A lot shall be considered to be eligible for MM-1 development if it:

- (1) Is zoned R-1, R-2, R-3, or R-4.
- (2) Is adjacent to one of the following roads:
 - (c) Cleveland Avenue
 - (d) Washington Avenue
 - (e) Lincoln Avenue
 - (f) Niles Road
 - (g) Napier Avenue
 - (h) Colfax Avenue

(B) MM-2 Quadplex. The Intent of the MM-2 Sub-District is to allow up to twelve dwelling units on a lot, provided that the lot is adequately sized and that the building and site have appropriate designs for the surrounding area. A lot shall be considered to be eligible for MM-2 development if it:

- (1) Is zoned R-1, R-2, R-3, or R-4.

(C) MM-3 Garden Court. The Intent of the MM-3 Sub-District is to allow the construction of “Garden Courts”, i.e. clusters of one-and-two family dwellings sharing common open space and sometimes parking, on appropriately sized lots and with appropriate design for the surrounding area. A lot shall be considered to be eligible for MM-3 development if it:

- (1) Is zoned R-1, R-2, R-3, or R-4.

(D) MM-4 Bonus Housing Unit. The Intent of the MM-4 Sub-District is to allow an additional housing unit on otherwise single-family lots, in the form of a duplex, provided that the design and function of the additional housing unit is compatible with the surrounding area. A lot shall be considered to be eligible for MM-4 development if it:

- (1) Is zoned R-1, R-2, R-3, or R-4.

	Current Zoning Required	Maximum Lot Coverage	Special Use Required	Maximum Units Per Lot	Maximum Number of Units Per Building
MM-1	R1, R2, R3, R4	50%	Yes	4	4
MM-2	R1, R2, R3, R4	50%	Yes	12	6
MM-3	R1, R2, R3, R4	50%	Yes	10	2
MM-4	R1, R2, R3, R4	50%	No	2	2

Section 12.07 **Missing Middle Residential Buildings**

(A) Density. For all lots that are zoned **R-1, R-2, R-3, or R-4** and comply with the dimensional requirements in Section 11.03, a single dwelling unit shall be permitted by right. The Township Board may approve additional dwelling units, up to the following maximum densities in each sub-district, provided that the lot meets the geographic criteria in [Section 11.03](#), meet the criteria of Subsection C below, and meet the Special Use approval criteria in [Section 2.04](#) (except in the case of MM-4 developments, which shall not be required to obtain Special Use Approval). **The Planning Commission shall review and approve all MM-4 developments.**

(1) MM-1:

- (c) Maximum lot coverage: 50%
- (d) Maximum Units Per Lot: Four Units
- (e) Maximum Units Per Building: Four units.

(2) MM-2:

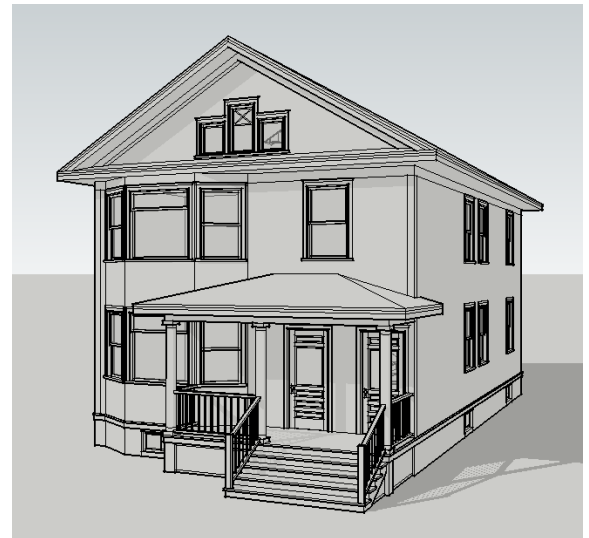
- (a) Maximum Lot Coverage: 50%
- (b) Maximum Units Per Lot: Twelve Units
- (c) Maximum Units Per Building: Six Units

(3) MM-3:

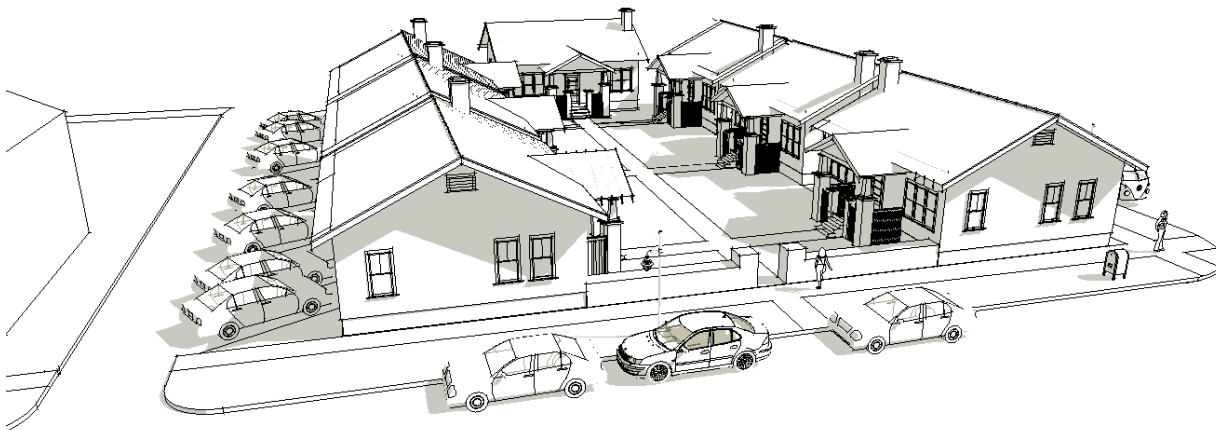
- (a) Maximum Lot Coverage: 50%
- (b) Maximum Units Per Lot: Ten Units
- (c) Maximum Units Per Building: Two Units

(4) MM-4:

- (a) Maximum Lot Coverage: 50%
- (b) Maximum Units Per Lot: Two Units
- (c) Maximum Units Per Building: Two Units



Example 2-unit building



Example Garden Court

(B) Development Standards. In order to be approved, the Missing Middle Residential Building must meet the following standards, in the opinion of the Township Board:

- (1) Building Design Regulations.** The following requirements must be met in the design of all Missing Middle Residential Developments within the Overlay:

- (a) In the MM-2 and MM-3 Sub-Districts, all units must have a separate exterior entrance. These are encouraged to all face a public street, in the form of rowhouses or townhomes. However, the Township Board may allow entrances to face the side or rear if the dimensions of the lot and the layout of the building necessitate that design.
 - (b) All setback, lot coverage, and building height standards must be met. Variances from those standards may only be granted by the ZBA. The Township Board may not grant height or setback waivers through the Special Use process.
- (2) **Infill Design Toolkit.** The design and form of the Missing Middle Residential Building must be compatible with the surrounding residential properties. The residential streets of the Overlay’s neighborhoods often include a diversity of architectural styles yet present a sense of cohesion due to recurring patterns—such as street-oriented buildings, fine-grain “rhythms” of development, and green street edges created by front yards and gardens. The focus of the design of infill housing within the Overlay should be continuing these and other fundamental neighborhood patterns, while allowing for increased unit density. The Township Board shall consider the following when determining compatibility:
- (a) The roofline should be like a single-family design, including a peaked roof. Dormers and other roofline enhancements are encouraged.
 - (b) Residential-style siding materials such as brick, vinyl, stone, or wood should be used. EIFS, metal panels, and concrete panels shall not be considered compatible. Buildings should be designed to respond to prevalent architectural features of the surrounding neighborhood context, especially in areas where patterns established by recurring architectural features are well-established and valued.
 - (c) Along street frontages, windows, main entrances, and other primary building façade elements should be oriented toward the street. Care should be taken to avoid the appearance of buildings turning their backs or sides toward the street. Courtyard buildings can contribute to this by orienting main entrances toward courtyards that serve as a semi-public extension of the public realm of adjacent streets. Front porches are encouraged.
 - (d) Neighborhood block frontages are often characterized by a consistent rhythm of development created by recurring building patterns. Projects on sites larger than nearby houses should continue such patterns by dividing buildings into volumes reflective of the established building rhythm. Corner sites provide opportunities for attached houses to reflect neighborhood patterns, by enabling units to be oriented to different street frontages, providing the appearance of distinct houses.
 - (e) For “Garden Court”-style developments, the units closest to the street must have similar massing and design to adjacent and nearby single-family homes. The divided massing of courtyard housing, especially when street-fronting units have house-like forms, provide opportunities to integrate higher-density housing into neighborhood patterns where detached houses predominate.
 - (f) Enough green space and landscaping must be provided on all sites for adequate recreation, absorption of rainwater, and protection of the quiet residential character of the neighborhood. Most neighborhood residential streets in the Overlay are characterized by landscaped setbacks between the fronts of buildings and sidewalks. This “green edge” provides residential streets with a clearly identifiable character that serves as a counterpoint to the “hardscape” of commercial corridors. In many areas, this green edge is reinforced by planting strips and street trees. Driveway widths and curb cuts should be minimized to maximize opportunities for street trees. Careful consideration should be given to selecting tree species appropriate for the planting strip width, site conditions, and surrounding context.

- (g) The Overlay’s residential areas have established patterns of backyards, which create a much-valued “private realm” of outdoor spaces that contrast functionally with the “public realm” of street frontages. Infill development which intrudes significantly into the backyard realm can have substantial privacy impacts and is often a key concern of neighbors. Site designs must respect the backyard realm by minimizing intrusions by larger structures
 - (h) Existing structures may be subdivided or expanded to accommodate the permitted density, provided that all expansions are compatible with both the existing structure and the surrounding neighborhood, in the opinion of the Township Board, and that all other standards of this Overlay are met.
 - (i) Attached single family homes, sometimes known as townhouses or rowhouses, are encouraged. Townhouses or rowhouses should be aligned along the street, all facing the same direction, and should either be connected directly together, or in groups of at least three units, with no more than 20 feet between a group of three (unless needed for a driveway).
- (3) **Parking.** Enough parking must be provided for all dwelling units. The prominence and extent of parking and other vehicle areas along the frontages of residential infill projects should be minimized. Not only is this important for continuing neighborhood patterns of landscaped front setbacks and street-oriented buildings, but this helps contribute toward quiet, safe, and pedestrian-friendly streets.
 - (4) **Dwelling Unit Design.** The dwelling units are designed to be functional, safe, and high quality, with an appropriate minimum floor area determined by the Township Board. All dwelling units must meet the minimum unit size requirements listed in [Section 5.01](#).

Section 12.08 **Mixed Use Buildings**

- (A) **Neighborhood Commercial Uses.** The Township Board may approve, by Special Use, non-residential uses upon determining they meet the criteria in [Section 2.04](#) for approval of Special Uses, as well as the criteria in subsection E below. Existing residential structures may be modified to contain non-residential uses, provided they meet the criteria of this overlay and are approved by the Township Board for a Special Use Permit. Non-residential neighborhood commercial uses that may be approved include, but are not limited to, the following:
 - (1) Barber Shops/Beauty Shops
 - (2) Professional Offices
 - (3) Retail Stores, including art galleries
 - (4) Low intensity restaurants, such as ice cream parlors and hot dog stands.
 - (5) Animal Day Care Centers that do not provide overnight boarding.
 - (6) Child Day Care Centers.
- (B) **Residential Uses.** The Township Board may approve up to **four units per lot**.
- (C) **Development Standards.** In order to be approved, the Mixed-Use Building must meet the following standards, in the opinion of the Township Board:
 - (1) **Site Design Requirements.** All setback and building height standards must be met. Variances from those standards may only be granted by the ZBA.
 - (2) **Infill Design Toolkit.** The design and form of the Mixed-Use Building must be compatible with the surrounding residential properties. Mixed use buildings integrated into residential communities should

serve and enhance the neighborhood, and not create a burden. Designs should be carefully crafted to protect the quiet and safe character of the Overlay, while providing additional amenities, services, jobs, and housing options. The Township Board shall consider the following when determining compatibility:

- (c) The roofline should emulate a single-family design, including a peaked roof. Dormers and other roofline enhancements are encouraged.
 - (d) Residential-style siding materials such as brick, vinyl, stone, or wood should be used. EIFS, metal panels, and concrete panels shall not be considered compatible. Buildings should be designed to respond to prevalent architectural features of the surrounding neighborhood context, especially in areas where patterns established by recurring architectural features are well-established and valued.
 - (e) Along street frontages, windows, main entrances, and other primary building façade elements should be oriented toward the street. Care should be taken to avoid the appearance of buildings turning their backs or sides toward the street.
 - (f) Neighborhood block frontages are often characterized by a consistent rhythm of development created by recurring building patterns. Projects on sites larger than nearby houses should continue such patterns by dividing buildings into volumes reflective of the established building rhythm.
 - (g) Driveway widths and curb cuts should be minimized to maximize opportunities for street trees. Careful consideration should be given to selecting tree species appropriate for the planting strip width, site conditions, and surrounding context.
- (3) **Landscaping.** The landscaping requirements of the B-2 District shall apply to all sites containing mixed use buildings, regardless of the underlying zoning district.
- (4) **Signage.** The signage standards of the B-2 District shall apply to all sites containing mixed use buildings, except that pylon signs and the internal illumination of signage shall be prohibited. All Ground Signs shall provide architectural features, details, or ornaments inspired by the building.
- (5) **Parking.** Enough parking must be provided for all uses. Parking must be screened from all neighboring residential uses and shall not be in the front yard. The Township Board may require landscaping above and beyond the Ordinance requirements in order to ensure compatibility.
- (6) **Dwelling Unit Design.** The dwelling units are designed to be functional, safe, and high quality, with an appropriate minimum floor area determined by the Township Board. All dwelling units must meet the minimum unit size requirements listed in [Section 5.01](#).

Article 13: Telecommunication Towers

Section 13.04 **New Facilities**

- (A)** New wireless telecommunications facilities shall be prohibited on private property in the R-1 and R-2 Districts, permitted by Special Use Permit on public property (including right-of-way) in the R-1 and R-2 Districts, and on all lots and/or rights-of-way in all other Zoning Districts. The Special Use requirement shall apply regardless of whether a new support structure (tower) will be constructed or not, and shall be subject to the following standards, as well as the standards in [Section 2.04](#):
- (1) Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.
 - (2) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
 - (3) If a new tower is to be constructed for the facility, it shall meet the following standards:
 - (c) Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.
 - (d) The tower must be a monopole design. Guyed and lattice towers are prohibited.
 - (e) No signage shall be placed upon the tower structure.
 - (4) The tower must be the shortest possible height required to provide the service desired by the applicant. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why the requested height is necessary. The Township may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine for itself whether the requested height is necessary.

Section 13.05 **Co-Locations and Modifications to Existing Facilities.**

- (A)** Co-locations and modifications to existing facilities shall not require Special Use or Site Plan Approval. The Zoning Administrator shall have the authority to approve all co-locations and modifications that meet the standards of this Section.
- (1) The applicant must submit a structural analysis, signed and sealed by a licensed engineer, demonstrating that the tower, in its present condition, has the structural capacity to support any proposed new antennae or other tower-mounted equipment.
 - (2) The applicant must submit the results of an inspection of the condition of the tower and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the modification of the co-location.
 - (3) Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.
 - (4) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
 - (5) No lighting may be added to the tower unless required by the Federal Aviation Administration.

Section 13.06 **Small Cell Zoning Exemption.**

- (A) Small Cell Wireless Facilities, as defined by Subsection B, shall be exempt from all requirements of [Sections 12.01](#) and [12.02](#), and shall not require zoning approval, in the following circumstances. If a facility does not meet the definition in Subsection B, then the relevant standards of [Sections 12.01](#) and [12.02](#) shall apply.
- (1) Located in the public right-of-way
 - (2) The replacement of a Small Cell Wireless facility with a Small Cell Wireless facility that is not larger or heavier, in compliance with applicable codes.
 - (3) Routine maintenance of a Small Cell Wireless facility, utility pole, or wireless support structure
 - (4) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.
 - (5) Small Cell Wireless Facilities not exempt under this sub-section shall be reviewed in the same manner as Towers and based on the standards set forth in MCL 460.1317 (2) and (3) and those standards in this Ordinance that are not incompatible with State Law.
 - (6) Review under Subsection 5 shall be completed within the time limits imposed by MCL 460.1317 (2). The Zoning Administrator shall determine when the application is complete under MCL 460.1317.
- (B) The definition of a Small Cell Wireless Facility shall be as follows. This definition is consistent with State Law at the time of adoption of this Ordinance. If a term used in this section is defined in Public Act 365 of 2018, then the term shall have the meaning described in that Act. A Small Cell Wireless Facility shall mean a wireless facility that meets both of the following requirements:
- (1) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
 - (2) All other wireless equipment with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

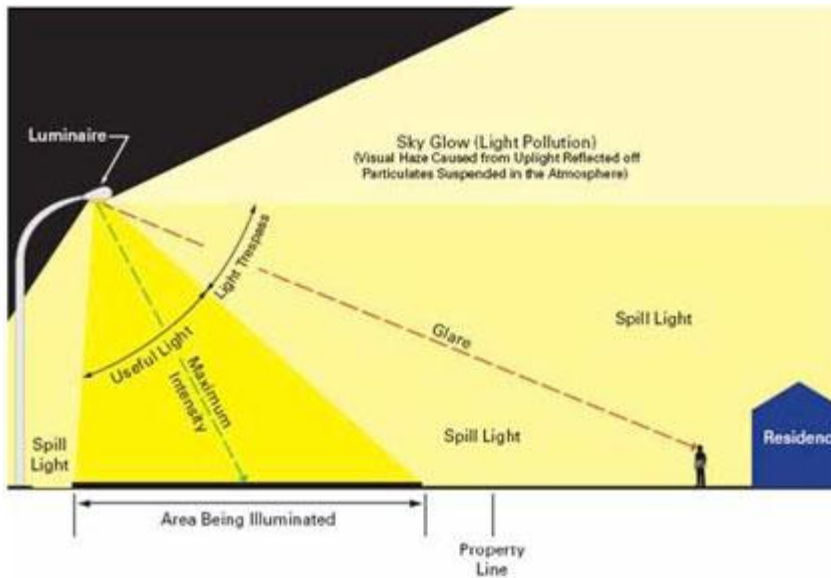
Section 13.07 **Abandonment**

A telecommunication tower shall be removed by the property owner within six months of being abandoned. If the present-day owner and applicant fail to do so within six months of abandonment, the special use permit shall be considered revoked. The Township may, at its sole discretion, enter the property and cause the demolition of the tower, antennas, and any necessary structures. Prior to demolition, the Township shall provide written notice of demolition via first class mail to the present-day owner and applicant not less than 30 days prior to demolition. All costs, including attorneys' fees, associated with demolition shall be placed on the tax bill of the property as a special assessment.

Article 14: Lighting

Section 14.04 Intent.

- A. These regulations will require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to promote dark skies in rural parts of the Township and to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that promotes energy efficiency and conservation in the Township.



Section 14.05 Applicability

The provisions of this Section regarding the design of newly installed light fixtures shall apply to all parcels or lots on which an improvement or development is proposed requiring Site Plan Approval.

Section 14.06 Examples of Fixtures.

- A. The following chart shows examples of those fixtures that are acceptable and those that are prohibited. The chart is merely to demonstrate options, and is not regulatory in and of itself.

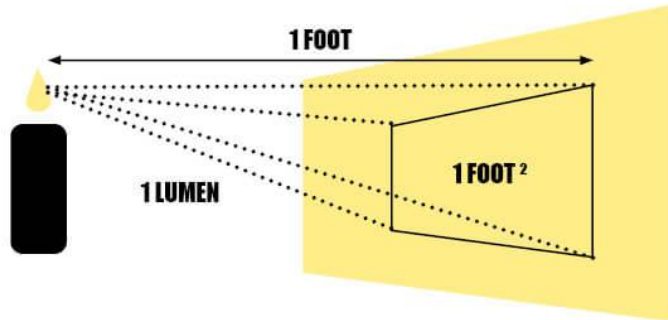


Section 14.07 Foot-candles Standards

The following table lists the required minimum and maximum foot-candles at grade, during the hours of operation for the site, for the various outdoor site areas. A photometric topography map of the lot and all areas within 25 feet of the lot boundaries shall be submitted with all Site Plan applications where outdoor lighting is proposed. Lighting shall not be required in any area not listed below. The Zoning Administrator, using a light meter, shall determine the official as-built light levels, as well as compliance with this Ordinance.

There shall be no minimum light level requirement on sites where the principal use is a single-family home.

FOOTCANDLE

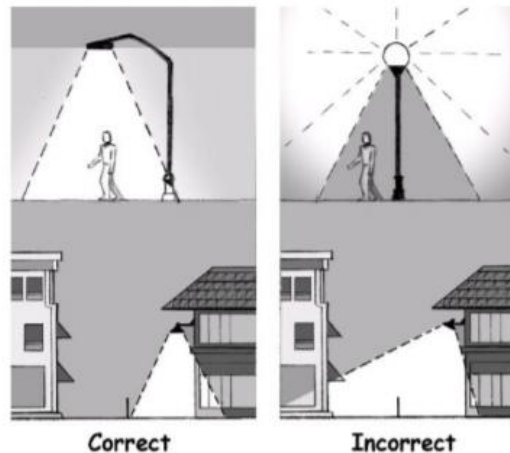


1 LUMEN / SQFT = 1 FOOTCANDLE

Lighting Application	Minimum Footcandles	Maximum Footcandles
Parking lots, plazas, hardscape lighting, driveways, on site private roads, and outdoors sales areas (average must be between minimum and maximum).	2.5	10.0
Sidewalks, walkways, and bikeways (all areas must be between minimum and maximum).	2.0	10.0
Building entrances (without canopy) (light level must be between minimum and maximum within 5 feet of door).	2.5	10.0
Building entry, drive-up sales, and areas underneath canopies (such as hotel entrances and gas pumps) (average must be between minimum and maximum).	2.5	10.0
At any side or rear property line.	0.0	0.5
Any other location.	0.0	10.0

Section 14.08 **General Requirements**

- (A) Light emanating from any lot that unnecessarily illuminates or interferes with the use or enjoyment of any other lot shall be prohibited.
- (B) All outdoor lighting shall be downward facing at a 90 degree angle and shielded so as to conceal the source of the light, except as otherwise described in this Ordinance. The Township Board may waive this provision upon determining that a light is not a nuisance to any residential property, and will not cause any potential dangers to traffic on a nearby road.



- (C) Lighting poles shall be located in a manner that will not interfere with pedestrian or automobile circulation. Light fixtures shall not exceed 20 feet in height, measured from grade to the bottom of the fixture.
- (D) Ornamental lighting is defined as lighting which is intended to set a mood, create a play of shadows, highlight a given area or element, but is not signage or advertising. This type of lighting is not intended to address the general lighting needs of the Site and shall in no case spill over or intrude onto an adjacent Site. Ornamental lighting must be a hidden source, and designed to directly illuminate a building, landscaping, or structure (such as public art or a flagpole). Ornamental lighting shall not have any movement or simulation of movement, nor shall it change color.
- (E) **Lighting of Signs:** See [Article 10](#).

Section 14.09 **Prohibited Lighting**

- (A) The operation of searchlights for advertising purposes is prohibited.
- (B) Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement, are prohibited.
- (C) Any light that creates glare (as defined in this Ordinance) outside of the site the fixture is located on, including lights shining from inside a building, must be removed or otherwise mitigated.

Section 14.10 **Exempt Lighting**

- (A) The following light fixtures shall be exempt from this section, including exempt from the list of “prohibited lighting”:

- (1) Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency. Light fixtures may remain in place, but may not be activated except for emergencies.
- (2) Lighting that is required by the County, State, or Federal government, including, but not limited to, airport lighting and lighting of wireless telecommunications facilities, shall be exempt from this section.
- (3) Underwater lighting for fountains, swimming pools, and other man-made bodies of water shall be exempt from the lamp type and shielding provisions of this section, but shall comply with all other regulations.
- (4) Lighting of the U.S. flag, as recommended by the Flag Code, is exempt from this Section, provided that the spotlights must illuminate only the flag, and shall not be greater than 7000 lumens.
- (5) Special Temporary Non-Commercial Lighting for Christmas, Halloween, etc, provided it is not in place for more than 90 days.
- (6) **Lighting of Roadways.** Lighting of roads shall be designed in accordance with the Township Subdivision Ordinance and/or the regulations of the the County Road Department, as applicable to a given roadway.
- (7) Freestanding light fixtures (i.e. not attached to any structure) that are less than 18 inches tall and not upward-directed.
- (8) In-ground lighting designed to promote pedestrian safety.

Section 14.11 **Special Use Lighting**

- (A)** Upon approval of a special use permit by the Township Board, lighting systems not complying with the technical requirements of this Section but consistent with its intent may be installed for the following applications:
- (1) Sport fields and stadiums.
 - (2) Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation.
 - (3) Bridges.
 - (4) Specialized Theme Park lighting.
 - (5) Public monuments, public buildings and Houses of Worship.
 - (6) Industrial areas where higher pole heights are required to avoid interference of vehicle with the pole assembly.
 - (7) Outdoor sales and display areas.
 - (8) Other special lighting needs as determined by the Township Board.
- (B)** To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:
- (1) Utilizes fully shielded luminaires, unless the applicant demonstrates, to the satisfaction of the Township Board, that such shielding is impractical.

- (2) Has received every reasonable effort to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a certified lighting professional describing the mitigation measures.
 - (3) The proposed lighting will not create unwarranted glare, sky glow, or light trespass.
 - (4) Meets all requirements of this Ordinance to be approved for a Special Use Permit.
- (C)** The Township Board may impose conditions on the Special Use related to the lighting, such as hours of operation, automatic dimmers, etc.

Article 15: Landscaping

Section 15.04 Intent

- (A) **General.** The Intent of this Article is to ensure the long-term environmental sustainability of the Township, as well as the Township's natural beauty and pleasant aesthetic, by requiring robust and well-maintained landscaping and permeable ground cover at development sites throughout the Township.
- (B) **Tree Coverage** preserves and protects the Township's urban tree canopy to prevent heat island effect, and ensures long-term environmental sustainability. The urban tree canopy includes trees in yards, parks, open spaces, along streets, and in other places where trees are appropriate.

Section 15.05 Maintenance of Existing Landscape Material

- (A) Property owners shall take all reasonable measures to keep all landscaping alive and thriving.
- (B) All aspects of the approved landscape maintenance plan (See Section 14.04.B) must be carried out as described and/or maintained in working order, at all times.
- (C) All landscape materials, plant materials, manufactured materials shall be kept in a neat and orderly manner, free from debris and refuse.
- (D) All diseased, unhealthy, and dead plant material shall be removed immediately and replaced, unless it is determined weather conditions may jeopardize the health of the materials.
- (E) Replacement material, i.e. trees or shrubs, shall be installed at or as close as possible to the size of the material at the time of their removal.

Section 15.06 Applicability of Requirements.

Any project subject to a Site Plan Review shall be evaluated per the Landscape standards of this Article and shall be required to meet all applicable requirements.

Section 15.07 Submittal Requirements.

These elements must be included in all submitted landscape plans, unless explicitly determined by the Zoning Administrator to be unnecessary.

- (A) Existing and Proposed Landscape Features and Green Infrastructure.
 - (1) Identification and placement of existing trees, vegetation, and other landscape elements.
 - (2) Existing and proposed site contours on the project site and 100 feet beyond the lot lines at intervals not to exceed two feet.
 - (3) Delineation of natural rivers, all wetlands, streams, water bodies, woodlands, wildlife areas, and steep slopes, and other sensitive environmental areas that may influence water quality and/or stormwater discharge rates.
 - (4) Location, height, and type of any berms, fences, or walls, measuring 30 inches or higher.
 - (5) Location of all overhead utilities and underground utility easements.

- (6) A tree inventory displayed as a map or plan with a list and description of the species, condition, and size for all trees six (6) inches Diameter Breast Height (DBH) or larger on the property.
- (7) For all trees to be retained, a root protection plan, showing tree and root protection zones and the method of protecting vegetation during construction.
- (8) Identification of existing trees, vegetation, and other landscape elements to be removed, and the reasons for removal. When tree replacement is required, include a table that lists the trees to be replaced, and the proposed replacement trees.
- (9) Location, size, spacing, and species of proposed plant and green infrastructure material.
- (10) Calculations showing the proposed landscape and green infrastructure plan meets the requirements of this section.
- (11) Specifications on soil depth, type/mix (including pH), open soil surface area, and planting methods.
- (12) Spacing between all trees and shrubs.
- (13) Installation method information for all lawn grass areas.
- (14) A table, demonstrating compliance with all numerical requirements, including the following information to allow determination of requirements by the approving authority:
 - (c) Linear feet of frontage along all streets
 - (d) Number of trees along the street frontage, as described in [Section 14.07 \(A\)](#)
 - (e) Square footage of pavement (pervious and impervious)
 - (f) Number of Parking Spaces
 - (g) Number of Parking Lot Islands
 - (h) Square Footage of Parking Lot Islands
 - (i) Proposed Plantings on Each Parking Lot Island
 - (j) Square footage of Parking Lot Perimeter Landscaping, as described in [Section 14.07 \(B\)](#)
 - (k) Number of Trees and Shrubs in the Parking Lot Perimeter Landscaping, as described in [Section 14.07 \(B\)](#)
 - (l) Designation of the choice of residential buffer, from the options in [Section 14.07 \(C\)](#)
 - (m) Dimensions of the proposed residential buffer.
 - (n) Proposed plantings in the residential buffer.

(B) Maintenance Plan Requirements. The applicant, at the time of the submission of the Site Plan Approval, shall demonstrate that adequate provisions have been made, and adequate maintenance processes will be followed, in order to ensure that the landscaping is kept alive, thriving, attractive, and effective at meeting the requirements of this Article. Following are acceptable methods for ensuring the long-term maintenance of landscaping. The applicant must demonstrate which of these options, or others as may be deemed acceptable by the approving authority, will be used on a given site.

- (1) The installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.
- (2) Integrating the landscape design into the stormwater system, through rain gardens or bioswales, or other methods to use stormwater to provide water to plantings. If this option is chosen, the proposed species must thrive in high water situations, and be resistant to salts and other pollutants that may enter stormwater.
- (3) A robust program of hands on maintenance, through dedicated staff or contractors, to be continued indefinitely to keep the landscaping alive and thriving.

(C) Reasons and justifications for any **proposed deviation** from the standards of this Article.

Section 15.08 **Soil and Planting Requirements**

(A) **Soil Requirements.**

- (1) **Minimum Soil Volume.** The following minimum volumes of soil must be provided for each planting, in order to ensure sufficient space for root growth and long-term vitality of the planting.

Plant Material	Soil Volume (cu. ft.)
Canopy/Shade Trees	500
Ornamental Trees	200
Evergreen Trees	200
Shrubs	No Minimum

- (2) Topsoil shall be installed with a minimum depth of four (4) inches for lawn areas, and eight (8) to twelve (12) inches within planting beds.. For the purposes of this calculation, the maximum soil depth is three (3) feet.
- (3) Topsoil for landscaping shall be clean, good quality loam topsoil, dark in color with visible organic content and neutral pH. Topsoil must not contain underlying soils, debris, or stones greater than one-half (½) inch. Topsoil shall be of uniform quality and free from hard clods, stiff clay, sod, or other undesirable materials.

(B) **Species Requirements.**

- (1) **Must Thrive in St. Joseph Charter Township.** All plant material shall be species that thrive in the St. Joseph Charter Township area (generally Plant Hardiness Zone 6), be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen.
- (2) **Must Provide A Variety of Species.** The landscape plan shall not contain more than thirty-three (33) percent of any single plant species. Landscape plans including fewer than 15 required plantings shall be exempt from this requirement.
- (3) **Prohibited Invasive Species.** The following species are considered invasive in Western Michigan and shall be prohibited, and shall not count towards landscape requirements if they are existing on a property:

Botanical Name	Common Name
Acer Ginnala	Amur Maple
Elaeagnus Umbellata	Autumn Olive
Robinia Spp.	Black Locust
Acer Negundo	Box Elder
Pyrus Calleryana	Bradford/Callery Pear
Rhamnus Cathartica	Common Buckthorn
Phragmites australis	Common Reed
Butomus umbellatus	Flowering Rush
Alliaria petiolata	Garlic Mustard
Polygonum sahalinensis (Fallopia sachalinensis)	Giant Knotweed
Rhamnus Frangula	Glossy Buckthorn
Berberis Thunbergii	Japanese Barberry
Fallopia japonica	Japanese Knotweed
Populus nigra var. italica	Lombardy Poplar
Rosa Multiflora	Multiflora Rose
Acer platanoides	Norway Maple
Lythrum salicaria	Purple Loosestrife
Elaeagnus Angustifolia	Russian Olive
Centaurea Biebersteinii	Spotted Knapweed
Ailanthus Altissima	Tree of Heaven

(C) Minimum Plant Requirements.

- (1) **Minimum Size at Planting.** All plantings must be the following minimum sizes at installation, to maximize the chances of long-term health and vitality.

Plant Material	Minimum Plant Size	Where Measured
Canopy/Shade Trees	2.5 in. caliper	6 inches above grade
Ornamental Trees	2.0 in. caliper	6 inches above grade
Evergreen Trees	5.0 ft. height	Highest Point, including Leaves or Flowers
Shrubs	3.0 ft. height	Highest Point, including Leaves or Flowers

- (2) **Minimum Spacing.** All plantings must be spaced the following distances apart at planting, in order to ensure sufficient space for long-term growth. The approving authority may permit reduced spacing in order to achieve required screening, provided the viability of the plant is not compromised.

Plant Material	Spacing on Center (ft.)
Canopy/Shade Trees	35 ft.
Ornamental Trees	15 ft.
Evergreen Trees	15 ft.
Shrubs	3 ft.

(D) Lawn Grass Requirements. Lawn grasses shall be planted in species normally grown as permanent lawns in the St. Joseph Charter Township area.

- (1) Generally, grasses may be plugged, sprigged, seeded or sodded. When complete sodding or seeding is not used, nursery grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- (2) In swales and other areas susceptible to erosion, rolled sod, erosion reducing net or suitable mulch shall be used, and shall be staked where necessary for stabilization.

Section 15.09 Required Landscaping

The table below shows the required landscape installations by Zoning District. Additional standards for each type of landscaping are included in [Section 14.07](#).

		R-1, R-2, R-3, (A)	R-4	B-1, B-2, I-1, I-2	Design Requirements
Street Trees		1 per 40 feet of street frontage (C)	1 per 40 feet of street frontage	1 per 40 feet of street frontage	Section 14.07.A
Parking Lot (B)	Number of Trees	No Requirement	1 per 1800 sf of pavement	1 per 1800 sf of pavement	Section 14.07.B
	Minimum Area Per Island	No Requirement	150 sf	150 sf	
	Minimum Area of Perimeter Landscaping	No Requirement	1 sf of landscaping per 20 sf of pavement	1 sf of landscaping per 20 sf of pavement	
	Trees	N/A	At least 40% of required trees must be planted in islands, with a maximum of 2 trees per island. 1 shade tree and 1 ornamental tree are required per 100 feet of parking lot perimeter, and must be planted within 25 feet of the parking lot, in a configuration that shades the parking lot effectively. Any additional required trees must be planted within 50 feet of the parking lot	At least 40% of required trees must be planted in islands, with a maximum of 2 trees per island. 1 shade tree and 1 ornamental tree are required per 100 feet of parking lot perimeter, and must be planted within 25 feet of the parking lot, in a configuration that shades the parking lot effectively. Any additional required trees must be planted within 50 feet of the parking lot	

	Shrubs	No Requirement	10 per 100 feet of parking lot perimeter, planted within 25 feet of the parking lot.	10 per 100 feet of parking lot perimeter, planted within 25 feet of the parking lot.	
Residential Buffer		Required for Non-Residential Uses adjacent to Residential Uses	Required adjacent to all Residential Uses	Required adjacent to all Residential Uses	Section 14.07.C

Footnotes to Table 14.06:

- (A) Non-residential uses in the R-1, R-2, or R-3 Districts shall be subject to the requirements for the B-1, B-2, I-1, and I-2 Districts.
- (B) Landscaping requirements shall be based on the square footage of all parking lot pavement, including pervious pavement.
- (C) The construction of an individual single family home shall not trigger the street tree requirement. However, constructing a neighborhood of single family homes (such as a plat, site condominium, or planned unit development) shall trigger the requirement. Additionally, any use requiring site plan approval in the R-1, R-2, or R-3 districts must meet the street tree requirement.

Section 15.10 Landscape Design Requirements

(A) Street Trees.

- (1) **Location.** If approved by the Berrien County Road Department, street trees shall be located within the public right-of-way. If not approved by the Road Department, street trees shall be located within 15 feet of the front lot line, on private property.
- (2) **When Power Lines are Present.** If power lines are present within the required street tree area described in Subsection 1, the trees must be ornamental trees with a maximum height of 24 feet.

(B) Parking Lot Landscaping.

- (1) **Islands.** Landscape islands shall be provided to reduce the urban heat island effect by providing shade, grant visual relief to expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic.
 - (c) **Dimensions:**
 - (i) **Minimum Area:** 150 square feet
 - (ii) **Minimum Width:** At least 7 feet wide.
- (2) **Curbs:** Parking lots shall not be required to have curbs. However, if a lot does not have curbs, it shall meet the following requirements:
 - (a) Bumper blocks must be provided at the ends of any parking spaces.
 - (b) The ground cover and plantings adjacent to the pavement must be designed to thrive, given the anticipated sheet draining from the adjacent parking lot.

- (3) **Ground Cover:** Landscape islands may be covered with the following. However, some options will trigger additional requirements, as described below.
- (a) **Grass/Lawn:** If this option is chosen, at least 10 percent of the island must be a mulch planting bed featuring flowers or flowering shrubs.
 - (b) **Mulch:** If this option is chosen, at least 1 shrub per 50 square feet must be planted on the island. The applicant may instead propose an arrangement of flowers, which may be substituted for the shrubs if approved by the approving authority.
- (4) **Between Parking Lot and Right-of-Way.** If there is no building between the parking lot and a public right-of-way, the area between the right-of-way line and the parking lot must contain landscaping. Street trees placed in this area shall count towards both the street tree requirement and the parking lot perimeter requirement.
- (C) **Residential Buffer Options.** When buffering is required under [Section 14.06](#), one of the following options must be chosen to meet the buffering requirement.
- (1) **Wall.** Screening walls must be at least **6 feet in height** and solid/opaque in design. They must be constructed of masonry, brick, wood, or vinyl.
 - (2) **Berm.** Berms used as residential buffering must include plantings designed to screen the residential use from the non-residential use or parking lot as a buffer area and shall meet the following requirements:
 - (a) Berm slopes shall not exceed a four to one (4:1) horizontal to vertical ratio, with a top width of at least one-half ($\frac{1}{2}$) the berm height, and a maximum height of three (3) feet above the base of the berm.
 - (b) Berm slopes shall be stabilized with a ground cover or suitable vegetation and properly located outside of clear vision areas.
 - (c) When constructed, berms shall be maintained in good condition existing healthy vegetation designated for preservation.
- (D) **Evergreen Screen.** An evergreen screen shall consist of a staggered **double-row of evergreen trees**, forming a complete screen as viewed from the residential property, up to a **height of 6 feet at planting**.
- (E) **Landscape Buffer Area.** Berms used as residential buffering must include plantings designed to screen the residential use from the non-residential use or parking lot, and shall meet the following:
- (a) The buffer area must be at least 40 feet wide and must extend along the entire lot line.
 - (b) The buffer area must include at least one tree per 500 square feet of landscape area.
 - (c) The buffer area must include at least four shrubs per 500 square feet of landscape area.
 - (d) The buffer area must be designed to replicate a natural arrangement of plantings, and must be designed so that the plantings will thrive.
- (F) **Preserved Woodlands.** A “Preserved Woodlands” shall be defined as an area with the following characteristics:
- (a) A minimum **50 feet wide** extending along the entire property line abutting the residential property.
 - (b) Fully screen the non-residential use or parking lot from the residential use to the top of the second story.

- (c) At least **90%** of existing trees over 6 inches in Diameter Breast Height (DBH) must be retained within the Preserved Woodlands areas.

Section 15.11 **General Regulations**

- (A) **Setback from Right-of-Way.** All landscaping, on all lots, must be set back at least three feet from right-of-way lines. No private entity shall plant landscaping within a public right-of-way. Required street trees shall be exempt from this requirement.
- (B) **Required Vegetation.** All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers.
- (C) **Stabilization.** All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches or other approved materials to prevent soil erosion and allow rainwater infiltration.
- (D) **Planting Beds.** Bark used as mulch shall be maintained at a minimum depth of 2 inches. Mulch shall be spread in a manner that avoids soil compaction.
- (E) **Edging:** Planting beds shall be edged with plastic, metal, brick or stone in residential Zoning Districts and metal edging in all other Zoning Districts.
- (F) **Timing of Planting.** All required plant material shall be planted prior to issuance of a Certificate of Occupancy. In the event that the project is completed during a time of year when planting is impractical, a temporary Certificate of Occupancy may be issued with a deadline for installing the required landscaping and obtaining a permanent Certificate of Occupancy. a performance guarantee in the amount of the remaining improvements may be required.
- (G) **Completion of Improvements.** Tree stakes, tree ties and tree wrap shall be removed after completion of the initial growing season.
- (H) **Minimum Height of Branches Over Sidewalks:** No branch hanging over a public sidewalk shall extend lower than 12 feet from grade.
- (I) **Protections During Construction.** During construction of any building or structure, appropriate guards shall be maintained around all existing trees that will be retained on the site following construction.
- (J) **Use of Existing Vegetation in Lieu of Required Plantings.** The Township may determine that existing vegetation is sufficient to meet the spirit of this Ordinance. even if it does not meet the letter of the specific regulations. In order for existing vegetation to be approved in lieu of landscaping requirements, the applicant must comply with the following:
 - (1) The applicant must submit a tree survey, completed by a professional landscape architect or arborist, identifying trees over 6 inch caliper on the site.
 - (2) Existing trees must have sufficient room for their root structures maintained both during construction and in the final design. Sufficient room shall be defined as the extent of the tree's canopy (its "dripline"), or another area proposed by a registered landscape architect and approved by the Planning Commission.
 - (3) When the site contains existing woodlots or groups of trees, this survey may indicate the general species of trees and break down the woodlot by general size of material within the woodlot, rather than inventorying every tree

(4) Existing vegetation used to comply with the requirements of this section must be kept in good condition. In the event that the plants die, they must be replaced by conforming plantings.

(K) Clear Corner Vision. All landscaping in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Landscaping must be less than three feet tall within a triangle formed by two points, each 20 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them.

