

STURGIS TOWNSHIP

ZONING ORDINANCE



ADOPTED APRIL 2, 2009
Current through Ordinance No. 2016-1
Effective March 2016

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ARTICLE I

SHORT TITLE AND PURPOSE

TITLE AND PREAMBLE: An ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Sturgis, pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended: to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance: to establish a Zoning Board of Appeals: and to prescribe penalties for the violation of the provisions herein.

THE TOWNSHIP BOARD OF STURGIS TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN, under the authority of the Michigan Zoning Enabling Act, being P.A. 110 of 2006, as amended, HEREBY ORDAINS AS FOLLOWS:

1.0 SHORT TITLE AND PURPOSE

1.01 Short Title

This ordinance shall be known as the Zoning Ordinance of the Township of Sturgis.

1.02 Purpose

The Zoning Districts established by this Ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a comprehensive plan for the physical development of Sturgis Township as a part of St. Joseph County. In their application and interpretation, the provisions of this Ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals and general welfare. Among other purposes these provisions are designed to conserve and protect lands, waters, and other natural resources in the Township for their most suitable purposes; to protect productive agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets; to facilitate the economical provision of adequate streets and highways; educational and recreational facilities, sewerage, drainage and water supply systems while avoiding the installation of such utility services which are illogical locations; and to enhance the social economic stability of Sturgis Township.

1.03 Scope

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provision of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

1.04 Control

Where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this Ordinance shall control.

ARTICLE II

DEFINITIONS

2.0 USAGE

2.01 For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

2.02 Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural: and words used in the plural number include the singular: the word "herein" means this Ordinance: and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".

2.03 A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "building site" includes a plot, lot, condominium building site, or parcel: a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

2.04 The "Township" is Sturgis Township in the County of St. Joseph, State of Michigan; and "Township Board", "Board of Appeals", and "Planning Commission" are respectively the Township Board, Board of Appeals and Planning Commission of Sturgis Township.

2.05 Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

2.1 TERMS AND WORDS DEFINED

2.11 Accessory Building

A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use as the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.

2.12 Accessory use or accessory

A use which is clearly incidental to customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Residential accommodations for guests, servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence, or their guests.
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- B. Storage of goods used in or produced by industrial uses or related activities unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

2.13 Adult Foster Care Facility

A governmental or private facility for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped and who require supervision but not continuous nursing care.

2.14 Alley

A strip of land over which there is a right-of-way, public or private on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

2.15 Alterations

Any change, addition, or modification in construction or type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

2.15.01 Animal

An organism, other than a human or plant, that is characterized into one of the following three categories: 1) Domestic: This category would typically include those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged), and are in good health. The boarding of such animals shall be regulated under the definition of kennel. 2) Livestock: This category would typically include those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the classification of animal units associated with livestock operations. This includes cattle, swine, horses, sheep, goats, turkeys, chickens and ducks. 3) Exotic: This category would typically include all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some localized regions. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general ordinance of the Township or otherwise shall be limited to keeping within zoological parks only. (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).

2.16 Animal Unit

Animal unit shall be defined as a unit of measurement of any animal feeding operation (See Intensive Livestock Operation).

2.17 Area of Shallow Flooding

Means a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

2.18 Area of Special Flood Hazard

Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

2.19 Automobile or recreational Vehicle Sales Area

An area used for the display, sale or rental of new and used motor vehicles, boats, trailers or recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

2.20 Automobile Repair - Major

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust proofing.

2.21 Automobile Repair - Minor

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. Automobile service including fuel, lubricating, oil or grease for operating motor vehicles.

2.22 Automobile Wash Establishment

A building, or portion thereof, the primary purpose of which is washing motor vehicles and in which the driver remains in or near the vehicle.

2.23 Base Flood

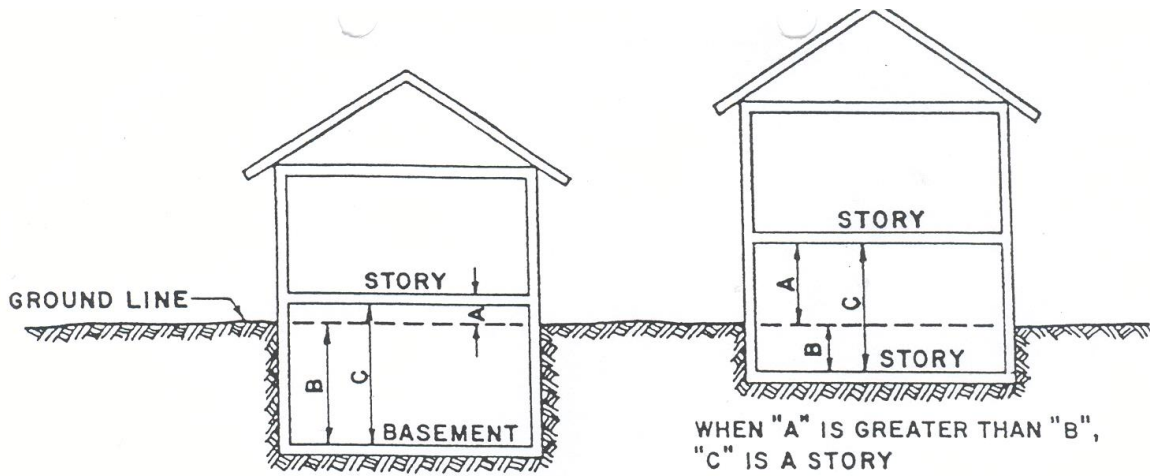
Means the flood has one percent chance of being equaled or exceeded in any given year.

2.24 Basement or Cellar

Basement or cellar shall be that which is defined in the Sturgis Township building code.

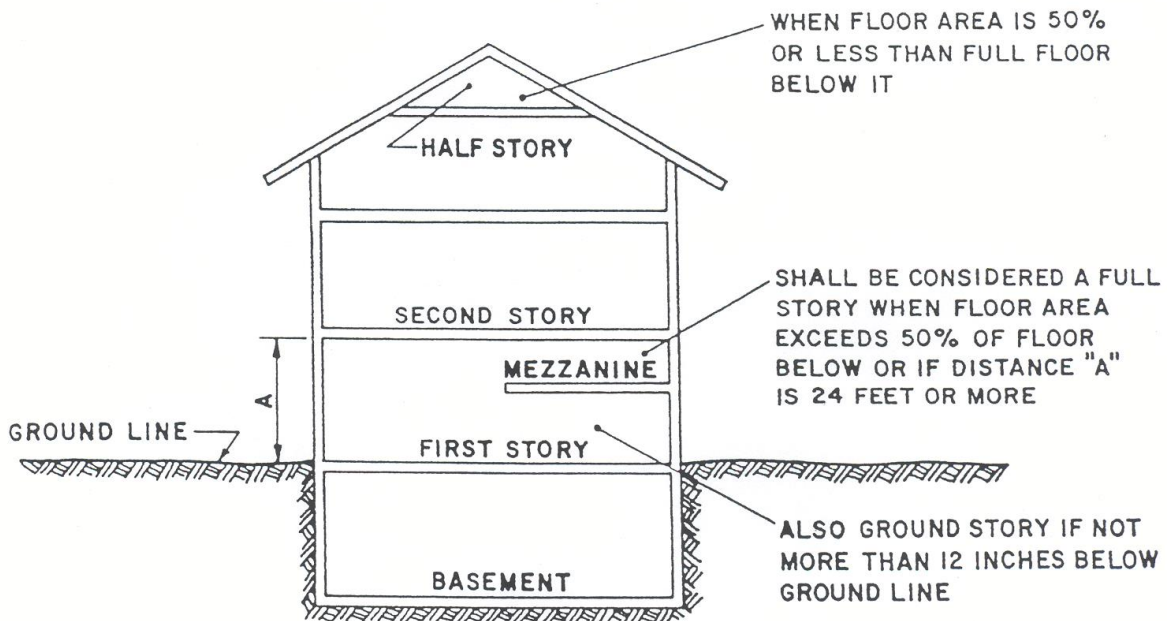
2.25 Bedroom

For the purpose of determining density in the Planned Residential District, the term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.



WHEN "A" IS LESS THAN "B",
"C" IS A BASEMENT

WHEN "A" IS GREATER THAN "B",
"C" IS A STORY



STRUCTURAL TERMINOLOGY

2.26 Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or boundary lines of Sturgis Township.

2.27 Bed and Breakfast Facility

A bed and breakfast facility is a building, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation.

2.28 Board of Zoning Appeals

The Sturgis Township Board of Zoning Appeals, the members of which have been duly appointed by the Township Board and which is authorized as a body to interpret, hear appeals and grant variances only in accordance with the provisions of this Ordinance.

2.29 Building

A building is an edifice, framed or constructed and designed to stand permanently and covering a space of land, for use as a dwelling, store, warehouse, factory, sign, shelter or for some other useful purpose.

2.30 Building. Existing

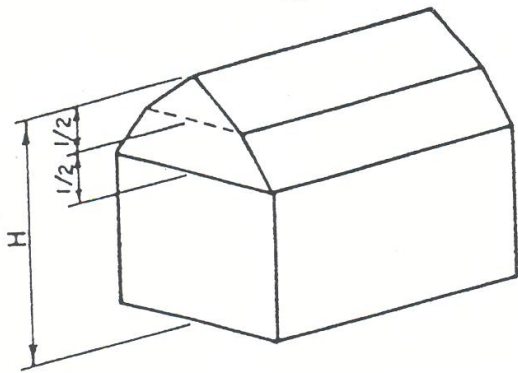
An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

2.31 Building. Height

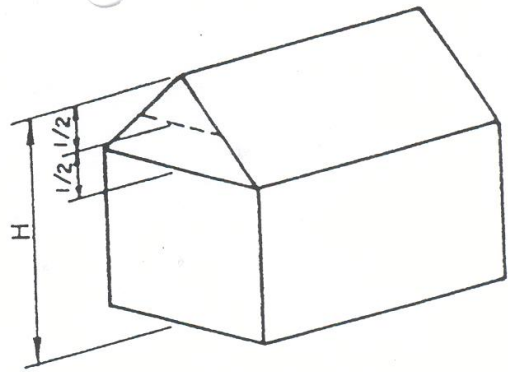
Building height is the vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner. the front and side. of the building, to the highest point of the roof surface if the roof is flat: to the deck line. if the roof is the mansard type: or the average height between the eaves and the ridge if the roof is gable. hip or gambrel type.

2.32 Building Line

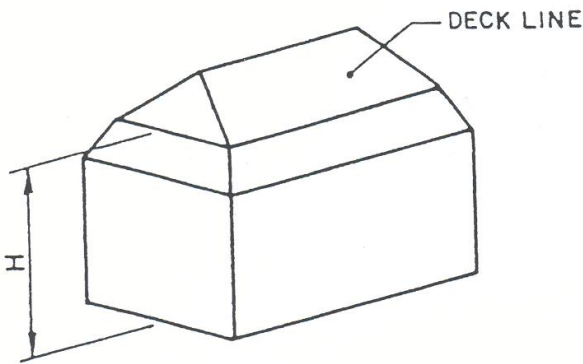
A line parallel to the front lot line and which marks the location of the building.



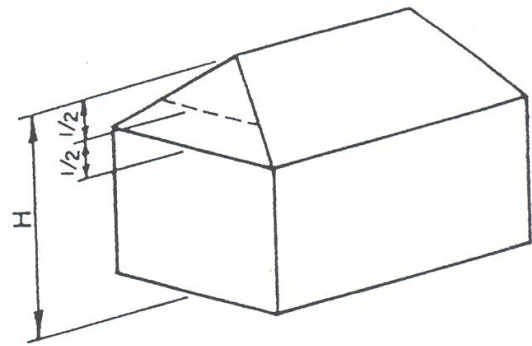
GAMBREL ROOF



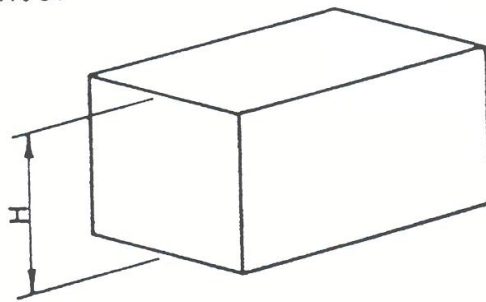
GABLE ROOF



MANSARD ROOF



HIP ROOF



FLAT ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT REQUIREMENTS

2.33 Building Inspector

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

2.34 Building Permit

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in Sturgis Township. No building permit shall be issued for any more than one principal structure per lot of record unless such structures are pan of an approved site condominium or planned unit development.

2.35 Building Site

A lot or a two dimensional condominium unit of land (i.e. envelope. footprint) with or without limited common element designed for construction or a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

2.36 Church

A church is a building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

2.37 Medical Clinic

A building or group of buildings where human patients are admitted, but not lodged overnight tor examination and treatment by more than one (1) professional, such as a physician, dentist or the like.

2.38 Veterinary Clinic: A building or group of buildings where animals are admitted, treated and may be kept overnight for examination and treatment by more than one professional or paraprofessional.

2.39 Commercial Use

A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more

than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

2.40 Commercial Vehicle

Any motor vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all other motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any pan of the weight of a vehicle or load so drawn.

2.41 Common Elements

Portions of the condominium project other than the condominium units.

2.42 Condominium Unit

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce.

2.43 Construction

The building, erection, alteration, repair, renovation (demolition or removal) of any building, structure or structural foundation: or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

2.44 Convalescent or Nursing Home

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

2.45 Curb Level (Grade)

Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the Township Engineer shall establish such curb level for the purpose of these regulations.

2.47 Development

Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2.48 Dwelling

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, motor home, automobile chassis, tent, or portable building be considered as a dwelling. A mobile home shall be considered a dwelling if it is attached to a permanent foundation (Defined as at least a 4" slab- See BOCA) and has its wheels removed with appropriate skirting to hide its towing mechanism, undercarriage, or chassis.

A. Dwelling. Multiple: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently or each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including homes.

B. Dwelling. One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

C. Dwelling. Two-Family: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

D. Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of a permitted mixed-use occupancy when a portion of a commercial or business use building is used as a dwelling unit, the part so occupied shall be deemed a dwelling unit for purposes of the Ordinance and shall comply with provisions herein relative to dwelling units.

E. Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

2.49 Erected

The word "erected" includes built, constructed, reconstructed, moved upon: and "erecting" includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, tilling, draining, and the like, shall be considered a part of erecting.

2.50 Essential Services

Includes all publicly or privately owned utilities, such as electrical, gas, water, sewer and communication systems, storage, distribution, collection, supply and disposal systems: municipal police, fire and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department. All buildings and structures associated with essential services must receive a building permit from Sturgis Township.

2.51 Excavation

Any breaking of ground, except common household gardening and ground care.

2.52 Family

A. Domestic Family: One or more persons living together and related by the bonds of consanguinity marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as single, domestic housekeeping unit in the dwelling.

B. Functional Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

2.53 Farm

The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

2.54 First Story

A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground or sidewalk adjacent to its exterior walls.

2.55 Flood or Flooding

Means a general and temporary condition of partial or complete inundation or normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

2.56 Flood Hazard Boundary Map

(FHBM) Means an official map of a community issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

2.57 Flood Insurance Rate Map

(FIRM) Means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

2.58 Flood Insurance Study

Is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway map and the water surface elevation of the base flood.

2.59 Flood Hazard Area

Means land which on the basis of available flood plain information is subject to a one percent or greater chance of flooding in any given area.

2.60 Flood Plain

Means any land area susceptible to being inundated by water from any source (see definition of flood).

2.61 Floodway

Means the channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

2.62 Floor Area

A. One-Family Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

B. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches and balconies.

C. Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOR MORTUARIES THE AREA OF THE ROOMS USED IN THE BUSINESS LESS AREAS USED FOR STORAGE, HALLWAYS, EMBALMING ROOMS, UTILITIES OR SANITARY FACILITIES.

2.63 Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way. Corner lots must meet the frontage (front yard) requirements on both streets.

2.64 Garage. Automotive Commercial

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation or repaired, rebuilt or reconstructed.

2.65 Garage, Private

A private garage is a building or other structure designed for the housing of vehicles and shall not exceed the square footage of the principal residence.

2.66.01 Garage, Public

A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

2.66.02 Garage, Sale

(See Section 2.39 Commercial Use)

2.67 Gasoline Filling Station

A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.

2.68 Greenbelt

A greenbelt, wherever required by this ordinance, shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart and at least one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow approximately five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

2.69 Harmful Increase

Means an unnaturally high stage on a river, stream or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

2.70 Hazardous Materials

Any materials that have been declared to be hazardous by any agency or the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

2.71 Home Occupation

A home occupation is an occupation or profession carried on by one or more members of a family, residing on the premises, and no more than two (2) non-residents may be employed in the home occupation. It shall be conducted within a residential building, or accessory building where permitted by special exception use, and shall in no way change the character of the building from its principal use as a residence. Only mechanical equipment which is similar in power and type usual for household purposes may be employed. The home occupation shall be limited to no more than twenty-five (25) percent of the total actual floor of the residence. See specific conditions under Section 5.10.

2.72 Institutional Uses

Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

2.73.01 Intensive Livestock Operations

A farm which has the equivalent of more than 300 animal units (one unit equal to one slaughter or beef cow) stabled or confined other than grazing areas and fed for a total of 45 days or more in any twelve (12) month period. The conditions placed upon these operations shall be effective when the number of confined animals exceeds the following:

- 300 slaughter or feeder cattle, or
- 214 mature dairy cattle, or
- 750 swine each weighing more than 55 pounds, or
- 150 horses, or
- 3,000 sheep or lambs, or
- 16,500 turkeys, or
- 30,000 laying hens or broilers (if overflow watering system), or
- 9,000 laying hens or broilers (if liquid manure handling system), or
- 1,500 ducks

2.73.02 Junk Yard

Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

2.74 Kenel

The overnight boarding of six (6) or more domestic animals, whether for profit or for pleasure, shall be considered a commercial kennel and shall be subject to approval as a special use within the “A” Agricultural District or “C-2” Highway Service Commercial District.

2.75 Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations and which manufacturing of product or products, except prototypes for testing market is not performed.

2.76 Land Use Plan. Official

The plan so designated by the Planning Commission.

2.77 Limited Common Elements

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

2.78 Loading Berth

An off-street space on the same lot with a building or group or buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

2.79 Lodging House

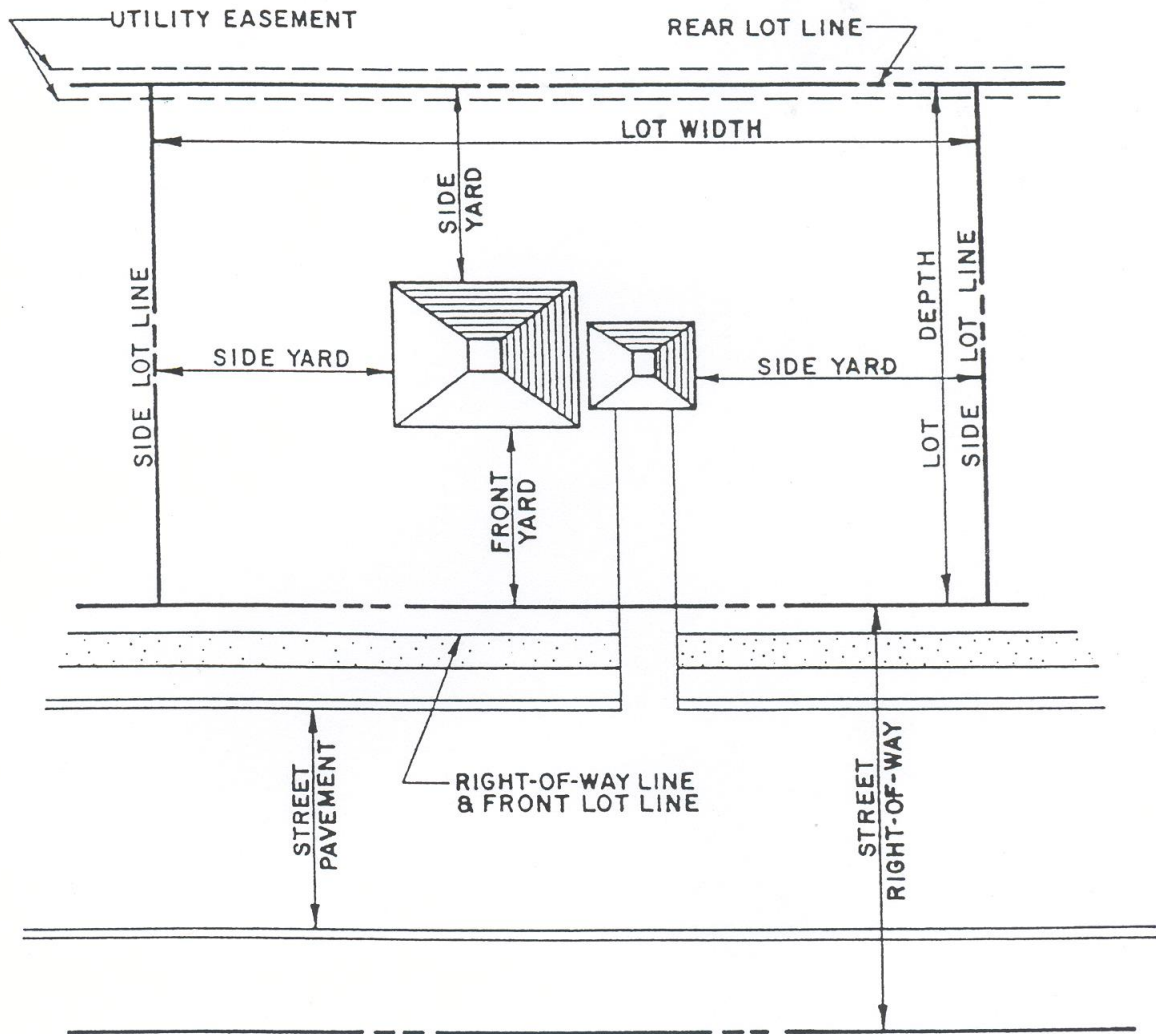
A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

2.80 Lot

A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

2.81 Lot Area

Area of a lot bounded by lot lines.



— LOT TERMINOLOGY —

2.82 Lot. Corner

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

2.83 Lot Coverage

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs and eaves, whether open box-type and/or lathe roofs, or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

2.84 Lot. Zoning

A single tract of land, located 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.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located.

2.85 Lot Line

A boundary line of a lot.

2.86 Lot Line, Front

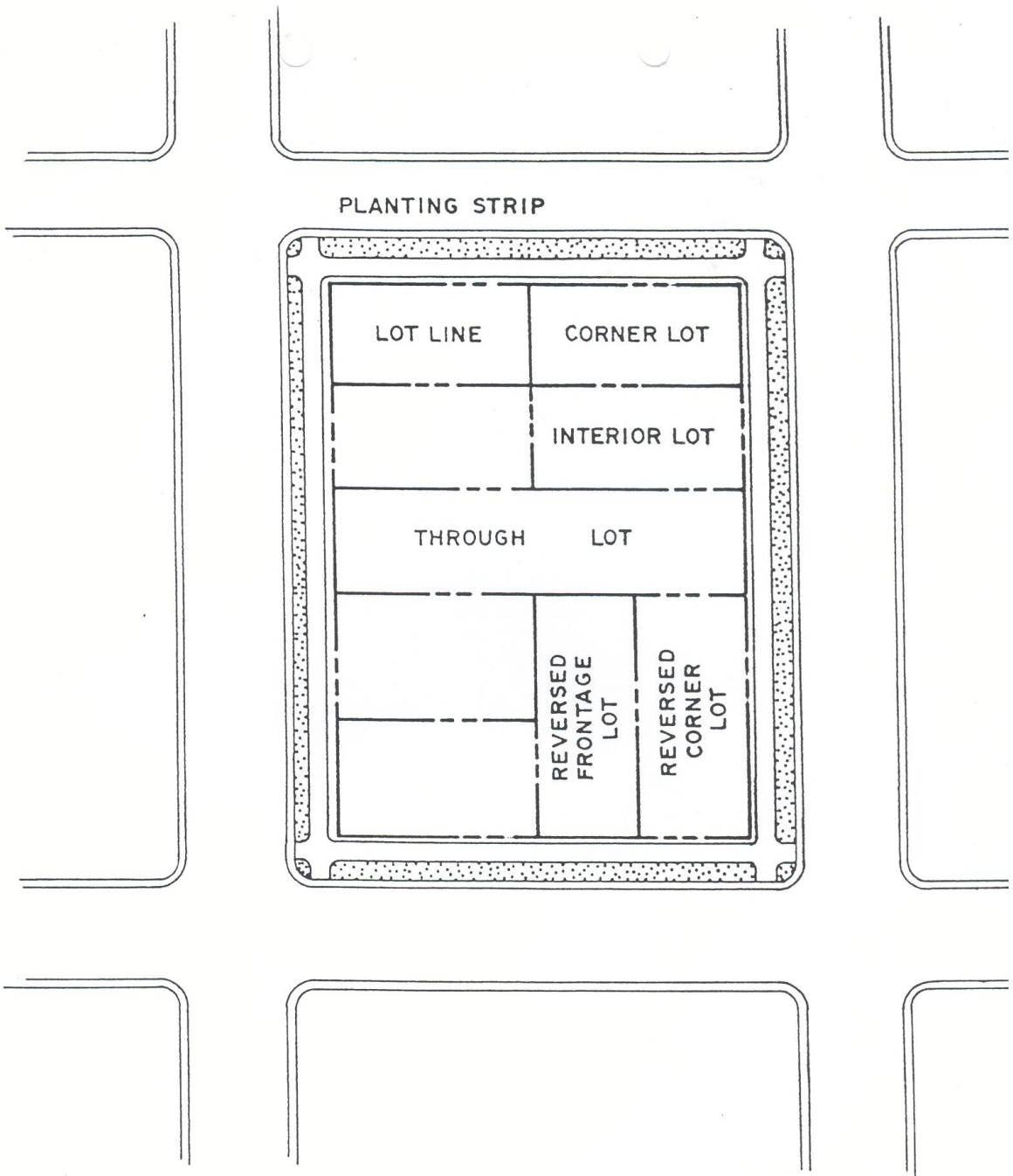
The exterior line or right-of-way of a road on which a lot fronts or abuts.

2.87 Lot Line. Rear

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

2.88 Lot Line. Side

Any lot line not a front or rear lot line.



PLANTING STRIP

LOT LINE

CORNER LOT

INTERIOR LOT

THROUGH LOT

REVERSED
FRONTAGE
LOT

REVERSED
CORNER
LOT

————— TYPES OF LOTS —————

2.89 Lot of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. A lot of record shall be a buildable lot if it adheres to the setback and lot coverage requirements for the zoning district in which it is located.

2.90 Lot Width

The distance between side lot lines measured at the road frontage for rectangular lots and at the road frontage for rectangular lots and at the building setback line for irregular shaped lots.

2.91 Mobile Home

A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a double-wide unit.

2.92 Mobile Home Park

A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P .A. of 1976).

2.93 Mezzanine

An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

2.94 Mini-Warehouses

Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for storage of customer's goods or wares.

2.95 Local Street

A street of limited continuity used primarily for access to abutting residential properties.

2.96 Modular

A structure which meets the requirements of the B.O.C.A, building and construction code and which is transported in one (1) or more sections on a removable chassis and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A. the characteristics of modular are:

- A. A pitched roof of heavy truss construction able to support a "deadweight" of at least ten (10) pounds, and having roof shingling of five (5) inch exposure.
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists:
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof and
- D. Establishment on a foundation as approved by the building code.

2.97 Motel or Motor Hotel

A building or a series of attached, semi-detached or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Township Board with the exception of units for use of the Manager and/or Caretaker.

2.98 New Construction

Means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

2.99 Non-Conforming Lot of Record (Substandard Lot)

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

2.99.01 Non-Conforming Structure

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

2.99.02 Non-Conforming Use

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

2.99.03 Nuisance

The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence: and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

2.99.04 Off-Street Parking Lot

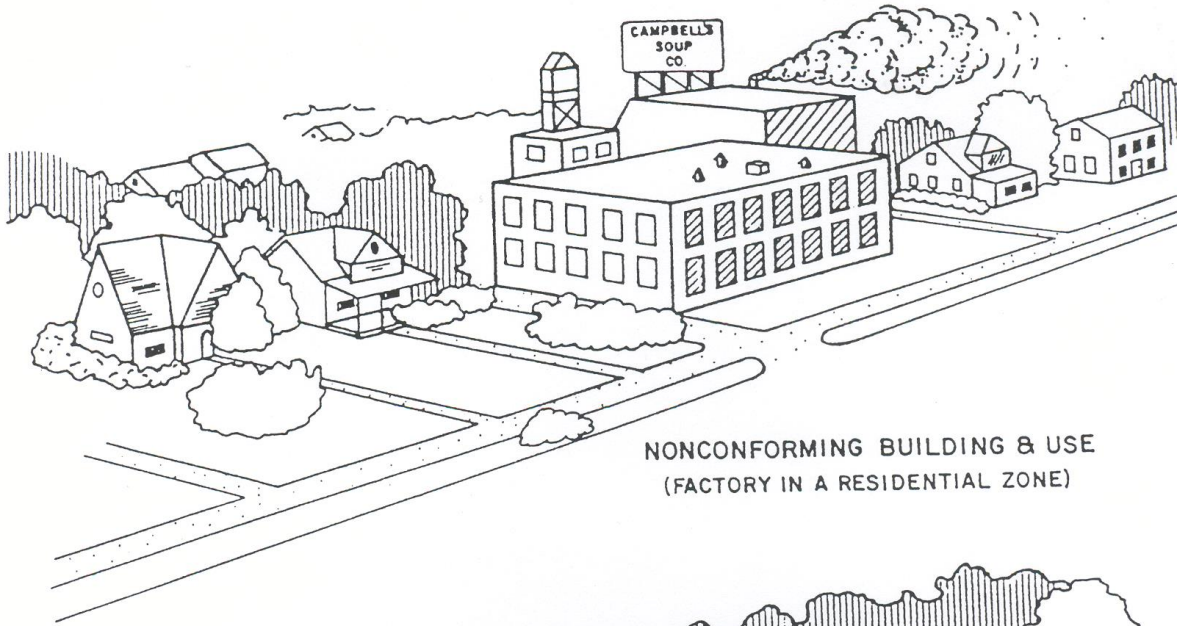
A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

2.99.05 Open Front Store

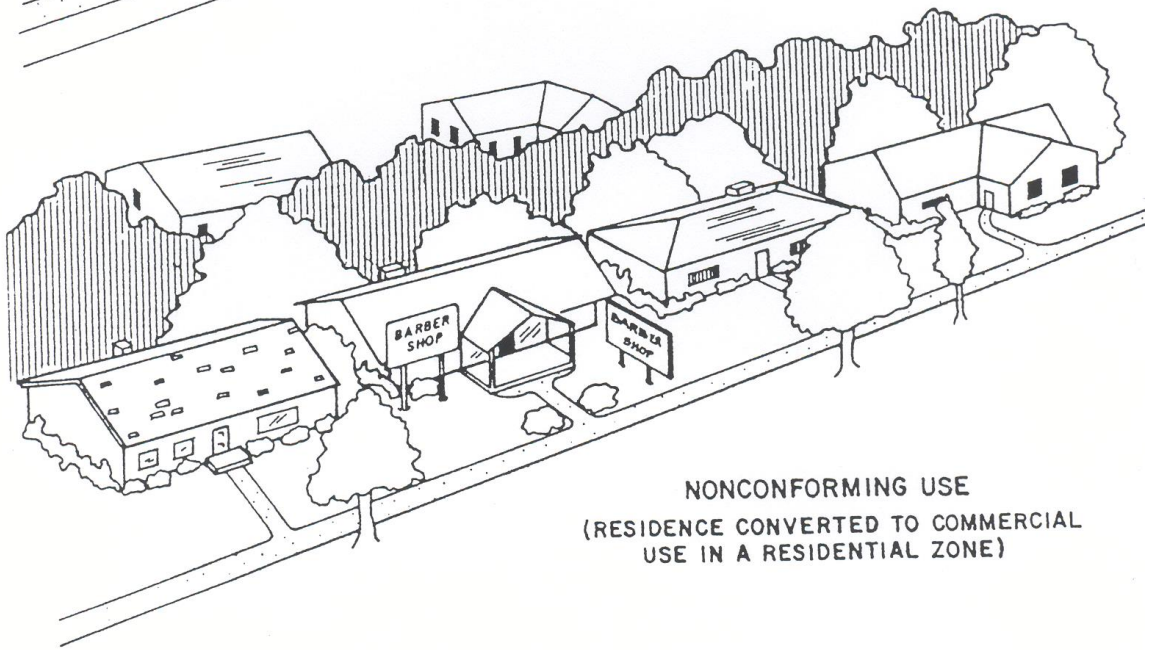
A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

2.99.06 Ordinary High Water Mark

Means the line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.



NONCONFORMING BUILDING & USE
(FACTORY IN A RESIDENTIAL ZONE)



NONCONFORMING USE
(RESIDENCE CONVERTED TO COMMERCIAL
USE IN A RESIDENTIAL ZONE)

NONCONFORMING USE

2.99.07 Open Air Business

Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Sidewalk cafes.
- C. Retail sale of fruits and vegetables.
- D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- E. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.
- F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

2.99.08 Parcel

A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

2.99.09 Parking Space

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

2.99.10 Planning Commission

The "Planning Commission" shall mean Sturgis Township Planning Commission and shall have all powers granted under authority of the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, and as provided in this Ordinance.

2.99.11 Public Utility

A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

2.99.12 Recreation Vehicles

Vehicles that are utilized for recreational purposes and may be driven on public roadways, such as for travel between destinations, and used as "temporary living quarters", including those vehicles with their own motor power, such as motor homes, or those mounted or attached to another passenger vehicle, such as pickup campers, camper trailers, pop-up tent trailers or similar vehicles and trailers.

2.99.13 Repairs

Repairs are the rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

2.99.14 Research and Development Facility

A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

2.99.15 Restaurant

A. Drive-in Restaurant: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristic:

1. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means, which eliminates the need for the customer to exit the motor vehicles.

2. The consumption of foods frozen desserts or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

B. Fast-Food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

2. The consumption of foods frozen desserts or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

C. Carry-Out Restaurants: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes the following characteristic:

1. Foods frozen desserts or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

D. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers normally provided with an individual menu are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.

E. Bar/Lounge/Tavern: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

2.99.16 Paved Road or Street, Private

A private right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall not be accepted by Sturgis Township for maintenance in any form and shall have a minimum twenty- two (22) foot paved width.

2.99.17 Road or Street, Public

A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

2.99.18 Shed

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

2.99.19 Setback

The minimum horizontal distance a foundation or wall of building or structure or any portion thereof (eaves) is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

2.99.115 Recreational Unit

Non-residential type vehicles and their related equipment not intended to be driven on public roadways without being attached to a trailer, such as snowmobiles, all-terrain vehicles (ATV), off-road vehicles (ORV), boats and jet skis, or similar vehicles and their associated trailers. Such units are designed and intended to be utilized on snow, sand, water or other natural terrain.

2.99.145 Residential Care Facilities

Homes or care facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or special uses based upon their compatibility with uses in those individual zoning districts and state licensing requirements as follows:

Family Care Homes: Includes family day care, child foster care and adult foster care for six (6) or fewer individuals within a residential setting. Such use is considered a permitted use in any district that permits single family dwellings, subject to definition and state licensing requirements. No non-resident employees are permitted and such use shall operate less than twelve (12) hours per day.

Group Care Homes: Includes group day care and group foster care for between seven (7) and twelve (12) children or adults within a residential setting. Such use shall be established as a special use, or as a permitted use subject to the same conditions and meet state licensing requirements. A resident employee is required and non-resident employees are permitted. Such use shall operate less than twenty-four (24) hours per day.

Limited Residential Care Facilities: Includes all other adult foster care and child day care and child foster care for up to twenty-five (25) individuals, subject to state licensing requirements. This would include nursing homes, assisted living facilities and senior housing for up to twenty-five (25) people. It is anticipated that these facilities would operate twenty-four (24) hours per day and would include non-resident employees.

Full Residential Care Facilities: Includes commercial day care centers, nursing homes, assisted living facilities or other congregate care and/or senior housing facilities. Such use shall be considered a commercial use and include part-time and full-time staff and/or access to medical staff.

This definition shall include and regulate unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse or rehabilitation, such as halfway houses or other use regulated by the Department of Corrections

2.99.20 Shopping Center

A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

2.99.21 Sign

For the purpose of this ordinance, the term "sign" shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public. (See 7.11.1B)

2.99.23 Structure

A walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

2.99.24 Structural Changes or Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

2.99.25 Substantial Improvement

Means any repair reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2.99.26 Swimming Pool

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

2.99.27 Temporary Building or Use

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the principal use, for seasonal use, or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each may be permitted under extenuating circumstances, not to exceed a total of eighteen (18) months.

2.99.28 Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

2.99.30 Trunk line -Highway

A roadway which provides for traffic movement between areas and across the Township and provides access to abutting properties.

2.99.22 Site Condominium Project

A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P .A. 59 of 1978, as amended.

2.99.31 Use

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

2.99.32 Wall, Obscuring

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

2.99.33 Variance

A varying or relaxation of the standards of the zoning ordinance by the Board of Zoning Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

2.99.34 Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks, and excepting a mobile home.

2.99.35 Yard

A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

A "required yard" is that portion of any lot on which the erection of a main building is prohibited.

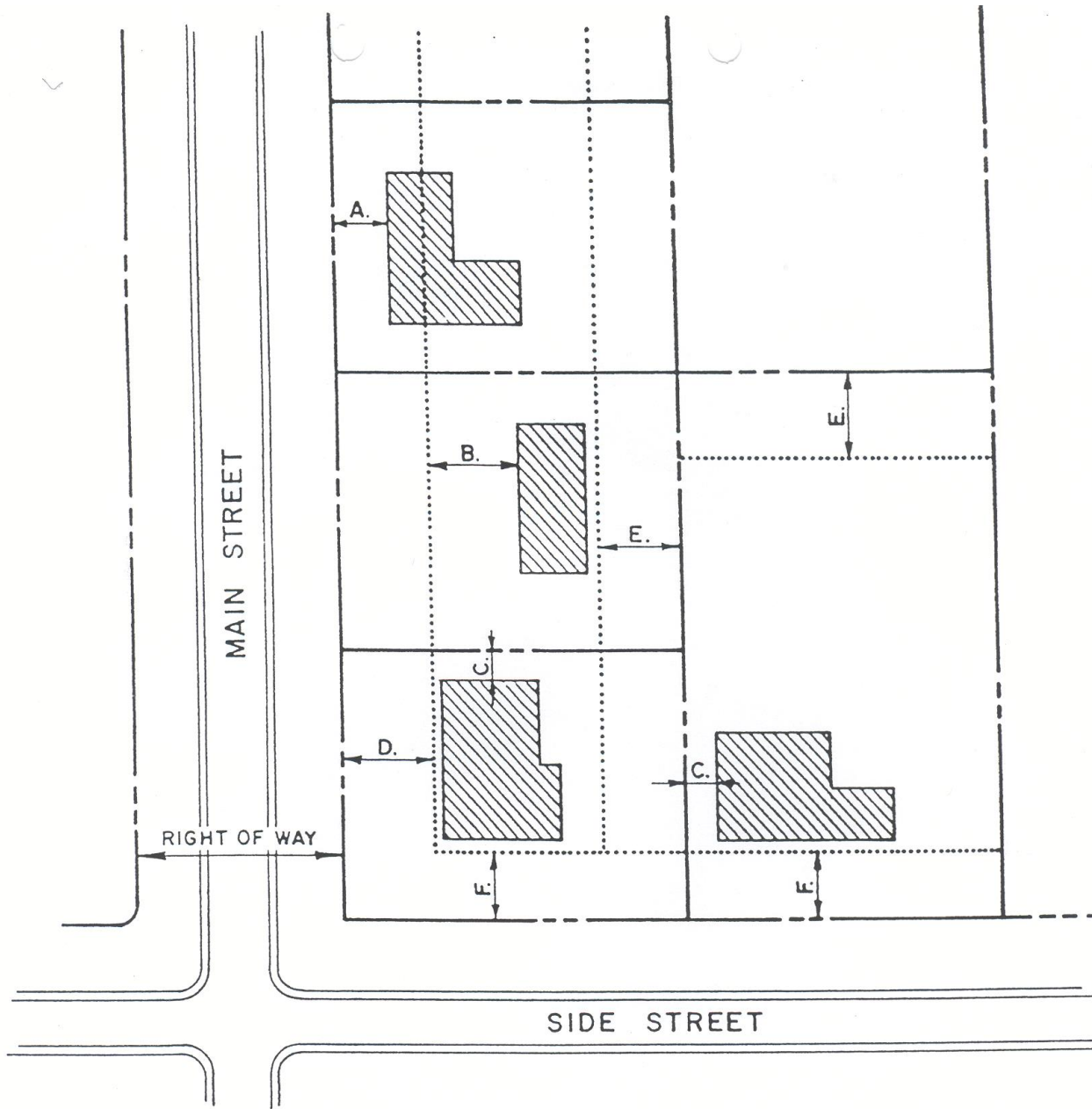
A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

2.99.36 Zoning Exception

A use permitted only where specified facts and conditions, detailed in this Ordinance, are found to exist. The facts and conditions set forth in this Ordinance for the exception must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained.



- A. DEFICIENT FRONT YARD
- B. FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQ'D
- C. MINIMUM SIDE YARD REQ'D
- D. MINIMUM FRONT YARD REQ'D. ALSO BUILDING SETBACK LINE
- E. MINIMUM REAR YARD REQ'D
- F. MINIMUM YARD REQ'D. ON SIDE STREET WITH HOME FRONTAGE

YARD REQUIREMENTS

ARTICLE III

CLASSIFICATION OF DISTRICTS

3.0 CLASSIFICATION OF DISTRICTS

3.01 Zone Districts

For the purpose of this Ordinance Sturgis Township is hereby divided into eight (8) Zone Districts to be known as:

- A - Agricultural
- R-1 - Single Family Residential
- R-2 - Two Family Residential
- R-3 - Multiple Family Residential
- C-1 - Neighborhood Service Commercial
- C-2 - Highway Service Commercial
- I - Light Industrial
- R/C - Recreation/Conservation
- MHP- Mobile Home Park District
- OSP- Open Space Preservation Overlay District

3.02 Map

The map entitled Zoning Map delineating the above districts is hereby declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the district boundary lines follow lot lines, municipal boundary lines of highways, streets or alleys as they existed at the time of the adoption of this Ordinance.

3.03 Lot Divided by Zone Line

Where a district boundary line of the Zoning Map divides a lot, the least restricted use shall not extend beyond such line.

3.04 Agricultural District (A)

A. Statement of Purpose: This district is intended to conserve and protect appropriate lands for agricultural use. This shall include generalized farming, livestock operations (intensive livestock by special exception), forestry, and the extraction of minerals (mining and excavation by special exception). This district shall also allow for the development of single family dwellings on larger lots as stipulated within the Site Development Requirements (Section 3.12) for this district.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. General and specialized farming and agricultural activities, including the raising and growing of crops and other non- animal foodstuffs.
2. Institutional uses and essential services as defined in Article II.
3. Raising of livestock including cattle, hogs, horses, goats and other animals for pleasure or profit, with the housing for said animals to be no closer than one-hundred (100) feet from any existing residence.
4. Single family dwellings.
5. Churches, subject to specific condition

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for that special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the Township.

1. Intensive Livestock Operations
2. Home Occupations
3. Mining and Excavation
4. Food Processing and other Agri-Business.
5. Kennel
6. Telecommunications Tower
7. Wind Energy Conversion Systems

D. Site Development Requirements: Area, height, and dimensional requirements as stated within Section 3.12.

3.05 Single Family Residential District (R-I)

A. Statement of Purpose: This district is intended to promote, protect and maintain single family housing within the township. This shall include the development of individual lots for single family housing, as well as the creation of residential subdivisions. This may also allow for the development of more intensive residential housing in those areas where open space is to be retained for common use through Planned Unit Development (by special exception).

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. Single family dwellings
2. Accessory buildings, including garages.
3. Churches, subject to specific condition.

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for that special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the Township.

1. Private or public schools, libraries, museums, and similar uses owned and operated by a governmental agency or non-profit organization. Excluding churches.
2. Group Day Care Home
3. Golf Courses and country clubs.
4. Parks, playgrounds, public and private swimming pools.
5. Planned Unit Development.
6. Home Occupation.
7. Wind Energy Conversion Systems.

D. Site Development Requirements: Area, height, and dimensional requirements as stated in Section 3.12.

3.06 Two-Family Residential District (R-2)

A. Statement of Purpose: This district is intended to promote the maintenance and development of single family and two-family homes within a more urban setting. This is further intended to allow for residential development on smaller lots, and to create housing opportunities within close proximity to commercial and public services.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. Single family Dwellings.

2. Two-family Dwellings.
3. Accessory Buildings.
4. Churches, subject to specific condition

C. Uses Subject to Special Permit: The following uses are permitted subject to conformance with the conditions outlined for that special exception use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the Township.

1. Private or public schools, libraries, museums, and similar uses owned and operated by a governmental agency or nonprofit organizations, excluding churches.
2. Group Day Care Homes.
3. Golf Courses and country clubs.
4. Parks, playgrounds, public and private swimming pools, and similar facilities designed for recreation.
5. Planned Unit Development.
6. Home Occupation.
7. Wind Energy Conversion Systems.

D. Site Development Requirements: Area, height, and dimensional requirements as stated within Section 3.13.

3.07 Multiple-family Residential District (R-3)

A. Statement of Purpose: This district is intended to provide for transition between the lower-density residential development areas and the commercial uses within the township. This includes the provision for multi-family housing, which includes three (3) or more attached units whether configured as townhouses (side-by-side units) or traditional apartments (units separated by floors). A primary focus of this zoning district may be the development of senior citizen housing within close proximity to public and commercial services.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. Three (or more) attached dwelling units.

2. Townhouses and garden apartments.
3. Senior citizen housing, restricted to those aged 55 and over.
4. Accessory buildings.
5. Two Family dwellings.
6. Churches, subject to specific conditions.

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for the special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the Township.

1. Planned Unit Development.
2. Private or public schools, libraries, museums and similar uses owned and operated by a governmental agency or non-profit organizations, excluding churches.
3. Single-family dwellings.
4. Office/service uses, including property management services related to the operation of multiple-family housing development.
5. Parks, playgrounds, public and private swimming pools and similar facilities designed for recreation.
6. Home Occupation.
7. Wind Energy Conversion Systems.
8. Limited Residential Care Facilities.

D. Site Development Requirements: Area, height, and dimensional requirements as stated within Section 3.13.

3.07.01 Mobile Home Park District (MHP)

A. Statement of Purpose: The purpose of this district is to provide an area or areas within the Township where manufactured housing and mobile home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission/Manufactured Housing Division. Such areas shall be consistent with areas in the Sturgis Township Land Use Plan designated for High Density Residential development. Access to a public sanitary sewerage system is required unless a private centralized wastewater system can be developed with the approval of the St. Joseph County Health Department, and can be connected to a public system at some future date.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county and state permits for construction and operation:

1. Mobile home park.
2. Manufactured housing community.
3. Accessory buildings and uses, including clubhouse facilities.
4. A church, synagogue, cathedral, mosque, temple or other building used for public worship.

C. Uses Subject to Special Permit: The following uses are permitted subject to adherence to the conditions outlined under Article 5 for approval of a special use:

1. Planned unit development.
2. A public or private park, playground, golf course or other recreational facility compatible and secondary to the primary residential use within the development.
3. Wind Energy Conversion Systems

D. Site development requirements: Area, height and dimensional requirements as follows:

1. PARCEL AREA: The minimum parcel area shall be twenty (20) acres.
2. PARCEL WIDTH: The minimum width of the parcel fronting on a public street or road shall be three hundred and thirty (330) feet.
3. SETBACK OF BUILDINGS: No buildings or structures shall be located within fifty (50) feet of an adjoining property line, with such area landscaped or screened subject to site plan review.

3.08 Neighborhood-Service Commercial District (C-1)

A. Statement of Purpose: This district is intended to provide for the development of commercial and business uses which service a local or neighborhood population. These uses will typically be located on the fringe of residential areas, and may occupy somewhat smaller lots than other commercial uses. As such, the incorporation of a dwelling unit, in the same structure as a business or commercial use maybe expected.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation.

1. Office/service uses including real estate, insurance, or non- bank financial facilities.
2. Retail sales, excluding businesses which assemble, treat, or manufacture products on site.
3. Banks and other lending institutions.

4. Cleaning and laundry facilities.
5. Clinics, including medical, dental, and veterinary.
6. Non-profit or governmental services.
7. Churches, subject to specific condition.
8. Mixed-Use Occupancy consisting of permitted commercial or business use and not more than one dwelling unit in the same building and under unified ownership and occupancy. The dwelling unit shall meet the definition of “dwelling unit” contained in Section 2.48 D. of this Ordinance. Only the owner of the building or the owner of the business shall be permitted to occupy the dwelling. The dwelling unit must have a valid certificate of occupancy for the dwelling purposes from the Township Building Official.

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for the special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the township.

1. Gasoline Service stations, including convenience stores which sell gasoline, automotive repair.
2. Banquet facilities, funeral parlors, or other uses requiring substantial parking areas including automobile sales.
3. Planned Unit Development.
4. Telecommunications Tower.
5. Wind Energy Conversion Systems.

3.09 Highway Service Commercial District (C-2)

A. Statement of Purpose: This district is intended to provide for commercial development that is based from a location along a highly traveled roadway, and may serve both a local and regional population. The intent is to locate these uses away from low-density residential housing, and reduce conflicts between local residents and a regional population drawn specifically to these commercial services. Due to the intensity of this development, it is recommended that these uses are served by public sewer and water facilities.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. All permitted uses within the C-1 Neighborhood Service Commercial District.
2. Gasoline service stations, including automotive repair.
3. Banquet facilities, funeral parlors, automobile sales, and other uses requiring additional parking as outlined within Article V (Supplemental Regulations).
4. Hotels, motels, restaurants, and other eating and drinking establishments.
5. Churches, subject to specific condition

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for the special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the Township.

1. Planned Unit Development.
2. Light assembly operations
3. Kennel
4. Telecommunications Tower
5. Wind Energy Conversion Systems
6. Full Residential Care Facilities

D. Site Development Requirements: Area, height and dimensional requirements as stated in Section 3.13.

3.10 Light Industrial District (I)

A. Statement of Purpose: This district is intended to provide for light industrial uses which exclude heavy manufacturing, yet may provide support services to heavy industry. This includes distribution and warehouse facilities, light assembly, and research and development. These services must be serviced by public sewer and water systems, or meet county and state standards for the installation of private systems.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. Wholesale and warehouse facilities, mini-storage warehouses, distribution facilities, and transportation facilities such as truck terminals.
2. Light assembly facilities, including tool and dye, metal working, and light preparation of materials.
3. Commercial or industrial laundry facilities.
4. Commercial and public utility facilities, such as wastewater treatment and municipal garages, transmission towers including radio, television and electric facilities.

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for the special use within Article V (Supplemental Regulations) and a granting of a permit (Special Use or Conditional Use) by the township.

1. Junk Yards.
2. Slaughterhouses and other storage of animals and their by- products for distribution or sale.
3. Telecommunications Tower
4. Wind Energy Conversion Systems

D. Site Development Requirements: Area, height, and dimensional requirements as stated in Section 3.13.

3.11 Recreation/Conservation District (R/C)

A. Statement of Purpose: This district is intended to preserve open space lands for public and private recreation, and conservation of natural resources. As development increases in its intensity, greater commitment of lands to parks, greenbelt buffers and recreational lands will maintain and enhance the quality of life within the Township.

B. Permitted Uses: The following uses are permitted by obtaining the necessary local, county, and state permits for construction and operation:

1. Public and private conservation areas, including waterways, wetlands, and other natural resource areas.
2. General and specialized farming, consistent with the permitted uses within the Section 3.04.B.1.

C. Uses Subject to Special Permit: The following uses are permitted subject to the conformance with the conditions outlined for the special use within Article V (Supplemental Regulations) and the granting of a permit (Special Use or Conditional Use) by the township.

1. Parks and playgrounds.
2. Golf courses and country clubs.
3. Single family dwellings.
4. Wind Energy Conversion Systems

D. Site Development Requirements: Area, height, and dimensional requirements as stated within Section 3.13.

Section 3.12 Open Space Preservation (OSP) Overlay District

A. Purpose

The establishment of this overlay district is to satisfy the requirements of P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended. It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. This district is an overlay over those existing districts that have a residential density of three (3) units per acre or less (with public sewer) or two (2) units per acre or less (without public sewer). This shall be a development option for landowners within the following districts: "A", "R-1", and "R-2".

B. Permitted Uses

All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, single family dwellings shall be permitted within residential clusters subject to the following:

C. Application Procedure

(1) An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a site condominium development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This application and comparison plan may be reviewed administratively with the applicant prior to the submission of a site plan.

(2) A site plan, adhering to the standards within the ordinance under Section 5.02, shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these plans shall be submitted to the St. Joseph County Health Department by the applicant for their review and any correspondence received from them shall be submitted by the applicant to the Township.

(3) The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) site plan review; b) requirements within the underlying zoning district; and c) requirements of this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.

(4) The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development timeline and in no case can required open space in each phase not meet a minimum of 50% of the area for that phase.

D. Conditions for Approval

The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

(1) Lavout/Design Provisions: The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:

a. (Lot) Width: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the lot width within the underlying zone or seventy-five (75) feet, whichever is greater.

b. (Lot) Area: The parcels, lots, or sites (units) shall have a minimum lot area of twenty-five percent (25%) of the lot area within the underlying zone or 7,500 square feet, whichever is greater.

c. (Lot) Coverage: The parcels, lots or sites (units) shall have a maximum lot coverage of twenty-five percent (25%), including accessory buildings.

d. Floor Area: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying zone.

e. Yard/Setback: The dwelling units shall meet the following setback provisions:

Front: Fifty percent (50%) of the underlying zone but no less than thirty (30) feet.

Side: Fifty percent (50%) of the underlying zone but no less than fifteen (15) feet.

Rear: Fifty percent (50%) of the underlying zone but no less than twenty-five (25) feet.

f. Height: The maximum height shall meet the maximum height standard within the underlying zone.

(2) Open Space Provisions: The intent of this overlay district is to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions shall apply:

a. In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

b. The applicant shall provide calculations for the open space area and documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private association, non-profit organization or a public body, shall have responsibility for maintaining the land in permanent open space.

c. No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bikepaths, tennis or basketball courts, or for pavilions or picnic shelters). Private water and wastewater systems shall be located within the boundaries of the parcels, lots or sites. If a shared community system is proposed, the area devoted to such use may be located in common area but shall not be counted toward the required open space. Fenced retention or detention areas shall also not be counted toward the required open space area.

d. The open space shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall be also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.

e. The Planning Commission may seek to approve the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Floor Area	Yard-Required Setback *	Maximum Height	Notes
[R/C] Recreation/ Conservation	5 acres	330'	20%	1000 sq. ft.	F=50' S=25' R=40'	35'	Single family dwelling as a special use
[A] Agricultural	2 acres	264'	20%	1000 sq. ft.	F=50' S=25' R=40'	35'	
[R-1] Single Family Residential	1 acre	198'	30%	900 sq. ft.	F=40' S=20' R=35'	35'	Planned unit development as a special use
[R-2] Two Family Residential	20,000 sq. ft.	100'	30%	840 sq. ft.	F=35' S=15' R=30'	35'	Planned unit development as a special use
[R-3] Multiple Family Residential	20,000 sq. ft.	100'	40%	840 sq. ft.	F=35' S=15' R=30'	35'	Single family dwelling as a special use
[MHP] Manf./Mobile Home Park	Min. Parcel Size- 20 acres	Min. Parcel Width 330'	—	—	50' from adjoining property	—	State regulations- Mobile Home Commission Rules
[C-1] Neighborhood Service Commercial	30,000 sq. ft.	100'	30%	900 sq. ft.	F=40' S=20' R=35'	35'	Gasoline service as a special use
[C-2] Highway Service Commercial	1 acre	132'	30%	1000 sq. ft.	F=50' S=25' R=40'	35'	Light industrial as a special use
[I] Light Industrial	2 acres	264'	20%	1000 sq. ft.	F=50' S=25' R=40'	35'	
Accessory Building Requirements	—	—	—	—	F=** S=5' R=5'	20'	See Next Page

SECTION 3.13 SITE DEVELOPMENT REGULATIONS (continued)

Notes:

* Front yard setbacks are measured from the road right-of-way line.

** If the accessory building is attached to the principal structure it shall adhere to the principal building setbacks for the specific zoning district above. If the accessory building is detached, it must be located within the side or rear yards, unless it is the principal building on the site for agricultural purposes, in which case it shall adhere to the setbacks for principal buildings. A minimum of ten (10) feet separation shall be required between any accessory building and the principal building and between any other accessory buildings on the same lot and buildings on any adjoining lot.

ARTICLE IV

GENERAL PROVISIONS

The following general provisions are intended to provide guidance to overall zoning policy and procedures within Sturgis Township.

4.01 Zoning Affects Structures and Land and the Use Thereof

No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered except in conformity with the regulations herein set forth.

4.02 Restoring Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector.

4.03 Building Permits

No structure shall hereafter be erected, enlarged, altered or reconstructed until a Building Permit has been obtained. A Building Permit shall not be issued, where public sewers are not available, until a permit has first been obtained from the County Health Officer for a private sewage disposal system, nor shall a Building Permit be issued until a Soil Erosion Permit has been obtained from the designated County Agency as determined by the County Board of Commissioners if such permit is required.

A. A building permit will not be required under the following conditions:

1. The proposed work does not include any structural elements.
2. The work is confined to repairs and restoration of existing buildings and structures, such as replacing existing roofing, replacement of existing siding, windows, doors, installing insulation and other like activity providing this work does not include the repair or restoration of existing structural elements of the building or structure and providing this work does not include changes and or modifications of electrical, plumbing, heating or air conditioning elements of the building.

3. Permits shall not be required for installation of walks or driveways.

B. If the work contemplated is not covered by this section, the Sturgis Township Building Inspector shall rule on the need for a building permit.

4.04 Building Permits

Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six (6) months after the time commencing the work. Any building permit issued prior to the effective date of this Ordinance shall become invalid if the authorized work is not commenced within six (6) months of the effective date of this Ordinance, or if the authorized work is suspended or abandoned for a period of six (6) months after the time or commencing the work.

4.05 Mixed Occupancy

Before issuing a building permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Building Inspector shall request recommendation and approval from the Sturgis Township Planning Commission. Such recommendations shall be complied with before issuance of a permit.

4.06 Required Area or Space

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance, should said lot, yard, parking area or other space be restricted so that no dwelling can be placed upon it, the owner shall submit a request to the Sturgis Township Board of Appeals for a variance from those dimensional provisions.

4.07 Traffic Visibility and Corner Clearance

On any corner lot or any lot in any zone other than in a Commercial District where no yard space is required, no fence, structure, or planting except deciduous trees which are over 30 inches in height above the curb line shall be erected or maintained within 20 feet of the intersection right-of-way lines or line in order to prevent traffic hazards arising from inadequate visibility.

4.08 Institutional Uses and Essential Services

A. Institutional uses. Institutional uses as defined in this Ordinance, shall meet the requirements of the district in which they are to be located, including the submission of site plans where permitted by special exception.

B. Essential Services. The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. Parties requesting essential service status shall make an application to the Zoning Administrator, who may require the applicant to prepare a site plan/sketch plan. For essential services, the Zoning Administrator or the Planning Commission may reduce or waive the setback requirements and/or the minimum square footage requirements of any district upon a finding of public convenience and necessity.

4.09 Yards

Every lot must provide front, rear and side yards as required within its zone district. On streets less than sixty-six (66) feet in width the required front yard shall be increased by one-half the difference between the width of the street and sixty-six (66) feet. On lots facing upon a marked State or Federal Highway, the required front yard shall be measured from a line fifty (50) feet from the centerline of the highway. On lots facing upon a marked county primary road, the required front yard shall be measured from a line 33 feet from the centerline of the roadway. On a lot facing upon a minor or local street where lots adjoining it on both sides have been built upon with a setback less than required by this Ordinance, the front yard may conform to the average front yard setback; providing however, that no front yard may hereafter be less than one-half of the zone requirements of this Ordinance.

4.10 Principal Use

No subdivided lot may contain more than one (1) principal use and building, unless such accessory use or building is allowed within the particular zoning district.

4.11 Accessory Building

No accessory building may be built upon any lot on which there is no principal building, except under the following conditions:

A. Farm accessory buildings in unsubdivided areas shall not be subject to above restriction.

4.12 Dwelling on Rear of Lots

No dwelling shall be constructed, altered or moved in the rear of a building situated on the same subdivided lot, nor shall any building be constructed in front or moved in front of a dwelling situated on the same subdivided lot.

4.13 Corner Lots

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on both streets.

4.14 Temporary Permits

The following temporary uses are permitted by special temporary permit in districts as regulated here; with such uses approved by the Zoning Board of Appeals.

A. Mobile Homes: An individual mobile home may be used as temporary living or working quarters for up to 180 days while dwelling is being constructed on the same premises. A reasonable extension may be granted prior to completion of the dwelling.

B. The use of a mobile home as a temporary dwelling may be approved in the agricultural district for period of up to 90 days for persons having short term or temporary employment within the County; said permit shall only be valid for one designated mobile home and no unit may be parked in a required front yard space.

C. Signs and Supplies: The storage of building supplies and machinery, temporary storage buildings and customary trade, and contractor or architect identification signs in connection with a construction project may be authorized by the Building Inspector for a period up to twelve (12) months.

D. Subdivision Office: The Zoning Board of Appeals, after a hearing, may authorize a Temporary Certification of Occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of twelve (12) months.

E. Temporary Structure Removed: Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

4.15 Basement Dwelling

The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided, that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors provided through side wall, the structure is not a basement dwelling.

4.16 Walls and Fences

The construction of walls or fences shall be permitted so long as the height does not exceed the following standards by district:

- A. In the agricultural and residential districts, a wall or fence shall not exceed six (6) feet in height.
- B. In the commercial districts, a wall or fence shall not exceed eight (8) feet in height.
- C. In the industrial districts, a wall or fence shall not exceed ten (10) feet in height.

4.17 Height Exceptions

The height limitations may not be exceeded except by structures or buildings related to farm operations within the agricultural district. The Zoning Board of Appeals may exempt other structures or buildings through the granting of a variance.

4.18 Sewer and Water

Where municipal utility services are available, no Building Permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, residential or recreational purposes. unless provisions have been made to install public sewers and water service to such buildings; in the absence of public sewer and/or water, no Building Permit shall be issued for any building to be occupied by human beings in whole in part for commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system; evidence of compliance with the requirements of the Health Department shall accompany the application for a building permit.

4.19 Refuse

The storage collection or placing of discarded material building materials or refuse is prohibited in all zones.

4.20 Excavation of Top Soil

Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises except when in connection with construction and grading operations, the top soil is in surplus amounts; or as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by St. Joseph County.

4.21 Unlicensed Vehicles

Anything greater than one unlicensed vehicle, whether automobile, commercial vehicle, or recreational vehicle, must be stored within an enclosed building.

4.22 Continuance of Non-conforming Use or Structure

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use or structure does not conform with the provisions of this Ordinance. A change in the ownership, tenancy, or occupancy of a building or structure shall not restrict the continuance of its existing non-conforming use. No non-conforming use of any land may be expanded. No non-conforming structure may be extended unless it in no way increases its non-conformity according to the Site Development Requirements in which district the structure is located.

4.23 Unlawful Use Not Authorized

Nothing in this Ordinance shall be interpreted as authorized for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

4.24 Restoration and Repairs

Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. If a non-conforming building or structure is damaged or destroyed to the extent of 60 percent of its real value by fire, flood, wind or other calamity, its reconstruction shall be in accordance with this Ordinance. A non-conforming use damaged to a lesser extent may be restored to its size prior to such damage and its use resumed. Any such restoration shall be started within twelve (12) months of the time of such damage, and completed within twenty-four (24) months, or it shall cease to be non-conforming and must meet the requirements of the district in which it is located.

4.25 Non-conforming Use Discontinued

No building or premises where a non-conforming use has ceased for more than twelve (12) months shall be allowed to be re-established without meeting the requirements of the district in which it is located.

4.26 Non-conforming Signs and Billboards

May be maintained until such time as the sign, structure, frame or supports must be replaced, renovated, altered, or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the re-lettering or repainting of a sign or billboard.

4.27 Occupancy Permit

No lot, building or structure for which a building, special use or other permit was or should have been obtained under this ordinance or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Building Inspector. The Building Inspector shall inspect the lot and building and structure which is the subject of an application for a Building Permit at the time of the staking out of the building foundation at the completion of the work authorized by the permit and at such other times as are required by the State Construction Code (Act 230) and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Building Permit, the Special Use Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration, conversion or moving of the building or structure. It shall be the duty of the holder of every Building Permit and every Special Use Permit to notify the Building Inspector of when the lot, building or structure is ready for inspection. Following each inspection, the Building Inspector shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this Zoning Ordinance at the time of inspection. Should the Building Inspector determine that the use, building or structure is not in compliance with the application of this Ordinance further construction or use of the lot, building or structure or any part thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Building Inspector following notice of and request for reinspection, and reinspection duly made by the Building Inspector. Should a permit holder fail to comply with the requirements of the Building Inspector of this Ordinance at any inspection stage, the Building Inspector shall report in writing such failure to the Township Clerk and revoke all Building, Special Use, or Occupancy permits issued. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof, no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this Ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed. Following the final inspection of the lot, building or structure and the finding of the Building Inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this Ordinance, the Building Inspector shall issue an occupancy permit therefore.

ARTICLE V

SUPPLEMENTAL REGULATIONS

5.01 SPECIAL EXCEPTION USES:

A. General Standards: In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications, which uses are designated in this ordinance as Special Exception Uses.

Such special exception uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, would cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, unless otherwise indicated, is satisfied that the use would be compatible with the other uses expressly permitted within said district; based upon the following general standards:

1. The proposed use would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood;
2. The proposed use would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and would be compatible with adjacent uses of land;
3. The proposed use would be consistent with, and promote the intent and purpose of the ordinance; would be compatible with the natural environment; and would be consistent with the capacities of public service and facilities affected by the propose use; and
4. That the standards required by the Commission for the allowance of such special exception use can and will, in its judgment, be met at all times by the applicant.

B. Special Exception Procedure: the following procedure shall be utilized for the submission, review and approval of applications for a special use permit:

1. All applications for special exception use permits shall be filed with the Township and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special exception use permit. The requirements for site plan review and approval shall be met once any required

conditions have been imposed by the Planning Commission upon approval of the special exception use permit.

2. Upon receipt of an application for a special exception use which requires a decision on discretionary grounds, one notice that a request for a special exception use has been received shall be published in a newspaper that circulates in the Township not less than 15 days before the meeting, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to occupants of all structures within 300 feet.

The notice shall adhere to the requirements under P.A. 110 of 2006 (The Michigan Zoning Enabling Act, as amended) and shall:

- a. Describe the nature of the special exception use request.
 - b. Indicate the property which is the subject of the special exception use request.
 - c. State when and where the special exception use request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate that the Planning Commission is the body that will hold the public hearing and review the request based upon the material submitted by the applicant and the comments received from the public.
3. Following such hearing, the Planning Commission shall approve, approve with conditions or deny the request for such special exception use and shall state its reasons for its decision in the record. The Planning Commission may impose additional conditions beyond those listed within the ordinance if they believe such conditions are necessary to achieve the general standards listed above. All conditions, limitations and requirements upon which any such permit is granted shall be specified by said Commission on its decision
4. The site plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission shall be incorporated as a part of the special exception permit and violations of any of these at any time will cause revocation of said permit and said special exception use shall cease to be a lawful use.
5. Site plan review requirements shall be met as set forth under Section 5.02 for all special exception uses. The applicant may submit a sketch plan (or a site plan not meeting all requirements) with their application for special exception use if they believe that conditions imposed may require resubmission or that a full site plan is not necessary for consideration of the request. The Planning Commission may table consideration of the request for special exception use pending the

submission of a full site plan. The Planning Commission may also waive the submission of a complete site plan for those special exception uses that primarily relate to the use of an existing building, such as for home occupations.

5.02 SITE PLAN REVIEW AND APPROVAL: A site plan review procedure is hereby established for Sturgis Township. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of Sturgis Township, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance.

The following provisions in this section shall apply to all use requiring site plan review by this Ordinance, including multiple family developments mobile home parks commercial developments, industrial developments and all uses requiring a special use permit. Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved.

All special exception uses in all zoning district classifications shall require the submission of a site plan, to be reviewed and approved by the planning commission.

A. Submission Requirements

All site plans as required by this Ordinance shall be submitted to the Township in five (5) copies. The Township Planning Commission shall adhere to the following procedures in the review of the site plan:

1. All other site plan reviews shall use the following procedures:
 - a. Professional review by approved architect, planner or engineer may be obtained by the Township. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.
 - b. The Planning Commission shall review the site plan at its next regularly scheduled meeting.
 - c. The Planning Commission shall recommend, recommend with specified changes and/or conditions, or disapprove the applicant's request.
 - d. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. All five (5) copies of a approved site plan, with or without changes, shall contain the signatures of the Chairman of the Planning Commission, the Building Inspector, and the Applicant.
 - e. Of the five (5) copies submitted, one shall be kept on file by the Planning Commission, one retained by the Building Inspector and one returned to the applicant.

B. The following information shall accompany all plans submitted for review:

1. A legal description of the property under consideration.
2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
3. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the Site Plan.
4. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

C. The following information shall be included on the Site Plan:

1. A scale of not less than 1" = 40', if the subject property is less than three (3) acres, and 1" = 100', if it is three (3) acres or more.
2. Date, north point and scale.
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. The siting off all structures of all structures on me subject property and abutting properties.
5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
6. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
7. All pedestrian walks, malls and open areas.
8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association).
9. The location and right-of-way widths of all abutting streets.

E. The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed.

F. The Planning Commission shall have the function and power to approve or disapprove site plans as part of the approval process for all special exception uses and for all permitted uses in the Industrial and Commercial District Zoning Classifications. All site plan approval is submit to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances or resolutions of the Township.

G. The Planning Commission and Township Board shall have the function and power to request additional professional review from the Township Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefore.

H. The Building Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Township Board shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review the Township Board may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

I. Site Change

Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Township Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Building Inspector shall not invalidate prior site plan approval.

J. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures, roadways, drainage, water, and sewer.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.

4. Temporary facilities or construction of same as required to facilitate the stated development.

5.03 SPECIAL EXCEPTION USES BY DISTRICT:

The following special exception uses have been defined within this section as they relate to supplemental regulations for their approval:

1. Banquet Facilities	C-1
2. Day Care Centers	R-1, R-2,
3. Extractive Uses - Mining	A
4. Food Processing & Packaging - Agri-Business	A
5. Gasoline Stations/Auto Repair	C-1
6. Golf Course & Country Club	R/C. R-1. R-2.
7. Home Occupations	A. R-1. R-2, R-3
8. Intensive Livestock Operations	A
9. Junk Yards	I
10. Group Day Care Home	R-1, R-2
11. Office/Service	R-3
12. Parks Playgrounds	R/C, R-1, R-2. R-3
13. Planned Unit Development	R-1. R-2. R-3. C-1 C-2
14. Public Schools, Libraries. Museums	R-1, R-2. R-3
15. Single Family Dwellings	R-3, R/C
16. Slaughterhouse	I
17. Kennel	A, C-2
18. Telecommunication Towers	A, C-1, C-2, I
19. Wind Energy Conversion	All Districts

The application for a special exception use permit shall meet the following four (4) general criteria in addition to the specific standards that follow for each specific use:

A. That all special conditions and limitations set forth in the text of the ordinance accompanying the special use designation within a zone classification can and will be complied with.

B. That public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

C. That the proposed land use or activity will not unreasonably interfere with protection of the natural environment and conserve natural resources and energy.

D. That the proposed land use or activity will be compatible with the adjacent uses of land and promote the use of land in a socially and economically desirable manner.

5.04 BANQUET FACILITIES: The following special conditions shall apply to the development and operation of banquet facilities, dance halls, exhibition halls, or such other uses (such as funeral parlors) which periodically require substantial space for seating and parking.

1. The parking requirement shall be based upon one (1) required space for every two (2) persons allowed within the maximum occupancy of the facility as established by local, county, or state fire, health or building codes.
2. The sign requirement shall be that standard established for uses within the C-1 and C-2 zoning classification.

5.05 DAY CARE CENTERS: The following special conditions shall apply to the development and operation of day care centers, nursery schools, or preschool facilities. This shall exclude the use of facilities as dormitories or any other provision for overnight lodging.

1. There shall be a minimum of five thousand (5,000) square feet of outdoor play or an area of at least two thousand five hundred (2,500) square feet for outdoor play areas completely enclosed by fencing or other protective boundary. The entire outdoor play area should be screened by either fencing or natural greenbelt buffer from adjacent residential uses.
2. For every four hundred (400) square feet of usable floor area, there shall be at least one (1) parking space. In addition, for each employee or day care worker there shall be one (1) additional space.
3. There shall be no sign advertising the day care center.

5.06 EXTRACTIVE USES AND MINING: The following special conditions shall apply to the development and operation of gravel processing facilities, mining or mineral extraction operations, or other related extractive uses.

1. All operations shall be directly accessible to a county primary road and shall not create or generate traffic through a street developed for residential purposes. Such roads may require bonding or roadway improvements related to the level of truck traffic as necessitated by the operation.
2. No such excavation or extraction shall take place within one hundred and fifty (150) feet of the property line or shall not be located closer than five hundred (500) feet from the bank of any stream or waterway.

3. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions such as earth berms or evergreen plantings. These screening alternatives shall be constructed or planted to provide a six (6) foot elevation from the roadway elevation or adjacent property elevation.

4. Noise and vibration related to extraction, reclamation, or trucking of substances within or from the site shall be minimized to the extent possible.

5. Air pollution in the form of dust dirt or other airborne particles shall be minimized through roadway service treatment or paving of entrances and approaches.

6. Hours of operation shall be limited to 7:00 A.M. to 7:00 P.M., six days a week excluding Sundays.

7. Reclamation of mined areas shall be accomplished as soon as possible. Any dangerous excavations, pits, banks or ponding areas shall be fenced and posted, unless otherwise filled, in order to prevent injury.

8. Vegetation shall be restored to reclaimed areas through seeding or plantings in order to reduce erosion and the spreading of airborne particles to adjacent parcels.

9. Upon cessation of mining operations, the operator shall remove all equipment, materials, buildings or other impediments to restoring the property to its natural state. This shall be accomplished within a 12 month period from the time operation ceased due to economic conditions, or the rescinding or expiration of the special exception use permit.

10. Operator shall be required to carry personal injury and property insurance with such coverage consistent with standard coverage for operators within the area.

5.07 FOOD PROCESSING AND PACKAGING: The following special conditions shall apply to the development and operation of food processing and packaging operations, including agricultural foodstuffs and equipment related to general agri-business.

1. All processing and packaging shall be conducted in an enclosed building which shall meet the setback requirements of the district.

2. Any wholesale or retail sales from the site shall comply with parking requirements defined as no less than one (1) space per employee and a minimum of six (6) spaces for patrons to be served.

5.08 GASOLINE STATIONS/AUTO REPAIR: The following special conditions shall apply to the development and operation of gasoline service stations, automobile repair shops, or similar uses related to automobile service.

1. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage along any street.
2. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line.
3. The entire lot, excluding building area, shall be hard surfaced with concrete or a bituminous (asphalt) material except for those areas established for landscaping or natural buffer between properties.
4. The service station shall provide parking spaces equal to two (2) spaces for each stall, plus one (1) space for each employee, plus one (1) space for each service vehicle.

5.09 GOLF COURSE AND COUNTRY CLUB: The following special conditions shall apply to the development and operation of golf courses or country clubs:

1. Minimum lot size shall be forty (40) acres.
2. A shelter building with restrooms shall be provided which meets the requirements of the St. Joseph County Health Department.
3. The main and accessory buildings shall be setback seventy-five (75) feet from the property line.
4. The layout and design shall not result in negative impacts to adjacent property owners.
5. Parking shall be provided equal to four (4) spaces per hole plus one (1) space for each employee.

5.10 HOME OCCUPATIONS: The following special conditions shall apply to the development and operation of home occupations in addition to those restrictions as defined in Section 2. 71.

1. In the Agricultural District only; a home occupation may be conducted in an accessory building, in no more than twenty five percent (25 %) of the combined floor area of the residence and accessory building. A sign, not to exceed six (6) square feet, may only be attached to the principal dwelling or accessory building.

2. In the Residential Districts only; a home occupation may be conducted in the principal dwelling only. The home occupation must meet the site development requirements (Section 3.12) of the R-1 Zoning District. No sign shall be allowed advertising the home occupation.

3. In all districts, the hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

5.11 **INTENSIVE LIVESTOCK OPERATION:** The following special conditions shall apply to the development and practices of intensive livestock operations.

1. The parcel on which the concentrated animal feeding operation is located shall be a minimum of forty (40) acres.

2. Manure tanks, animal confinement structures or pads, holding areas and feeding areas (excluding grazing areas) shall have a minimum 600' setback on the north and east and minimum 300' setback on the west and south whenever the parcel containing the concentrated animal feeding operation abuts residentially zoned property. Setbacks shall be determined by the Board of Zoning Appeals whenever an interpretation is needed for irregularly shaped parcels.

3. No manure generated from the concentrated animal feeding operation shall be spread within the above referenced setback unless it is injected into the soil.

4. All concentrated animal feeding operations shall be operated and maintained in accordance with the guidelines contained in "Generally Accepted and Recommended Good Livestock Waste Management Practices", published by Michigan State University.

5. Construction design and standards for manure storage and treatment facilities shall meet specifications and guidelines found in the Midwest Plan Service Publication, Livestock Waste Facilities Handbook MWPS-18, MWPS TR-3 and TR-9.

5.12 JUNKYARDS: The following special conditions shall apply to the operation or junkyards within the industrial district.

1. Minimum lot size shall be five (5) acres.
2. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
3. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
4. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

5.13 MOBILE HOME PARKS: The following special conditions shall apply to the development and operation of mobile home parks within the Two- family residential zoning classifications:

1. The development of the mobile home park shall comply with all standards established by the State of Michigan Mobile Home Commission pursuant to P .A. 96 of 1987.
2. There shall be established a greenbelt buffer of fifty (50) feet from any existing residential, commercial, or industrial zoning classification. This buffer shall be defined within the required site plan pursuant to Section 5.02. The buffer shall include a screening material of at least five (5) feet in height, and may be in the form of fencing and/or plantings.
3. The mobile home park shall be a minimum of five (5) acres in size and shall meet all permit and inspection requirements for the installation of private well and septic systems by the St. Joseph County Health Department and the State of Michigan.

5.14 OFFICE/SERVICE: The following special conditions shall apply to the development and operation of office/service uses within the multi-family zoning classifications. The intent of this special exception use is to allow the development of office/service uses in areas of transition between commercial and higher density residential classifications:

1. The office/service use must comply with the dimensional requirements for commercial uses within the site development requirements within this ordinance.
2. There shall be established a greenbelt buffer of thirty (30) feet from any existing residential zoning classifications.
3. The use must adhere to the parking and sign requirements as established for commercial uses within this ordinance.

5.15 PARKS, PLAYGROUNDS. AND PUBLIC RECREATION FACILITIES: The following special conditions shall apply to the development and operation of parks, playgrounds, and other public recreational uses within the recreation/conservation and residential zoning classifications.

1. The use shall be designed so as to promote the health, safety, and welfare of residents utilizing the facilities. Any conditions which may create an unnecessary health or safety hazard shall be recognized, corrected, or mitigated to the satisfaction of the Township.

5.16 PLANNED UNIT DEVELOPMENT:

1. Objectives for Planned Unit Developments: It shall be the policy of Sturgis Township to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:
 - a. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
 - b. A more useful pattern of open space and recreation areas and if permitted as part of the project, more conveniences in the location of accessory commercial uses and services.
 - c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

- d. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- e. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

2. Provisions Governing Planned Unit Developments: Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Section and those of the other Sections of this ordinance, the provisions of this article shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Ordinance.

3. Application and Procedure: Upon approval by the Planning Commission and the Township Board, a planned unit development district may be applied to any existing residential or commercial district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD". Planned unit development districts shall be approved by the Planning Commission and the Township Board in the manner provided herein.

4. Uses Permitted: Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the residential districts established in this Ordinance shall apply.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Planning Commission and approved by the Township Board.

5. Minimum Project Area: The gross area of- a tract of land to be developed in a planned unit development district shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Section.

6. Project Ownership: The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

7. Common Open Space: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

8. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

9. Utility Requirements: Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirements if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

10. Minimum Lot Sizes:

- a. Lot area per dwelling unit may be reduced by not more than forty (40) percent of the minimum lot area required. A planned unit development need not conform to the density requirements of this Ordinance. A diversification of lot sizes is encouraged.

b. lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

11. Lots to Abut Upon Common Open Space: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) town house units in any continuous group.

12. Height Requirements: For each foot of building height over the maximum height regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the districts.

13. Parking: Off-street parking, loading, and service areas shall be provided in accordance with this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

14. Perimeter Yards: Notwithstanding the provisions of this Section, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements for the applicable conventional zoning district.

15. Arrangement of Commercial Uses: When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulations, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission.

16. Procedure for Approval of PUD District: Planned unit development districts shall be approved in accordance with the procedures set forth in this Section.

17. Pre-Application Meeting: The developer shall meet with the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the land use plan and transportation plan.

18. Contents of Application for Approval of Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Township Clerk by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- a. Name, address, and phone number of applicant.
- b. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- c. Legal description of property.
- d. Description of existing use.
- e. Zoning district(s).
- f. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and to existing schools and other community facilities and services.
- g. A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.

h. Proposed schedule for the development at the site.

i. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Township's statement of objectives for planned unit developments as outlined within this Ordinance.

19. Public Hearing by Planning Commission: Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

20. Notice of Public hearing by Planning Commission in Newspaper: Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least twenty (20) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

21. Notice to Property Owners by Planning Commission: Before holding the public hearing, written notice of such hearing shall be sent by the Chairman of the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspapers as specified.

22. Approval in Principle by Planning Commission: Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviations from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

23. Final Development Plan: After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor registered civil engineer and landscape architect.

24. Contents of Application for Approval of Final Development Plan: An application for approval of the final development plan shall be filed with the Township Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction of the project has not begun within five (5) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- a. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
- b. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties.
- c. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses. the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes and exception from standard zoning districts or other ordinances governing development.

- d. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities street improvement, and nature and extent of earth work required for site preparation and development.
- e. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- f. Preliminary building plans, including floor plans and exterior elevations.
- g. Landscaping plans.
- h. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

25. Public Hearing by Planning Commission: Within sixty (60) days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified.

26. Recommendation by Planning Commission: Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Township Board.

27. Criteria for Recommendations by Planning Commission: Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- a. The proposed development can be initiated within five (5) years of the date of approval.
- b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.

- c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- d. Any proposed commercial development can be justified at the locations proposed.
- e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan. in accord with the planned unit development and the adopted policy of the Planning Commission and the Township Board,
- f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- g. The planned unit development is in general conformance with the land use plan of the Township.
- h. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

28. Action by Township Board: Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall by ordinance approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Township Board shall direct the Building Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

29. Supplementary Conditions and Safeguards: In approving any planned unit development district, the Township Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions or safeguards, when made a pan of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance.

30. Expiration and Extension of Approval Period: The approval of a final development plan for a planned unit development district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If, in the opinion of the Township Board, no significant construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall

revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under this approval of the planned unit development was granted.

Proceeding without an approved plan shall require that uses and area, height, bulk and placement requirements be in accordance with original zoning of the subject property.

5.17 PUBLIC SCHOOLS, LIBRARIES, MUSEUMS: The following special conditions shall apply to the development and operation of public facilities (schools, libraries, and museums) within the residential zoning classifications:

1. The use shall provide for accessibility of all persons regardless of handicap or disability.
2. The use shall adhere to the parking and sign requirements as established for commercial uses within the site development standards within this ordinance.

5.18 SINGLE FAMILY DWELLINGS: The following conditions shall apply for the development of single family homes within the multi-family and recreation/conservation zoning classifications:

1. The single family dwelling must adhere to the dimensional requirements for floor area within the low-density residential zoning classification.
2. It must be constructed on a permanent foundation and meet the requirements of the St. Joseph County Health Department for the installation of private well and septic tank systems.
3. The foundation for the dwelling shall be located at least thirty (30) feet from the boundary of any wetland or floodplain as determined by the State of Michigan.

5.19 SLAUGHTERHOUSES: The following conditions shall apply for the development and operation of slaughterhouses within the industrial zoning classification:

1. The use shall meet all permit requirements of the State of Michigan and St. Joseph County Health Department related to handling, storage, and disposal of waste products.

5.20 Kennel

An application to construct a commercial kennel for the purpose of boarding six (6) or more domesticated animals shall, in addition to the conditional use permit, require any necessary permits and approvals from St. Joseph County and the State of Michigan. In addition:

A. There shall exist a one-hundred (100) foot setback from any adjacent property line for any exterior area used for animal exercise area (such as a dog run).

B. Any buildings constructed for interior boarding shall be soundproofed and located no closer than fifty (50) feet to any adjoining property line.

C. Perimeter landscaping and/or fencing shall be utilized to screen those areas from such adjacent property.

5.21 Telecommunications Towers

A. Purpose: Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of the ordinance is to minimize adverse visual effects of towers, avoid damage to adjacent properties while adequately serving the community.

B. Towers Permitted in Zoning Districts: Towers are permitted by special use permit within the "A" Agricultural District, "C-1" Neighborhood Service and "C-2" Highway Service Commercial Districts and the "I" Light Industrial districts. All towers shall be subject to the following general standards for approval:

1. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back 110% of the height of the tower from any property line or road right-of-way as measured from the tower base.
2. For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
3. The maximum tower height shall be 300 feet as measured from the ground elevation.
4. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three (3) strands of barbed wire or an eight foot tall chain link fence. All towers shall be equipped with an anti-climbing device.
5. A six (6) foot tall landscape screen is required to screen around the exterior perimeter of the fenced area.

6. The use of guy wires is strictly prohibited unless approved by the Planning Commission. Approval shall be based upon the wire anchors for guyed towers being set back seventy-five (75) feet from all property lines, that they be located on the same parcel as the tower and that these provisions are subject to approval of the site plan.
- C. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.
- D. Signs: The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- E. Application Requirements: Application must be made for a building permit, and the following information must be submitted:
1. A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on adjacent properties within 330 feet of the tower base. The site plan shall also identify the location of the maintenance buildings, which are to be located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.
 2. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The township may request that any information that is submitted be certified by a licensed professional engineer.
 3. A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.
- F. Location/Separation Requirements: All commercial wireless telecommunications towers erected, constructed or located within Sturgis Township shall comply with the following requirements:
1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar building within the Township. The applicant must provide information related to their investigation of the potential for co-location on all other towers within the township and within a one-mile area surrounding the township. This provision

may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.

2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one carrier to locate on the tower at the time of the application.
- G. Abandonment or Unused Towers or portions of towers: Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by Sturgis Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township and the costs of removal assessed against the real property. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.
- H. Antennas or towers may be located on property owned, leased, or otherwise controlled by Sturgis Township provided a license or lease authorizing such antenna or tower has been approved by the Township.

5.22

WIND ENERGY COVERSION SYSTEMS

A. Purpose: The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.

B. Definition: Wind energy conversion systems: 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. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, which may be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.

C. Special exception use: Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts, provided such land area is sufficient to support their development and operation. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:

1) In addition to the requirements of Section 5.02, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.

2) Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings and/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and Proof of Insurance. In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Serial number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator; Name of installer; Name of person responsible for maintenance; Emergency telephone number in force for the installer and the person responsible for maintenance.

3) Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).

4) Noise: The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

D. Site development.

1) Lot Area/Setbacks: No “small turbine/on-site” WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 150% of the height of the tower as defined in (B). No “large turbine/utility grid” WECS shall be erected on any parcel less than twenty (20) acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 200% of the height of any towers as defined in (B).

2) Height: The maximum allowable height for any “small turbine/on-site” WECS, based upon the combined tower and rotor blade length, shall be forty (40) feet for parcels of one (1) to less than five (5) acres, eighty (80) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The maximum allowable height for any “large turbine/utility grid” WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through formal letter that such waiver is acceptable. Ground Clearance: For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

3) Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.

4) Connection to power grid: In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility’s response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

5) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

6) Additional studies: The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

E. Decommission Plan/Site reclamation: The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

ARTICLE VI

ADMINISTRATION AND INTERPRETATION

6.0 PLANNING COMMISSION: APPOINTMENT AND TERMS OF MEMBERS.

6.01 The Sturgis Township Planning Commission was adopted by resolution of the Sturgis Township Board of Trustees in 1991. The responsibilities of the planning commission are primarily two-fold. First, pursuant to the Michigan Planning enabling Act, P.A. 33 of 2008, as amended, and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the planning commission is responsible for the development of a general land use plan for the Township. Secondly, the planning commission, in accordance with the original resolution, has been transferred the powers of the former Township Zoning Board, and its responsibilities as defined under the Michigan Planning enabling Act, P.A. 33 of 2008, as amended, and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

6.02 The Sturgis Township Planning Commission has been created as a five-member commission, of which its members shall be qualified electors within Sturgis Township.

6.03 Each member, following the original appointed term, shall be appointed for three year terms.

6.04 Each member shall be appointed by the Township Supervisor, subject to formal approval by the Sturgis Township Board. One member of the planning commission shall be a member of the Sturgis Township Board (except the Supervisor).

6.05 Vacancies on the planning commission shall be filled within one month of the expiration of the term of office (if expired), with vacancies from unexpired terms to be filled for the remainder of the term.

6.06 The planning commission shall appoint a chairperson, vice- chairperson, and secretary, who shall serve for a period of one year.

6.07 The planning commission shall hold no less than four (4) meetings annually, with notice of such meetings published in a newspaper of general circulation and in accordance with state statute.

6.08 The Township Board shall employ a Zoning Administrator to carry out the regulations as stated within the Zoning Ordinance. This position shall serve at the pleasure of the Township Board and report to the Township Supervisor on his/her activities related to such enforcement. The Chairperson of the Planning Commission may receive a copy of any transmittals related to the administration of the zoning ordinance upon request to the Township Supervisor.

The Zoning Administrator shall respond in the following manner:

1. Receipt of complaint from Township resident directly, or by the request of the Township Supervisor or Planning Commission Chairperson, shall make a personal visit to the property.
2. If a violation of the ordinance provisions is determined, the Zoning Administrator shall follow-up this personal visit with a letter to the resident outlining the corrective action. If a building code violation is assumed, the Zoning Administrator shall notify the Township Supervisor and/or Building Inspector for action. The Zoning Administrator shall indicate the resident has thirty (30) days to comply with the provisions of the ordinance or be subject to fines, penalties or court action as determined by the Township Board.
3. The Zoning Administrator shall submit a copy of the letter to the Township Board for determination of action to proceed with the issuance of a citation. Should the matter not be resolved within thirty (30) days, the Board has acted by resolution to proceed with the citation. The Zoning Administrator is encouraged to attend meetings of the Planning Commission to provide input related to sections within the ordinance which may hinder or assist in the enforcement of this ordinance.
4. The Township Board or the Planning Commission shall make a formalized request to the Zoning Board of Appeals for interpretation of the language within the ordinance.

6.09 The Township Board shall also employ a Building Inspector, who shall work closely with the Zoning Administrator, or serve in both capacities if duly qualified.

ZONING BOARD OF APPEALS

6.10 Membership: The Sturgis Township Board of Appeals is a three- member board appointed by the Township Board of Trustees. The first member of the Board of Appeals shall be a member of the Planning Commission. The second member of the Board of Appeals shall be a member of the Township Board. This elected official shall not serve as the chairperson of the Board of Appeals, and shall not serve as a member of the Planning Commission. The third member of the Board of Appeals shall be a township resident living outside of any incorporated cities or villages with the township. The Township Board may appoint up to two (2) alternate members of the Board of Appeals and those alternate members may serve when a regular appointed member is absent or has a potential conflict of interest. At least tow (2) regular members must be in attendance to establish a quorum as the alternate members may not be seated for that purpose. Otherwise, when seated they shall have the same voting power as if a regular member.

6.11 Terms of Office: The term of office of each member or the Board of Appeals shall be for three (3) years, except when first organized, whereby each member shall be appointed in staggered terms of one, two and three years. Member of the Planning Commission and the Township Board shall have their term of office expire concurrently with their respective position. Members may be removed from office by the Township Board for non-performance of duty, or misconduct such as a conflict of interest, following the submission of written charges and a public hearing. Any vacancy shall be filled by appointment not more than one month from expiration or termination, and shall be filled for the remainder of any vacated term.

6.12 Election of Officers, Meetings, Compensation: The Board of Appeals shall hold an annual meeting to elect officers for the position of chairperson and secretary. The member of the township board shall not serve in the capacity of chairperson, but may serve in the position of secretary. The chairperson shall hold office for a period of one-year and may be re-elected by a majority vote of the members.

The Board of Appeals shall not conduct any official business unless a majority of the members (2 or 3) are present. Meetings shall be at the call of the chairperson. All meetings shall be open to the public. The secretary shall file a record of the proceedings with the township clerk.

Members of the Board of Appeals may be compensated, and may employ clerical or other assistance, provided that the Township Board has appropriated funds for its operation and expenses. The per diem and mileage reimbursement to the members shall be set by the Township Board.

6.13 Procedures, Appeals, and Variances: The Board of Appeals shall act on questions regarding the administration and interpretation of the Zoning Ordinance text and description boundaries of the official zoning map. It shall also be empowered with other responsibilities as deemed within this ordinance. A concurring vote of the majority of the members shall be required to grant any variance from the provisions of the ordinance or reverse any decision made previously by another administrative body of the township. The Board of Appeals shall state the grounds for their action and this shall be included as part of the public record.

The Board of Appeals may grant variances from dimensional requirements within the ordinance. It shall not grant variances in land use, which would otherwise be the subject of a request for rezoning. The variance shall be granted based upon circumstances related to exceptional condition (narrowness, shallowness, or shape) which may cause an undue hardship on the owner's ability to develop the property consistent with the intent of the zoning district in which it is located. The variance from dimensional requirements shall not occur where adjacent lands are owned by the same property owner, allowing for the inclusion of additional lands to eliminate the need for the variance.

6.14 Standing, Timeframe, Hearing of Appeal: The Board of Appeals shall hear appeals from any individual, corporation, board or governmental unit having some jurisdiction (ownership or interest) over property regulated by this Zoning Ordinance. The fee for requesting a hearing before the Board of Appeals shall be established by the Township Board. The request shall be filed with the Secretary of the Board of Appeals or through the Township Clerk within sixty (60) days after the date of action for which the appeal is filed. This fee shall be paid to the Clerk of the Township prior to the scheduling of a hearing by the Board of Appeals.

The Board of Appeals shall schedule a hearing within sixty (60) days from the date of request, and shall decide the issue within thirty (30) days following the hearing. Petition for appeal shall stay all other proceedings until such time as the Board of Appeals takes action. Any decision of the Board of Appeals may be appealed to the Circuit Court.

The Board of Appeals shall consider the following as prerequisites to the granting of a variance upon hearing of the appeal:

- A. That the variance is based upon exceptional or extraordinary circumstances that apply to the property in question, and that the decision shall not create a substantial precedent, resulting in the need to reformulate the existing provisions with this zoning ordinance.
- B. That the granting of the variance shall not be of substantial detriment to the adjacent property, and be consistent with the existing development patterns within the area.
- C. That adjacent property owners have been notified of the hearing pursuant to the requirements for a request for rezoning as stipulated within P.A. 184 of 1943, and have been provided the opportunity to comment on the appeal.

ARTICLE VII

PARKING & SIGN REQUIREMENTS

The following parking and sign regulations are designed as general guidelines. Where standards for parking and signage are listed for specific special exception uses, those standards shall be utilized within the approval process.

7.01 Residential Off-Street Parking: Provision shall be made for at least two (2) garage space or off-street parking space for each new dwelling unit. Multiple dwelling structures shall provide one and one half (1-1/2) off street parking spaces with a durable surface for each dwelling unit.

Within the front yard, off-street parking spaces shall be drained so as to prevent drainage on to abutting properties and shall be constructed of a material (concrete, asphalt, stone or gravel) that can be maintained and identified as a improved surface for parking purposes. Off-street parking spaces shall not be closer than five (5) feet to any property line. Parking spaces for all types of vehicles and equipment may be provided either in garages, or within other enclosed buildings or structures or outdoors within driveways or other parking areas with an improved surface (concrete, asphalt, stone or gravel).

Within the side and rear yards, off-street parking spaces shall not be closer than 5 (five) feet to any property line. The parking of recreational vehicles and recreational units shall adhere to the above standards. Residential occupancy of a recreational vehicle may be permitted for up to ninety (90) days and any occupancy beyond that time period shall adhere to permit requirements under Section 2.99.27 for temporary building or use.

7.02 Non-Residential Off-Street Parking: Provisions shall be made for one (1) square foot of total usable parking area for each square foot of floor area for all new nonresidential buildings or additions to such buildings in all districts. The conversion of an existing residence to another use shall be deemed to be a new use which must meet all provisions of this Article.

7.03 Size and Access: Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles and shall be a minimum of ten (10) feet in width. There shall be adequate (26 to 30 feet) provisions for access and egress to all parking spaces. No access or egress to a parking area accessory to a commercial or manufacturing use shall utilize any residential street unless a side street with no residential lots facing upon it. All parking areas with paved surfaces with more than three (3) spaces shall have such spaces legibly painted on the surface of the parking area. All new commercial developments, in approved commercial zoned districts, abutting on a main highway or thoroughfare, shall be plotted in such manner as to allow a minimum of thirty (30) foot service drive parallel to the main highway or thoroughfare. Entrance curb cuts and exit curb cuts to allow access to the service drive shall be approved by the State Highway Department.

7.04 Units of Measurement: The area of all floors computed by measuring the dimensions of the outside walls of a building excluding attic and basement floors, unenclosed porches, terraces, breezeways, carports, verandas and garages.

7.05 Location of Off-Street Parking Facilities: Required off-street parking facilities shall be located on the same parcel as a principal use in residential and agricultural zones. In commercial and industrial districts additional off-street parking is permitted as a principal use on a separate lot.

7.06. Community Parking: The provisions of this Article may be met by financial participation in a municipal or community parking program designed to serve a larger area and approved by the Governing Body.

7.07 Standards for Parking Areas in Non-Residential Zones: Every parcel of land hereafter established as a parking area in a nonresidential zone shall be developed and maintained in accordance with the following requirements:

A. Parking areas shall be effectively screened on any side which adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid uniformly painted fence or wall. No part of any parking area or access drive shall be closer than (5) feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet wide, nor closer than 25 feet to any residentially zoned lot or intersecting street right-of-way lines.

B. Every parking area shall be surfaced with an asphalt or similar durable surface approved by the County Road Commission, provided, however, that where access to the parking area is from an unpaved roadway, a durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets. All drainage plans shall be approved by the County Road Commission.

C. The parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the Planning Commission prior to issuance of a building permit, to insure its adequacy in relation to traffic safety and protection of adjacent property.

7.08 Required Off-Street Loading and Unloading Space: In all districts every building erected which is to be occupied by manufacturing, storage, retail storage, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain on the same premises off-street loading space. Each loading space shall be at least 12 feet in width, 22 feet in length, and having a clearance of 14 feet above grade. Such space may occupy all or any part of the required side or rear yard but shall comply with the provisions of Section 5.07 (A) to prevent detrimental effects to adjoining properties.

7.09 Parking Violations: Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a site plan with lesser area may be approved by the Planning Commission provided all the following conditions are present:

- A. Said use does not provide services to the general public.
- B. The maximum number of employees and visitors during any one eight-hour period can be demonstrated to be less than the parking space requirements this Ordinance provides for.
- C. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made a part of the site plan.
- D. An open area meeting the required area of this Section is shown reserved for future parking.
- E. Said site plan approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new site plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.

7.09.1 Building Additions: Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.

7.09.2 Permits: No parking area may be constructed, enlarged or altered before a Building Permit is obtained. Said permit shall not be issued until the site plan has been approved by the Planning Commission. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for a

parking area. Whenever the requirements of an approved site plan, this Ordinance or any special requirements are not being met, use of a parking area shall cease within 60 days after revocation of an Occupancy Permit.

The following sign requirements shall be met within each district:

- A. Temporary (not to exceed 60 days) political signs may not exceed eighteen (18) square feet in area.
- B. Signs shall not create a traffic hazard due to reduced visibility of vehicles on or entering a public roadway.

7.11 Signs in the Agricultural and Residential Districts: Signs shall not be permitted in the agricultural or residential districts except in the following:

- A. One non-illuminated temporary sign pertaining to the sale or lease of the premises upon which it must be placed. This sign shall not exceed eight (8) square feet in area.
- B. One non-illuminated sign advertising a home occupation in the agricultural district only, subject to the requirements of Section 5.10.
- C. An announcement sign for a residential subdivision or multi-family development not exceeding twelve (12) square feet in area, and which may only be illuminated from a ground level light directed at the sign. The sales or leasing office of the subdivision or multi-family development may also have a sign, not to exceed six (6) square feet, which is attached to the dwelling so utilized.

7.12 Signs in the Commercial and Industrial Districts: Signs shall not be permitted in the Commercial or Industrial District except in the following:

- A. No business establishment shall have a total of more than three (3) signs facing upon anyone street, provided the total sign area for all signs permitted shall not exceed 15 percent of the area of the face of the building to which they are attached.
- B. All signs attached to a building shall be flat signs, parallel to the face of the building wall. No sign shall extend farther than fifteen (15) inches from the face of the building upon which it is attached, provided however, that where a sign extends more

than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than eight (8) feet from the ground level below said sign. The maximum width of any single sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached or related.

C. Part or all of the total sign area computed within the maximum total area permitted under subsection (A) of this Section, may be a free standing or pylon sign, placed at or behind the setback line. The free standing sign shall not exceed five (5) feet in height if located on the ground and shall be at least eight (8) feet from the ground if a pylon sign.

D. No sign shall be lighted by flashing or intermittent illumination. All light sources except for diffused lighting within translucent signs, used for the illuminations of signs, business buildings or areas surrounding them shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties.

E. Gasoline service stations, automotive sales areas and automotive repair shops may display in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective businesses:

1. One tree standing or pylon sign, provided that such sign shall not exceed fifty four (54) square feet in area on a side.
2. Two (2) temporary signs located inside the property line advertising special seasonal servicing, provided that each such sign does not exceed nine (9) square feet in area.
3. Directional signs or lettering displayed over individual entrance doors or bays.
4. Customary lettering insignia which are a structural part of a gasoline pump.
5. A non-illuminated credit card sign.

F. Directional signs designating entrances or exists to parking areas in accordance with Section 7.1(4).

G. Signs or billboards within the Commercial districts shall meet or exceed the requirements of the State of Michigan. No billboard shall be erected on a lot with less than one hundred (100) feet of frontage. The yard requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard.

ARTICLE VIII

SEVERABILITY PENALTIES

8.00 SEVERABILITY

8.01 Severability: In case any Article, section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, section or provision of this Ordinance, except so far as the Article, section or provision so declared invalid shall be inseparable from the remainder, or any part thereof.

8.02 Repealing Conflicting Ordinances: Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this Ordinance shall not prevent, or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

8.03 PENALTIES

8.04 Penalties: Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined not more than five hundred dollars (\$500). Each day that a violation is permitted to exist shall constitute a separate offense.

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

Community Name: Sturgis Township, County: St. Joseph

Ordinance number IX

An ordinance amendment to affirm an enforcing agency to discharge the responsibility of the Township of Sturgis Township located in St. Joseph County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Sturgis ordains:

Section 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, Bob Hess Inspections representing the Township of Sturgis is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sturgis under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Sturgis assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 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 Township of Sturgis.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled St. Joseph County, Michigan (All Jurisdictions) and dated 6/4/10 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26149C; 0325D and 0350D and dated 6/4/10 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 7th day of February, 2011
This ordinance duly adopted on 2/7/11 at a regular meeting of the Sturgis Township Board of Trustees and will become effective 7/1/11 (Date).
Signed on 6/6/11 by Jo Hovarter,
Jo Hovarter, Clerk of the Township of Sturgis.
Attested on 6/6/11 by George E. Morse (Signature),
George Morse, Supervisor, Township of Sturgis.