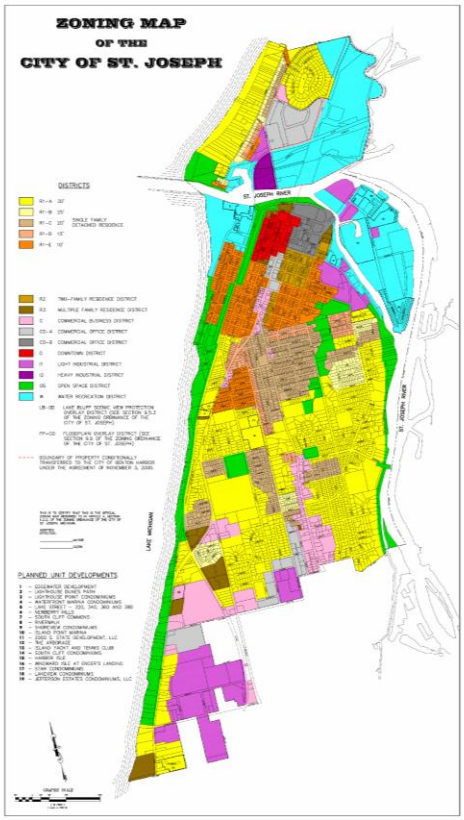
CITY OF St. Joseph

Zoning Ordinance



Approved January 8, 2007 *(Effective January 18, 2007)*

Amendments through October 12, 2015 (*Effective October 22, 2015)*

ACKNOWLEDGEMENTS

This Zoning Ordinance revision was funded in part by the Michigan Coastal Management Program, Michigan Department of Environmental Quality and the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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PREAMBLE

An ordinance to establish Zoning Districts for the City of St. Joseph, Michigan; to establish regulations for those Districts; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to establish a Board of Appeals and to provide duties for the Board of Appeals and Planning Commission pursuant to the Municipal Planning Act, Public Act 285 of 1931, as amended, and pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; to repeal all inconsistent ordinances; and saving from the July 6, 1987 Zoning Ordinance of the City of St. Joseph, as repealed, the penalties and liabilities therein imposed.

After careful study of this Ordinance, the City of St. Joseph Planning Commission recommends its adoption to the City of St. Joseph City Commission and therefore, the City of St. Joseph ordains:

ARTICLE I
TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION AND APPLICATION

SECTION 1.1 TITLE, LEGAL BASIS & HISTORY

1.1.1 Title: This Ordinance shall be known as the Zoning Ordinance of the City of St. Joseph or the City of St. Joseph Zoning Ordinance. All Article, Section and other topical headings are for reference only.

1.1.2 Legal Basis: This Ordinance is adopted pursuant to the authority and requirements of the City-Village Zoning Act, Public Act 207 of 1921, as amended.

1.1.3 History: The original Zoning Ordinance of the City of St. Joseph was adopted October 10, 1927. It was first codified April 24, 1947. It was substantially revised and updated by amendments on February 25, 1957, December 7, 1964, October 17, 1977, and July 6, 1987.

SECTION 1.2 PURPOSES

1.2.1 General Purposes: The Districts and other provisions of this Ordinance are based upon the Future Land Use Map and policies of the City of St. Joseph Comprehensive Plan. This plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) to provide adequate light and air, and protect air and water quality; 3) to encourage the use of lands in accordance with their character and adaptability; 4) to limit the improper use of land; 5) to conserve natural resources and energy; 6) to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) to ensure that uses of land are situated in appropriate locations and relationships; 8) to avoid population overcrowding; 9) to lessen congestion on public streets and highways; 10) to reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards; 11) to prevent the overburdening of public services and utilities; 12) to facilitate the provision of adequate systems of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; 13) to conserve the expenditure of funds for public Improvements and services; 14) provide advantageous uses of land, resources and properties; 15) to conserve land, community character and property values; and 16) to prevent nuisances.

1.2.2 Other Purposes: It is not the intent of this Ordinance to legitimize activities which are prohibited by local ordinance, state or federal law. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends that portion to be disregarded, reduced and/or revised so as to be consistent with the purposes of this Ordinance to the fullest extent allowed by law.

SECTION 1.3 INTERPRETATION & APPLICATION

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

A. Authority for Interpretation: The Zoning Administrator is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and requirements, and applicable state law. Interpretations made by the Zoning Administrator may be appealed to the Zoning Board of Appeals.
B. Meaning and Intent: All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent, and applicable state law.
C. Text Controls: In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.
D. Statutory References: All references to state law in this Ordinance refer to the Michigan Compiled Laws (MCL), as amended.
E. Computation of Time: In computing a period of time prescribed or allowed by this Ordinance, the following rules apply:
   1. The day of the act or event after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or holiday on which City Hall is closed for business under the City Personnel policy; in that event, the period runs until the end of the next day that is not a Saturday, Sunday, or holiday on which City Hall is closed for business.
   2. If a period is measured by a period of weeks, the last day of the period is the same day of the week as the day on which the period begins.
   3. If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise be the final month does not include that day, the last day of the period is the last day of that month. For example, "2 months" after January 31 is March 31, and "3 months" after January 31 is April 30.
F. Delegation of Authority: Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1.3.2 Relationship to Other Regulations and Restrictions:

A. This Ordinance is not intended to interfere with or abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.
B. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, deeds or other agreements between parties, provided however, that where this Ordinance imposes a more stringent restriction upon the use of land, buildings, structures or other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all nonconflicting requirements of an easement, covenant, deed or other agreement.

C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation or ordinance impose more stringent requirements than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal law or regulation.
D. In the event that the combined effect of the requirements of this Ordinance and any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the Fifth Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the City Commission for a Hardship Planned Unit Development under Article XIII of this Ordinance.

1.3.3 Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article II presents definitions of words, terms, and phrases used within this Ordinance. Section 2.2 presents rules for the interpretation of words and phrases in the Ordinance. Section 4.6.1 presents definitions of Use classes and lists examples of Authorized Uses. Some sections have their own set of definitions which apply only in that section.

Article II
DEFINITIONS

SECTION 2.1 PURPOSE

The purpose of this Article is to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

SECTION 2.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables and illustrations of this Ordinance:

A. The particular shall control the general.
B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
E. A "Building" or "Structure" includes any part thereof.
F. The phrase "used for" or “occupied” includes "arranged for," "designed for," "intended for," "maintained for," or “occupied for."
G. The word "Person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
   1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
   2. ”Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
   3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
I. Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language as found in dictionaries, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a particular meaning in law shall be construed and understood according to such meaning.
J. The word “Lot” includes the word “plot”, “tract”, or “Parcel”.
K. The words “this Ordinance” means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The “City” is the City of St. Joseph in the County of Berrien, State of Michigan; the “City Commission” is the City Commission of the City of St. Joseph; the “Planning Commission” is the Planning Commission of the City of St. Joseph; the “Board of Appeals” is the Zoning Board of Appeals, Board of Zoning Appeals or “Board” of the City of St. Joseph.
L. In computing a period of days, see Section 1.3.1.E.

M. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

SECTION 2.3 DEFINITIONS

Accessory Structure: A Building or Structure customarily incidental and subordinate to the Principal Building and located on the same Lot as the Principal Building. Except as otherwise permitted by this Ordinance, an accessory Building or Accessory Structure shall not be used for human habitation.

Accessory Use: A Use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street Parking Spaces or loading) located on the same Lot as, the Principal Use to which it is related.

Alley: A dedicated public way, which is not a Street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

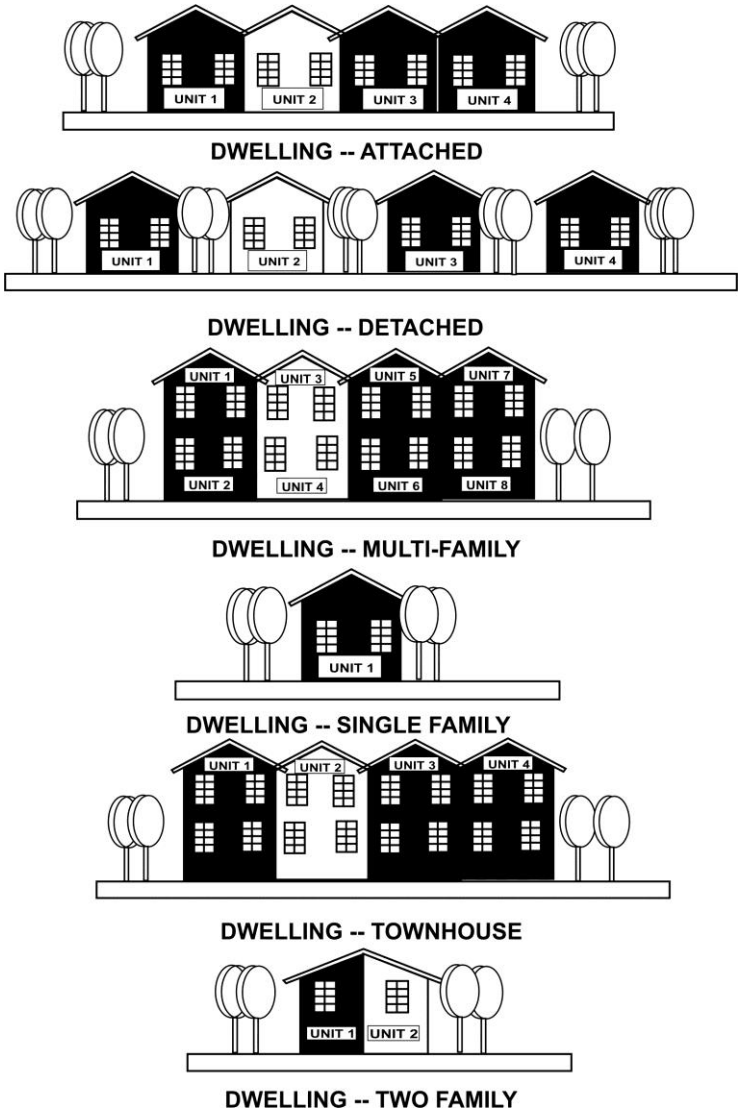
Antenna: A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures for the purpose of communication.

Apartment: A suite of rooms or a room in a multiple-family Building, including bath and kitchen facilities, arranged and intended as a place of residence for a single family.

Applicant: A Person who submits an application under one of the procedures set forth in this Ordinance.

Attached Dwelling: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls. A townhouse is an attached dwelling. See Figure 2-1.

Figure 2-1
Dwelling Types

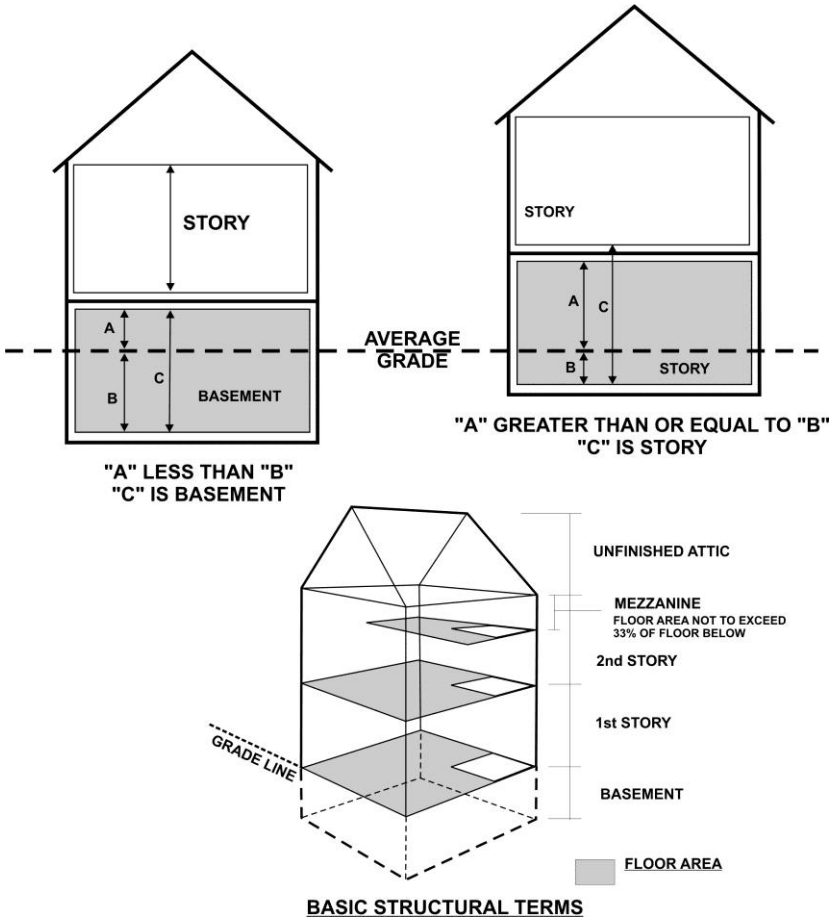


Attic: That part of a Building that is immediately below and wholly or partly within the roof framing.

Authorized Use: Any Use allowed in a zoning District and subject to the regulations applicable to that zoning District; includes Conditional Uses, Permitted Uses, and Special Uses.

Basement: That portion of a Building which is partly or wholly below Finished Grade, but so located that the vertical distance from the Average Grade to the floor is greater than the vertical distance from the Average Grade to the ceiling. A Basement shall not be counted as a Story (see Figure 2-2). A cellar is a Basement. See also definition of "Story". However, any walk-out Basement, regardless of Average Grade, shall be considered a Story.

Figure 2-2
BASEMENT AND STORY



Bed and Breakfast: A commercial Use which is subordinate to the Principal Use of a Building as a single-family Dwelling Unit, and in which transient guests are provided a sleeping room in return for remuneration. Meals also may be provided.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Boarding House: A Structure in which furnished rooms, or Apartments, are let to lodgers on a temporary basis.

Buffer Strip: A strip of land reserved for plant material, Berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning Districts.

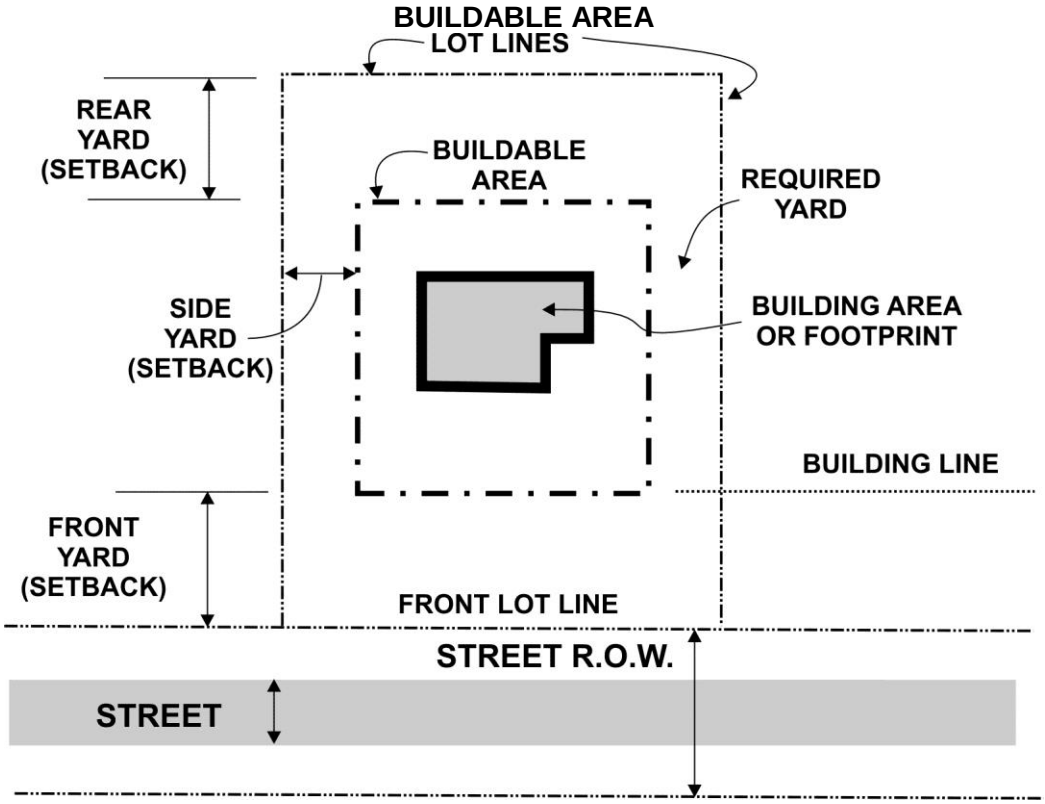
Buildable Area: The portion of a Lot remaining after the minimum Yard and Setback requirements of this Ordinance have been met. See Figure 2-3.

Building: Any Structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of Persons, animals, or property of any kind or for the conduct of business.

This shall include but is not limited to awnings, Mobile Homes, inflatable Structures, fabric or membrane Structures, sheds, garages, greenhouses and other similar Structures. It shall also include trucks, vans, Recreational Vehicles or other vehicles or parts of vehicles situated on private property, and used for the purposes of a Building, whether or not mounted on wheels.

Building Area or Building Footprint: The total horizontal area of the largest Story of the principal Building and all accessory Buildings, exclusive of uncovered Porches, terraces, patios and steps.

Figure 2-3
BUILDABLE AREA

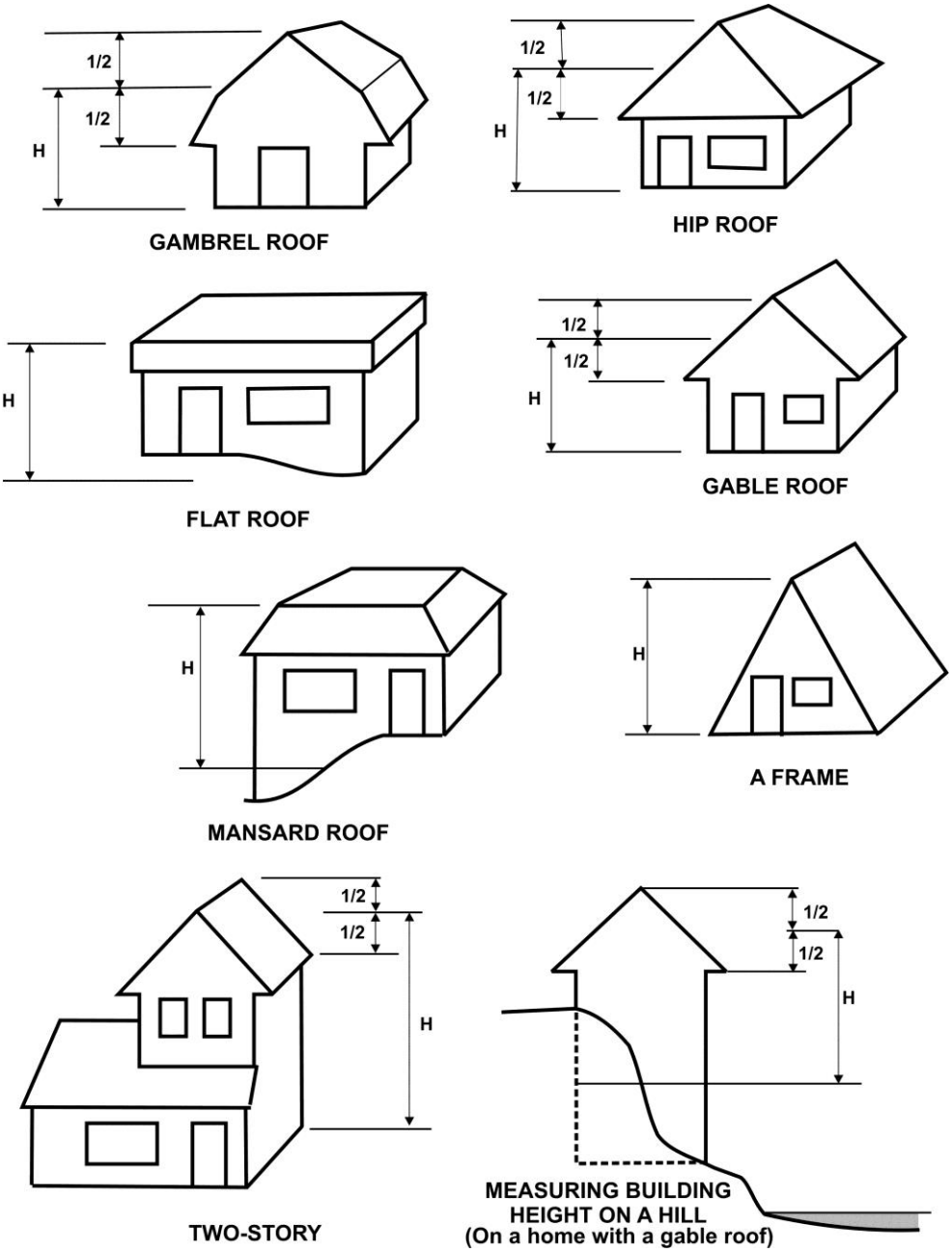


Building Height: The vertical distance measured from the Average Grade to the highest point of the roof surface for flat roofs and A-frames, to the Deck line of mansard roofs, and to the average height between the highest eave and the highest ridge for gable, hip and gambrel roofs (see Figure 2-4). A cupola, widow's watch, tower or parapet wall that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. See also Section 3.25 concerning building grades.

Building Line: A line parallel to a front, Side or Rear Lot Line, established for the purpose of prohibiting the erection of a Structure between such line and the corresponding Lot Line. See Figure 2-3.

Building, Principal: A Building in which the Principal Use of a Lot is conducted.

Figure 2-4
BUILDING HEIGHT



Carport: A Structure, open on two or more sides, intended to shelter one or more vehicles. Such Structures shall comply with all Setback requirements applicable to garages.

Change of Use: A Use of a Building, Structure or Parcel of land, or portion thereof which differs from the previous Use in the way it is classified in this Ordinance.

Church: A Building wherein Persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory Buildings and uses customarily associated with such primary purpose.

Clear Vision Area: Corner areas at intersecting Streets, Alleys and Driveways in which unobstructed vision of motor vehicle operators is maintained.

Code of Ordinances: means the Code of Ordinances of the City of St. Joseph.

Communication Tower: A Structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another Structure which supports one or more Antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Antennae permitted as an Accessory Use under Article IV of this Ordinance are excluded. See Public Safety Communication Tower.

Community Care Facilities for the Elderly: Establishments primarily engaged in providing residential and personal care services for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. In some instances these establishments provide skilled nursing care for residents in separate on-site facilities.

Comprehensive Plan: The municipal plan adopted by the City Commission pursuant to Public Act 285 of 1931, including text, maps and graphic proposals indicating the general location for streets, Parks, schools, public Buildings, and all physical development of the City, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Conditional Use: A Use not essentially incompatible with uses permitted in a zoning District, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A Conditional Use is allowed by right in a particular District, provided that the Use complies with the nondiscretionary standards of Article XI of this Ordinance.

Condominium Project: A plan or project including not less than two (2) Condominium Units established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the Master Deed for a Condominium Subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each Condominium Unit contained in the Condominium Subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a Condominium Project or Condominium Subdivision which is 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, Use as a time-share unit, or any other type of use. The Owner of a Condominium Unit also owns a share of the common elements. The term "Condominium Unit" shall be equivalent to the term "Lot" for purposes of determining compliance of the site Condominium Subdivision with the provisions of this Ordinance pertaining to minimum Lot size, minimum Lot Width, and maximum Lot Coverage.

Congregate Facility: A facility which provides adult foster care for more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older with the condition that each living unit does not exceed twenty (20) individuals and requires functional grouping of residents.

Day Care Center (Child Care Center): A facility, not located in private home, licensed by the State of Michigan, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, Day Nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Care Center or Day Care Center does not include any of the following:

A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
B. A facility operated by a religious organization where children are cared for while Persons responsible for the children are on the premises.

Day Care (Family, Home): A licensed Day Care Center as an Accessory Use in a private home in which at least 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the Family by blood, marriage, or adoption. Family Day Care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Group, Home) or Day Nursery: As defined in PA 116 of 1973, MCL 722.111, a "Group Day Care home" means a licensed Day Care Center in a private home as an Accessory Use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the Family by blood, marriage, or adoption. Group Day Care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Private, Home): A private residence in which a Day Care Center operator licensed by the State of Michigan permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private Home includes a full-time foster Family home, a full-time foster Family group home, a Group Day Care Home, or a Family Day Care Home.

Deck: An unroofed Structure used for outdoor living purposes which may or may not be attached to a Building and which is more than six (6) inches above the Finished Grade.

Deed Restriction: A restriction on the Use of a Lot or Parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent Owners and is sometimes also known as a restrictive covenant. Unless the City has a legal interest in the property or in the Deed Restriction, the City shall not consider a Deed Restriction when making zoning decisions under this Ordinance.

Demolition: The partial or complete disassembly or removal of a Building, Structure or other feature, when that disassembly or removal is not Dismantlement under this Ordinance.

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means. See Figure 2-1.

Dismantlement: The partial disassembly or removal of a Building, Structure or other feature in conjunction with and directly associated with specific remodeling, Repair, maintenance or replacement work otherwise allowed under this Ordinance and which is being conducted in accordance with all City ordinances. Dismantlement must be conducted in a timeframe reasonably associated with such work, and will be reclassified as Demolition if it ceases to be associated with such work. Work classified as "demolition" under other City codes or ordinances may be either Dismantlement or Demolition under this Ordinance.

District (or Zone): A portion of the incorporated area of the City within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway: A means of access for vehicles from a street or Alley to a parking or loading area, garage, dwelling or other Structure or area.

Dwelling, Single-Family: A detached residential Building containing only one (1) Dwelling Unit.

Dwelling, Two-Family: A detached residential Building containing two (2) Dwelling Units.

Dwelling, Multiple-Family: A residential Building containing three (3) or more Dwelling Units.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) Family occupancy, physically separated from any other Dwelling Units in the same Structure, and containing independent cooking, bathroom, and sleeping facilities.

ECHO Housing or ECHO Unit: An Elder Cottage Housing Opportunity which is a temporary Accessory Use that permits residents and caregivers to occupy two Dwelling Units on a single-family residential Zoned Lot. See Article XI.

Family: An individual or two or more Persons related by blood, marriage, or adoption, and/or a group not to exceed six (6) Persons, whether or not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a Boarding House, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the Family.

Fence: An unroofed Structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a Lot, and including any gates appurtenant to that Fence. A Fence may be of open or solid construction, and includes walls. A Living Fence is not a Fence.

Fence, Protective Measures: A Fence meeting the requirements of a Protective Measures Fence as described in Chapter 12 of the Code of Ordinances.

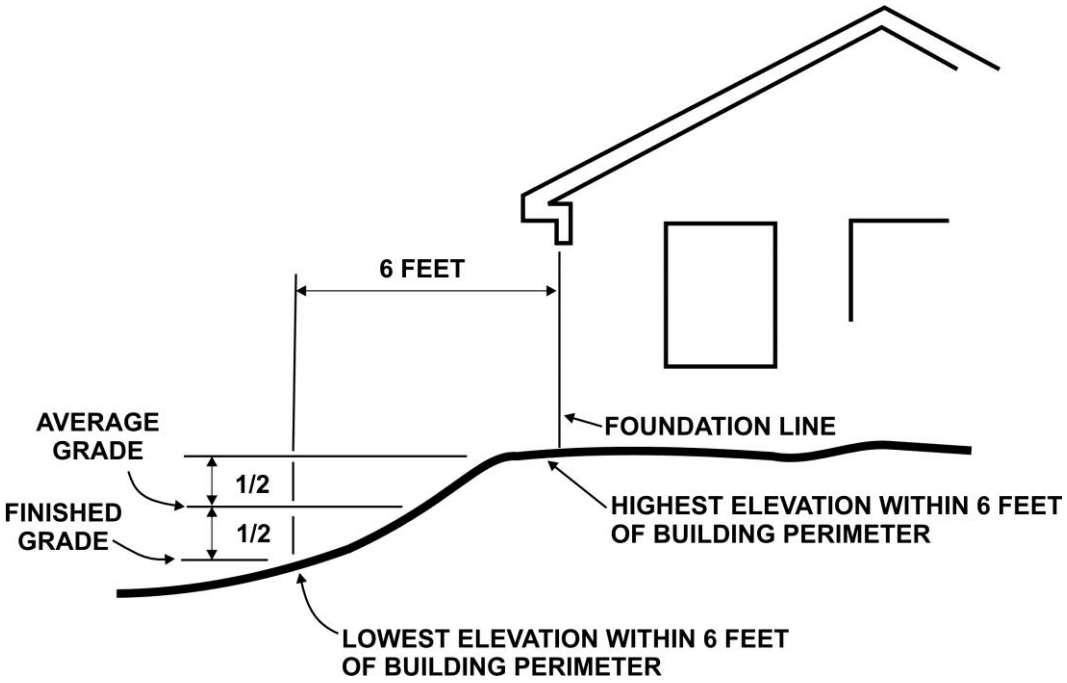
Floor Living Area: For the purpose of computing the minimum allowable floor area in a residential Dwelling Unit, the sum of the horizontal areas of each Story of a Building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of Basements, unfinished Attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed Porches, elevators, or common stair bulkheads, common hall areas, and Accessory Structures.

Footprint, Building: See Building Area.

Frontage: The total continuous length of the Front Lot Line. (See Figures 2-6 and 2-8).

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within six (6) feet of the foundation line of a Building or Structure not including window wells or required Basement egress (see Figure 2-5).

Figure 2-5
AVERAGE GRADE AND FINISHED GRADE



Grade, Finished: The lowest point of elevation between the exterior wall of the Structure and a line six (6) feet from the exterior wall of the Structure, not including window wells or required Basement egress. See Figure 2-5.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Group Home: A facility which provides adult foster care for more than six (6), but not more than twenty (20) adults.

Hazardous Substance:

A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
C. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
D. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

Home Occupation: A commercial activity, whether for profit or otherwise, carried on by an occupant of a Dwelling Unit as a secondary Use which is clearly subordinate and incidental to the Use of the Dwelling Unit as a residence and is an Accessory Use under this Ordinance. In the event an occupant telecommutes, "works from home" or otherwise works in or from their Dwelling Unit but has no visitors or deliveries related to this activity, no non-resident employees, no outward signs that there is commercial activity on the premises, and does not include any Use prohibited as a Home Occupation under this Ordinance, this activity is not considered a Home Occupation but is instead considered part of the residential Use.

Improvements: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Kennel, Commercial: Any Lot or premise on which three (3) or more dogs, cats, or other household pets, are confined or kept for sale, breeding, or training purposes for remuneration.

Living Fence: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a Lot.

Lot or Parcel: Land described in a recorded Plat or by metes and bounds description, including a Condominium Unit in a Condominium Subdivision, occupied or to be occupied by a Building, Structure, land Use or group of Buildings having sufficient size to comply with the Frontage, area, width-to-depth ratio, Setbacks, Yards, coverage and Buildable Area requirements of this Ordinance, and having its principal Frontage upon a public street or on an approved Private Road or approved access easement. Such Lot may consist of a) a single Lot of Record; b) a portion of a Lot of Record; c) a combination of contiguous Lots of Record or portions of contiguous Lots of Record; or d) a Parcel of land described by metes and bounds.

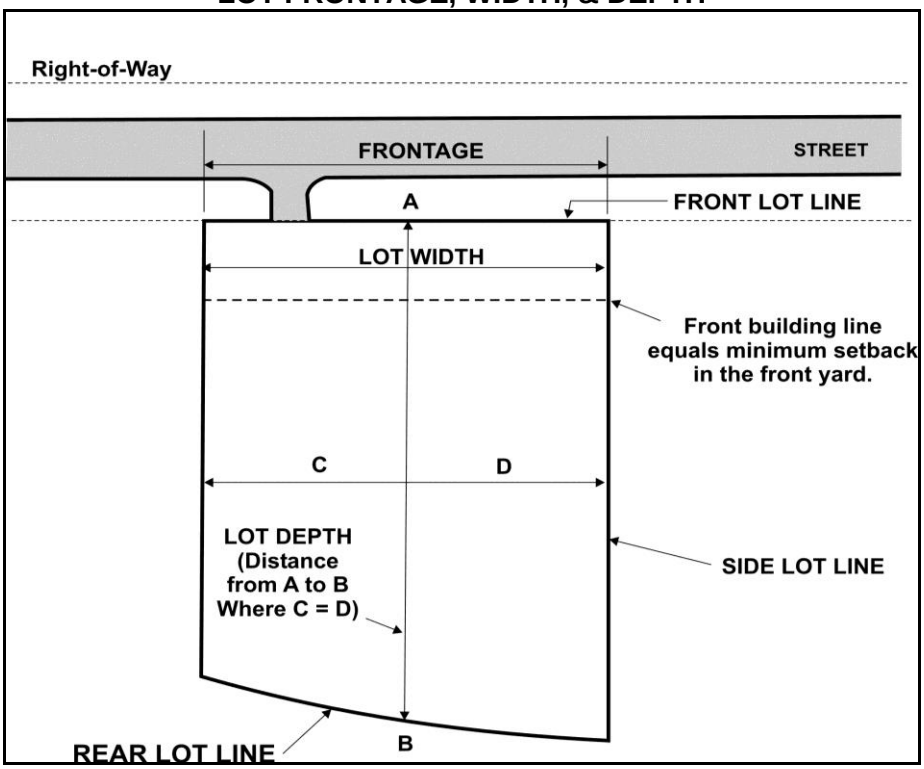
Lot Area: The area contained within the Lot Lines or property boundary. In the case of a Flag Lot, the Lot Area does not include any portion of the Lot located between the main roadway and the Front Lot Line.

Lot, Corner: A Lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A Lot abutting upon a curved street or streets shall be considered a Corner Lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the Lot Lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 2-6).

Lot Coverage: The amount of a Lot, stated in terms of percentage, that is covered by all Buildings and/or Structures located thereon. This shall include all Buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) Structures such as Porches, arbors, breezeways, but shall not include Fences, walls, or hedges used as Fences, unroofed Structures such as Decks, patios, Swimming Pools, or uncovered parking lots. Lot Coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The horizontal distance between the front and rear Lot Lines, measured along the median between the Side Lot Lines. (See Figure 2-6).

Figure 2-6
LOT FRONTAGE, WIDTH, & DEPTH



Lot, Flag: A Lot whose access to the main roadway is by an easement across another property or by a portion of the Lot that does not meet the requirements of this Ordinance to permit building including Lot Width, Setbacks, Lot Area and Buildable Area. See Figures 2-7 and 2-8.

Lot, Interior: Any Lot other than a Corner Lot which has only one Lot Line fronting on a street. For this purpose, an Alley is not considered a street unless the Lot has no Lot Line fronting on a street. See Figure 2-7.

Lot Line:

Front: In the case of an Interior Lot, the line separating that Lot from the street, a Private Road, or other access easement. In the case of a Corner Lot or Through Lot, the line separating that Lot from either the street, a Private Road, or other access easement, and bearing the assigned street address for that Lot. See Figures 2-6 and 2-8. In the case of a Flag Lot, the line parallel and nearest to the main roadway such that the resulting Lot meets the requirements of this Ordinance including Lot Width, Setbacks, Lot Area and Buildable Area; Flag Lot's Front Lot Line is often the Rear Lot Line of an adjacent Lot located between the Flag Lot and the main roadway; see Figure 2-8.

Rear: The line opposite the Front Lot Line. In the case of a Through Lot, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped Lot or Parcel, or a Corner Lot which is not bounded entirely by Front, Side, and Side Street Lot Lines, an imaginary line at least ten (10) feet in length entirely within the Lot, parallel to and at a maximum distance from the Front Lot Line. (See Figures 2-6 and 2-8).

Side: Any Lot Line other than the Front Lot Line or Rear Lot Line. (See Figures 2-6 and 2-8). In the case of a Corner Lot, any Lot Line which also serves as the Side Lot Line for an adjacent Lot shall be considered a Side Lot Line.

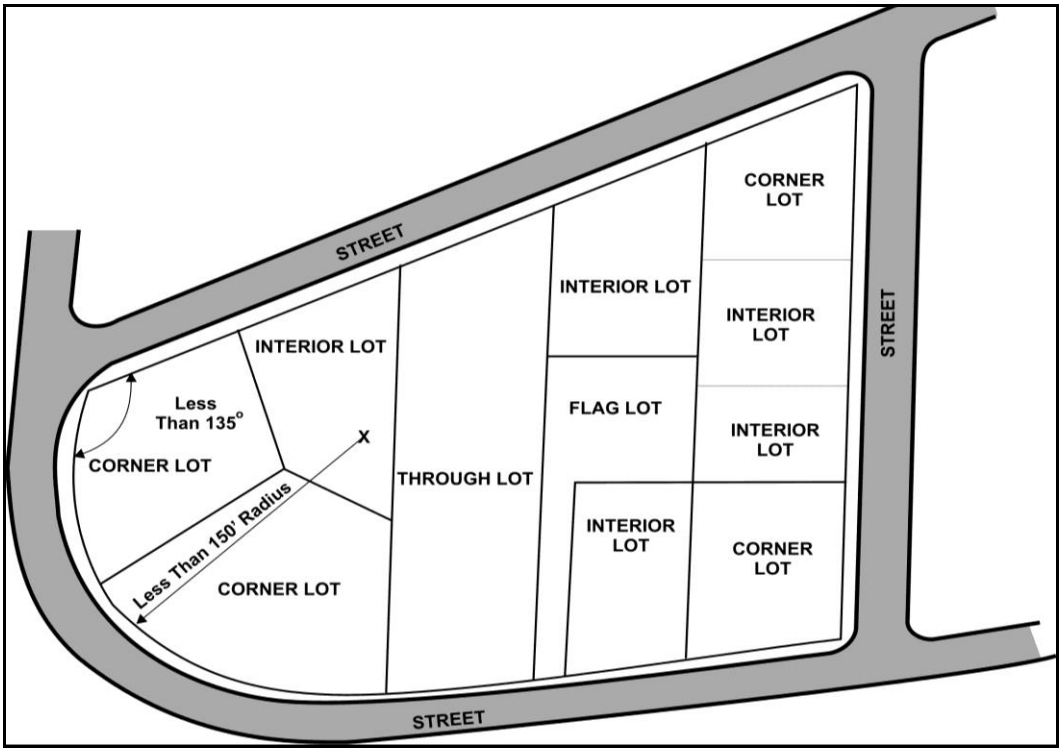
Side Street: A Side Lot Line separating a Lot from a street.

Lot of Record: A Lot which is part of a Subdivision, the map of which was recorded in the Office of the Register of Deeds in Berrien County on or before July 17, 1987; or, a Lot described by metes and bounds, the deed, survey or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Berrien County on or before July 17, 1987; or, a Lot created since July 17, 1987 which at the time of creation met all of the retirements of the then-current City Zoning Ordinance.

Lot, Through: A Lot which is not a Corner Lot, and with frontage on two or more streets. For this purpose, an Alley is not considered a street. On a Through Lot, all street lines shall be deemed Front Lot Lines for Setback purposes.

Lot, Width of: The horizontal straight line distance between the Side Lot Lines, measured between the two points where the line establishing the Setback for the Front Yard (also known as the front Building Line) intersects the Side Lot Lines. (See Figures 2-6 and 2-8).

Figure 2-7
LOT TYPES



Marina: A boat basin with facilities for berthing and securing recreational craft, which may also provide supplies, provisions, service and fueling facilities, and repair and storage of boats.

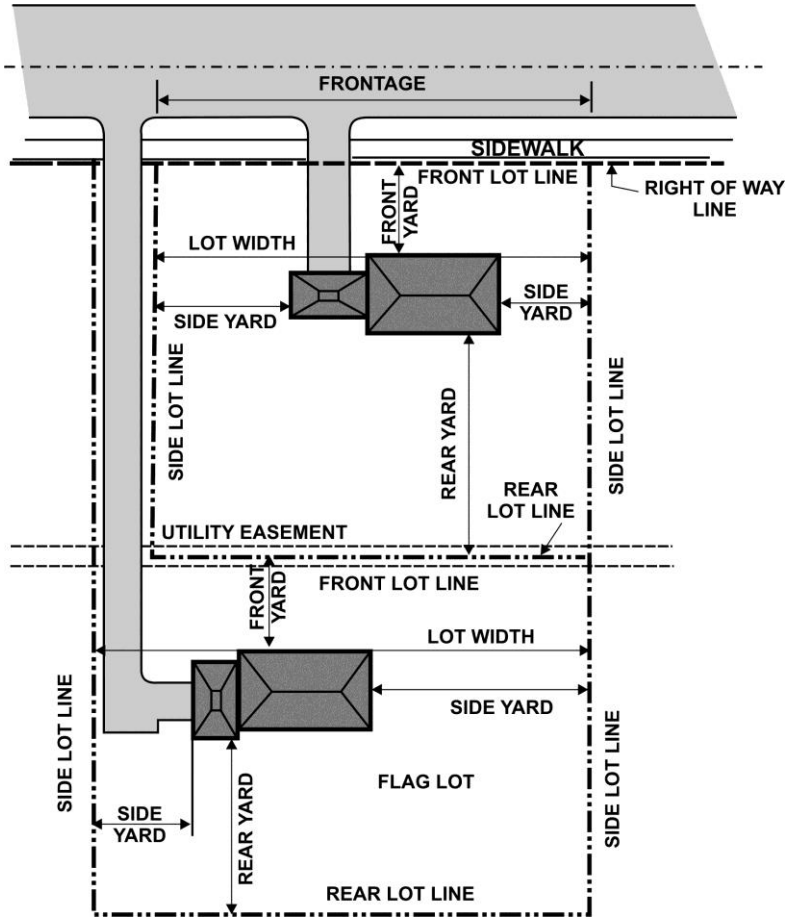
Marine Terminal: A dock, pier, landing, Structure or property which provides access from land to a Water Based Business.

Master Deed: The document recorded as part of a Condominium Subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the Condominium Subdivision and the Condominium Subdivision Plan.

Mezzanine: An intermediate floor in any Story occupying not to exceed one-third (1/3) of the floor area of such Story. See Figure 2-2.

Mobile Home: A Structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without 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.

Figure 2-8
LOT LINES AND YARDS



Nonconforming Building: A Building lawfully existing on the effective date of this Ordinance or subsequent amendment, and which does not conform to the requirements of this Ordinance.

Nonconforming Lot: Any Lot of Record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional Lot requirements of this Ordinance or subsequent amendment.

Nonconforming Structure: Any Structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.

Nonconforming Use: An activity using land, Buildings and/or Structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance, or which was established as a Limited Neighborhood Business under the terms of this Ordinance and which would fail to meet the requirements of this Ordinance if not classified as a Limited Neighborhood Business.

Nonconformity: Any Nonconforming Use, Nonconforming Building, Nonconforming Structure or Nonconforming Lot as defined in this Ordinance.

Nuisance: Any act, thing, condition, land, Building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property. A Nuisance also includes any of the activities forbidden by Chapter 18 of the Code of Ordinances of the City of St. Joseph, Michigan.

Nursery: A space, Building or Structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, Building or Structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Care Facilities: Establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

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.

Ordinary High Water Mark: For Shoreland areas adjacent to the St. Joseph River and/or the Paw Paw River, the OHWM is the line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. For Shoreland areas adjacent to Lake Michigan, pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the OHWM is 580.5 feet above sea level, International Great Lakes Datum of 1985. The OHWM shall be considered to be the Lot Line where present on a Parcel.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other Person, sole proprietorship, partnership, limited liability company, association, or corporation directly or indirectly in control of a Building, Structure, or real property, or his or her duly authorized agent.

Parcel: See Lot.

Park: A Parcel of land, Building or Structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Spaces: An area of definite length and width used for the parking of a motor vehicle. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Permitted Use: A Use allowed by right in a zoning District and subject to the regulations applicable to that zoning District.

Person: An individual, corporation, partnership, limited liability company, association, cooperative, trust, or any other legal entity or combination of legal entities.

Planned Unit Development: A Parcel or Lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved Site Plan which allows flexibility of design not available under normal zoning District requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Plat: A map of a Subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a Building. A Porch becomes a room when the enclosed space is heated or air conditioned.

Principal Use: The primary or predominant Use of any Lot or Parcel of land.

Private Road: A private way or means of approach to provide access to two (2) or more abutting Lots, and which is constructed and maintained by the Owner or Owners and is not dedicated for general public use.

Public Safety Communication Tower: A Communication Tower owned and operated by a governmental entity and used primarily for public safety and governmental communications, such as police, fire, public safety, and public works uses. Commercial antennae may be placed on a Public Safety Communication Tower as an Accessory Use, but at all times more than 50% of the number of antennae on the tower must be dedicated to public safety uses.

Public Utility: A Person, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Repair: The reconstruction or renewal of any part of an existing Building for the purpose of maintenance.

Residence Hotel: A Building, or part of a Building, with a common entrance or entrances, in which rooms are rented primarily for long term occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, bellboy service and meals in a common eating area. A residence hotel may include a Restaurant, or cocktail lounge, public banquet halls, ballrooms or meeting rooms and recreational facilities.

Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential Dwelling Units, cottages, campgrounds, Bed and Breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Restaurant: A Building in which food is prepared and sold for consumption within the Building as opposed to a drive-in establishment where food may-be taken outside of the Building for consumption either on or off the premises.

Restoration: The reconstruction or replication of an existing Building's original architectural features.

Right-of-Way: A street, Alley, or other thoroughfare or easement permanently established for passage of Persons, vehicles, or the location of utilities. The Right-Of-Way is delineated by legally established lines or boundaries.

Setback: The distance required to obtain minimum front, side or Rear Yard open space provisions of this Ordinance.

Setback Line: A line parallel to and equidistant from the relevant Lot Line (front, rear, and side) between which no Buildings or Structures may be erected as prescribed in this Ordinance. Together the Setback Lines define the Buildable Area of the Lot. See Figure 2-3.

Shoreland: The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Michigan, the St. Joseph River, or the Paw Paw River.

Shoreline: That area of Shorelands where land and water meet.

Short-term Rental: A commercial Use which is subordinate to the residential Principal Use of a Dwelling Unit, in which a tenant is allowed to lease the Dwelling Unit for periods of less than one calendar month in return for remuneration and which is not a Special Event Rental. If a tenant leases a Dwelling Unit for a period of at least one calendar month, this is not a Short-term Rental, but instead is a residential Use. A property authorized for a Short-term Rental Use may also be used for such residential Uses, but see 11.8.4 for limitations on such residential Use.

Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Event Rental: A commercial Temporary Use which is subordinate to the residential Principal Use of a Dwelling Unit and: 1) which is not a Short-term Rental; and 2) in which a tenant is allowed to lease a Dwelling Unit or portion of a Dwelling Unit for a designated period of time of less than one month in return for remuneration; and 3) which is authorized as a Special Event Rental under the standards and procedures established in Chapter 8 of the Code of Ordinances.

Special Use: A Special Use is a Use that is not essentially incompatible with the uses permitted in a zoning District, but possesses characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A Special Use is permitted in a particular District only after review by the Planning Commission and issuance of a permit by the City Commission, in accordance with the standards set forth in this Ordinance. A Special Use is referred to as a special land use in the zoning enabling act.

Special Use Permit: A permit issued to a Person or Persons intending to undertake the operation of an activity upon land or within a Structure specifically permitted as a Special Use pursuant to standards and procedures established in Article III General Provisions and Article XI Special Use and Conditional Use Regulations.

Story: That part of a Building, except a Mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A Basement shall not be counted as a Story (see Figure 2-2).

Street: A thoroughfare for vehicular traffic, including all area within the Right-Of-Way.

Structure: Anything fabricated, constructed or erected, the Use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all Buildings, independently supported Decks, satellite dishes and free-standing Signs; excepting anything lawfully in a public Right-Of-Way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

Structure Height: For all Structures other than Buildings, the vertical distance measured from the Finished Grade to the highest point of the Structure. For Buildings, see Building Height.

Subdivision: The division of a Lot, tract, or Parcel of land into more Lots for the purpose of sale or development, and subject to the requirements of Public Act 288 of 1967, as amended, this Ordinance and the requirements of Chapter 27 of the Code of Ordinances of the City of St. Joseph.

Swimming Pool: Any structure intended for swimming or recreational bathing that is capable of holding water, is located in whole or in part outside of a fully enclosed building, and is not a Wading Pool under this ordinance. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas and any other structures defined as a "swimming pool, outdoor" under the Michigan Residential Code. See also Chapter 28 of the Code of Ordinances.

Temporary Use or Building: A use, Building or Structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

Thoroughfare, Major: A public street, the Principal Use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property, and which is highlighted on the Major Thoroughfare Map, Figure 2-9).

Travel Trailer: A vehicular, portable Structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8') and a body length not exceeding forty feet (40').

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain Hazardous Substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

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.

Use, Predecessor: For the purpose of determining whether a proposed Use is a Limited Neighborhood Business, the Use that is currently on a Lot or was the most recent Use of the Lot.

Use, Successor: A Limited Neighborhood Business Use which replaced, or is proposed to replace, another Limited Neighborhood Business on a Lot under the terms of this Ordinance.

Use Category: See Use Class.

Use Class: A grouping of several Uses sharing similar characteristics, and treated similarly for the purpose of determining Authorized Uses for each Zoning District.

Use Class, Ordinary: For a Use that is a Limited Neighborhood Business, the Use Class to which a Use would belong if the Use were not a Limited Neighborhood Business.

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article III and Article XV of this Ordinance have been met. These standards seek to ensure that no Variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship, (b) would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the Variance is granted, and (d) the Variance request is not due to actions of the Applicant.

Wading Pool: Any self-supporting on-ground prefabricated structure intended for swimming or recreational bathing that is capable of holding water no more than 24 inches deep at any point and is located in whole or in part outside of a fully enclosed building. See also Chapter 28 of the Code of Ordinances.

Water Based Business: Any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a Marine Terminal, including, but not limited to dinner boats, charter boats, passenger service, boat tours, watercraft rentals, and commercial fisheries.

Yard: An open space on the same Lot with a Building, unoccupied and unobstructed by a Structure from the ground upward, except as otherwise provided herein. See Figures 2-3 and 2-8.

Front: A yard extending across the front of a Lot between the front line of the Lot and the nearest point of the main Building or land use, projected to the Side lines of the Lot.

Rear: An open space on the same Lot with a main Building, unoccupied, except as herein permitted, extending the full Width of the Lot and situated between the rear line of the Lot and the rear line of the Building projected to the sidelines of the Lot.

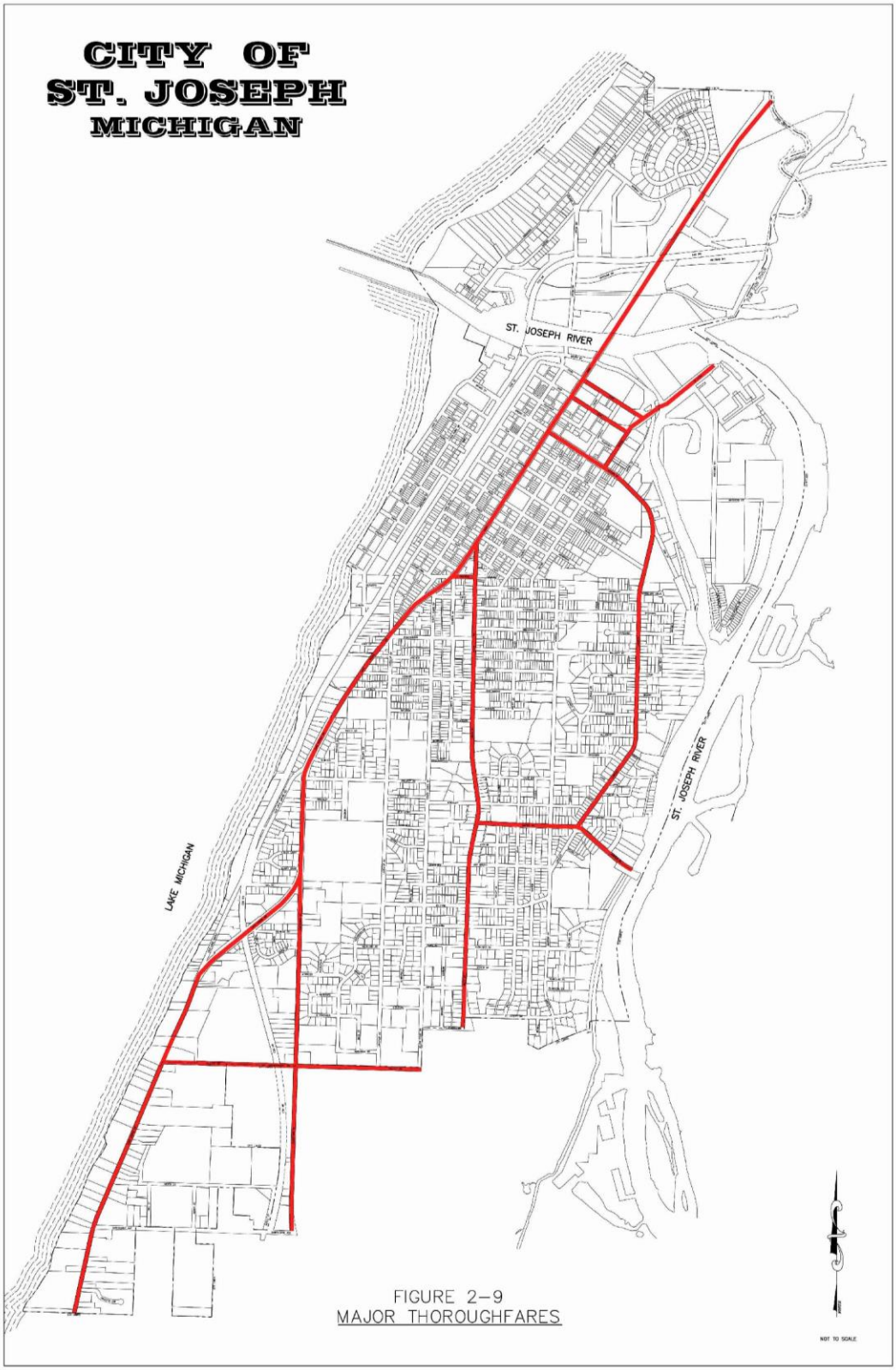
Side: An open, unoccupied space on the same Lot with the Building, situated between the Building and a Side Lot Line and typically extending from the Front Yard to the Rear Yard. Any Yard area that is neither a Front Yard nor a Rear Yard.

Zoning Administrator: The City of St. Joseph Zoning Administrator hired for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed by the City Commission to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property Owner.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, Restoration, alteration, conversion, or installation of a Structure or Building, that indicates that a Site Plan, and/or other zoning application or request for special zoning approval or Variance for a use, Structure or Building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a Variance therefrom, or has been granted a Planned Unit Development approval or a Special Use Permit.

Figure 2-9
MAJOR THOROUGHFARE MAP



Article III
GENERAL PROVISIONS

SECTION 3.1 PURPOSE

This Article is intended to establish general regulations for Lots, uses, and activities that relate to Accessory Uses, dimensional standards, various exceptions, and aspects of land Use and design that are not addressed in other Articles of this Zoning Ordinance.

SECTION 3.2 THE EFFECT OF ZONING

Zoning applies to every Building, Structure or Use within the City, including those areas conditionally transferred to the City of Benton Harbor pursuant to the Development Cooperation Agreement Among Benton Harbor, St. Joseph and Harbor Shores Community Redevelopment, Inc, dated November 3, 2005, as well as to any other land subject to a conditional transfer under Public Act 425 of 1984, as amended. No Use of land, Buildings or Structures is permitted without zoning approval as specified in this Ordinance. Zoning approval runs with the land, not with the property Owner.

SECTION 3.3 RESERVED FOR FUTURE USE

SECTION 3.4 RELATIONSHIP TO BUILDING PERMITS

No excavation for construction shall be commenced and no Building or Structure shall hereafter be erected, enlarged, altered or reconstructed until a Building Permit has been issued by the Building Inspector. No Building Permit shall be issued until other permits required by this Ordinance have been obtained.

SECTION 3.5 ESSENTIAL SERVICES AND MUNICIPAL FACILITIES

3.5.1 Essential Services:

A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories, but not including Communication Towers, which are reasonably necessary for the furnishing of adequate service by such Public Utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning District.
B. Notwithstanding the exceptions contained in the immediately preceding sentence:
   1. Electrical substations and/or gas regulator stations shall be enclosed with a Fence not less than six (6) feet high, which may be a Protective Measures Fence, and adequate to obstruct passage of Persons or materials.
   2. Public Utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any Building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

3. Communication Towers are permitted only by Special Use Permit according to the standards of Section 11.12.25.

3.5.2 Governmental Facilities: Buildings, Structures, facilities and/or Uses owned or operated by the City of St. Joseph are exempt from the provisions of this Ordinance. All Buildings, Structures and/or Uses owned or operated by a local, state or federal agency require review and approval of a Site Plan by the Planning Commission prior to construction or alteration, except as provided elsewhere in this Ordinance, or by State or Federal Law.

SECTION 3.6 POTABLE WATER AND SEWAGE DISPOSAL

A. Any Building erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises unless that Structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes, as provided by Chapter 30 of the Code of Ordinances.
B. All on site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Berrien County Health Department as well as those of other applicable City, county, state, or federal agencies.

SECTION 3.7 RESERVED FOR FUTURE USE

SECTION 3.8 LOTS OF RECORD AND DIVISION AND COMBINATION OF LOTS

3.8.1 Lots of Record: A Lot of Record may be used as specified in the Zoning District in which it is located. Any Structure shall be located on the Lot in compliance with all Yard and Setback requirements for the Zoning District in which the Lot is located.

3.8.2 Division of Lots: No Lot shall be divided except in conformance with Chapter 27 of the Code of Ordinances and the requirements of the Land Division Act, Public Act 288 of 1967, being MCL 560.101 et seq. as amended.

3.8.3 Combination of Lots and Transfer of Property Between Adjacent Lots: No Lot or Lots shall be combined into a single Lot, and no property shall be transferred between adjacent Lots, in violation of either of the following provisions:
A. All Lots to be combined, or property to be transferred between adjacent Lots, must be located in the same Zoning District, and also the same sub-District if applicable.
B. No Lot that is the subject of an approved Planned Unit Development or Special Use Permit shall be combined with any other Lot or Lots, nor property transferred between adjacent Lots when one or more of the Lots is the subject of such a Planned Unit Development or Special Use Permit, unless and until any such Planned Unit Development(s) or Special Use Permit(s) are amended to reflect the proposed combination or transfer.

SECTION 3.9 ACCESSORY USES AND STRUCTURES

3.9.1 General Standards:

A. Subordinate to Principal Use: Accessory Uses and Structures must be subordinate to the Principal Use and Structure on the subject Lot in terms of area, extent and purpose.
B. Time of Establishment: Accessory Structures must be constructed in conjunction with or after the Principal Building, and may not be constructed prior to the construction of the Principal Building. Accessory Uses may be established no earlier than the commencement of the Principal Use.

3.9.2 Building Coverage: The combined Footprint of all detached covered Accessory Structures, and all Porches or Decks six (6) inches or more above Finished Grade, may not exceed the Building Footprint of the Principal Building.

3.9.3 Location in Required Setbacks:

A. Accessory Structures, except for Fences, trellises not more than eight (8) feet in height, and arbors not more than ten (10) feet in height, may not be located in the Front Yard. The total width of trellises and arbors exempt under this section may not total more than twenty-five percent of the width of the Principal Structure on the Lot.
B. Accessory Structures not more than fourteen (14) feet in height may be located in required rear Setbacks if they do not occupy more than thirty-three percent (33%) of the actual Rear Yard area and are located at least five (5) feet from any Lot Line. Except, in those instances where the rear Lot Line is coterminous with an Alley right-of-way, the Accessory Structure may be as close as one (1) foot to such rear Lot Line.
C. Mechanical Structures, such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in Front Yards, but they may be located in rear or side Setbacks if they are located at least three (3) feet from rear and Side Lot Lines.
D. Fences or screening walls, as permitted by Chapter 12 of the Code of Ordinances, may be located in any required Setback.

3.9.4 Height of Accessory Buildings: Unless otherwise expressly stated, no accessory Building in a residential District may exceed fourteen (14) feet in height. In a nonresidential District, no accessory Building may exceed the height of the principal Building on the same Lot.

3.9.5 Open Storage: The open storage of utility trailers, boat trailers, and other similar conveyances shall be permitted only within the Rear Yard and shall further comply with the Setback requirements of this section applicable to accessory Buildings, insofar as distances from Principal Buildings, Lot Lines, and easements are concerned. See Section 18.2.11 for additional requirements regarding storage in residential Districts.

3.9.6 Separation Requirement: No detached Accessory Structure, apart from a Porch, Deck, Fence, trellis, arbor or Swimming Pool, shall be located closer than ten (10) feet to any Principal Building.

3.9.7 Porches and Decks:

A. All enclosed Porches proposed to be constructed and all existing open Porches, Decks or patios that are proposed to be enclosed shall meet the Setback and area requirements of this Ordinance.
B. An open, unenclosed and uncovered Porch or Deck six (6) inches or more above Finished Grade shall meet the Setback and area requirements of the District for a Principal Building if connected to, touching or adjacent to and accessed from the Principal Building; see Section 3.10 for exceptions. Otherwise the Porch or Deck shall meet the Yard and area requirements for an Accessory Structure.
C. Paved terraces, patios and unenclosed, uncovered Porches and Decks shall not be subject to Yard requirements, provided that all of the following conditions are met:
   1. It is less than six (6) inches above the Finished Grade.
   2. The paved or Decked area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure that so link the paved or Decked area to the principal Building that an enclosed area is formed which appears functionally a part of the principal Building.
   3. No portion of any paved or Decked area is closer than three (3) feet from any Side or Rear Lot Line, except that if the Yard proposed to be encroached abuts a public street or approved Private Road, the Setback shall be observed.

SECTION 3.10 PROJECTIONS IN YARDS

A. For existing Structures, Ramps to accommodate wheelchairs and/or related devices to assist the handicapped or infirm are permitted to encroach on the Yard requirements of any District, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the Yard encroachment while still meeting the Ramp needs of the Applicant. No Ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved Driveway. Ramps may not be covered within any Setback. For new Structures, Ramps must meet all Setback requirements. In either case, Ramps must meet the requirements imposed by all applicable federal, state and local regulations.
B. Self-supporting awnings in residential Districts may project into a required Yard area no more than three (3) feet and in commercial or industrial Districts no more than five (5) feet. Awnings shall be at least eight (8) feet above Grade at every point.

SECTION 3.11 HEIGHT EXCEPTIONS

The following non-residential Structures and appurtenances shall be exempt from height regulations in all zoning Districts in which they are permitted, provided no portion of the excepted Structure may be used for human occupancy:

A. Church spires, provided they do not exceed seventy-five (75) feet in height to the top of the spire.
B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, screening walls, fire and hose towers, cooling towers, or other Structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height or not more than fifteen (15) feet higher than the highest point of the Structure, whichever is higher, and are Setback a distance from the property line at least equal to the height

of the Structure or the height of the appurtenance above the roofline. City-owned water tanks and water towers are not subject to any height limitation.

C. Communication Towers shall not exceed the height limits established in Section 11.12.25.
D. Flagpoles shall not exceed the maximum building height limit for the District established in Table 5-1, except that a Flagpole attached to a Principal Building or Principal Structure may exceed the highest point of the roof surface of the Building or Structure by not more than ten (10) feet.

SECTION 3.12 RESERVED FOR FUTURE USE

SECTION 3.13 RESERVED FOR FUTURE USE

SECTION 3.14 PRINCIPAL USE

No Lot Zoned R1 Residential or R2 Residential shall contain more than one Principal Building. All other Zoned Lots may contain more than one Principal Building and/or Principal Use provided all uses are Authorized Uses, and the Buildings and uses meet the parking and other zoning District requirements. All business activity shall take place within an enclosed Building, unless specifically authorized to be conducted outside as part of the Use regulations of the District.

SECTION 3.15 TEMPORARY BUILDINGS AND STRUCTURES

3.15.1 General: Temporary Buildings and Structures, not greater than three hundred (300) square feet in area and not to be used for dwelling purposes, may be placed on a Lot or Parcel of record and occupied as authorized by a temporary Zoning Permit issued by the Zoning Administrator. These temporary Buildings and Structures shall be incidental to construction, Repair, and renovation work, shall be removed within fifteen (15) days after the work is complete, and in no case shall the Building or Structure be allowed more than twelve (12) months, unless expressly authorized by the Zoning Administrator.

3.15.2 Churches and Schools: Temporary Building incidental to a Church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

3.15.3 Habitation of Accessory Structures and Travel Trailers: No garage, barn, accessory Building, Basement, Recreational Vehicle, or Travel Trailer, whether fixed or portable, shall be used or occupied as a Dwelling Unit.

SECTION 3.16 RESERVED FOR FUTURE USE

SECTION 3.17 RESERVED FOR FUTURE USE

SECTION 3.18 MINIMUM REQUIREMENTS FOR MOBILE HOMES

In addition to the other requirements of this Ordinance, all Mobile Homes shall comply with the following requirements:

A. There shall be a foundation meeting the requirements of the Michigan Residential Code, unless the Mobile Home is in an approved Mobile Home Park in which case it shall be anchored as required by Michigan law.
B. The wheels, pulling mechanism, and tongue of any Mobile Home shall be removed prior to placement on a foundation.
C. All dwellings shall be connected to a sewer system and water supply system as required by Chapter 30 of the Code of Ordinances.
D. No addition or structural alteration may be performed without the documented approval of the Mobile Home manufacturer or a structural engineer, attesting that the addition or alteration will not compromise the structural integrity of the Structure.
E. All Mobile Homes shall meet the standards for Mobile Home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.

SECTION 3.19 CONDOMINIUM SUBDIVISIONS

All Condominium Subdivisions shall conform to the following provisions in addition to all other applicable District provisions and shall be approved pursuant to the requirements of Article XIII, Planned Unit Development Regulations.

A. A Condominium Unit, including single-family detached units, shall comply with the applicable site development standards contained in the District in which it is located unless those standards are waived as part of a PUD approval pursuant to the requirements of Article XIII.
B. A Condominium Subdivision shall comply with the requirements of the Michigan Department of Public Health and the Berrien County Health Department pertaining to potable water supply and waste disposal facilities.
C. The Condominium Subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, Repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing Public Utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
D. In addition to the materials required by Article XII, Site Plan Review Requirements, and other requirements of Article XIII, Planned Unit Development Regulations, a PUD permit application for a Condominium Subdivision shall include a Condominium Subdivision Plan containing the following information:
    1. A Site Plan showing the location, size, shape, area and width of all Condominium Units.
    2. A description of the common elements of the Condominium Subdivision as will be contained in the Master Deed.
    3. Proposed Use and occupancy restrictions as will be contained in the Master Deed.
E. All provisions of the Condominium Subdivision Plan which are approved by the City Commission shall be incorporated, as approved, in the Master Deed for the

Condominium Subdivision. Any proposed changes to the approved Condominium Subdivision Plan shall be subject to review and approval by the Planning Commission as an amendment to a PUD, subject to the procedures of Article XIII.

F. All Condominium Projects which consist in whole or in part of Condominium Units which are Building sites shall be marked with monuments as provided below:
   1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the Condominium Subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
   2. All monuments used shall be made of solid iron or steel bars at least one half (1/2) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
   3. Monuments shall be located in the ground at all angles in the boundaries of the Condominium Subdivision; at the intersection lines of streets with the boundaries of the Condominium Subdivision and at the intersection of Alleys with the boundaries of the Condominium Subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and Alleys; and at all angles of an intermediate traverse line.
   4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the Condominium Subdivision and referenced to the true point.
   5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
   6. All required monuments shall be placed flush with the ground where practicable.
   7. All Lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter or other approved markers.

G. All streets within a Condominium Subdivision shall be public and shall be constructed in compliance with the construction standards of this Ordinance or as otherwise required by the City Engineer.

SECTION 3.20 RESERVED FOR FUTURE USE

SECTION 3.21 RAZING OF BUILDINGS

No Building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars ($1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the Building to be razed. That bond shall be conditioned on the Applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections. If the Building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the City shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property Owner and

placed as a lien on the property if not paid in a timely fashion. This performance bond will be administered as described in Section 14.8, except, as described above, the Building Inspector rather than the Zoning Administrator is responsible for administering this requirement, and that Planning Commission approval is not necessary to return the bond.

SECTION 3.22 MOVING OF BUILDINGS

No existing Building or Structure shall be moved into or within the City unless in accordance with a Site Plan approved by the Zoning Administrator. The relocated Structure shall comply with all the requirements of this Ordinance.

SECTION 3.23 DAMAGED BUILDINGS

Any Building or Structure that has been partially destroyed by fire, storm, water, or other disaster, or is in such a state of disrepair, as to be declared unsafe or unfit for human occupancy shall either be entirely removed or Repaired within twelve (12) months from the date of the determination or the effective date of this Ordinance. In the interim, the site shall be Fenced or otherwise protected and prevented from becoming a Nuisance.

SECTION 3.24 RESERVED FOR FUTURE USE

SECTION 3.25 BUILDING GRADES, LAND CLEARING, EXCAVATION, FILL, SOIL EROSION AND SEDIMENTATION

Filling with earth or other materials to an elevation above the established or Natural Grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of Buildings taller than the Natural Grade plus the height which this Ordinance permits. Where a new Building is constructed between two existing Buildings or on a vacant Lot adjacent to an existing Building, the Natural Grade shall be used to determine the Finished Grade for the new Building and the required Yard space.

SECTION 3.26 ACCESS MANAGEMENT STANDARDS

3.26.1 Curb Cuts and Driveways: No Driveway shall connect to a public Street or Alley without first receiving approval of the Driveway location and cross section specifications from the City Engineer, as well as from the County Road Commission on a County Road or the Michigan Department of Transportation (MDOT) on a State Highway. However, such approval shall not be given where such curb cuts and Driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for Structures to be erected, altered, moved or reconstructed, and Use of premises within the City shall contain a plan for the proposed Driveway access to the premises. Such plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such Driveway access is onto a dedicated public Street, public Alley, or a pre-existing private Street. Driveways shall, at a minimum, meet the following standards:
    1. Storm drains shall be installed in line with and on the same Grade as those being connected with.

2. Drives shall enter perpendicular to the existing public Street, Private Road, or Alley.
3. No portion of the Driveway entrance within the Right-Of-Way shall have a Grade of greater than eight (8) percent (1 foot vertical rise in 12.5 feet of horizontal distance) unless a greater slope is necessary to meet the sidewalk elevation from the street and it is impractical to further adjust the sidewalk elevation to reduce the Grade of the Driveway.
4. The Driveway shall meet clear vision standards of Section 19.3.2.
5. Reserved for future use.
6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the City Engineer.
7. Driveways shall be surfaced with a material that shall provide a durable and substantially smooth surface as determined by the Zoning Administrator, consisting of asphalt, concrete, pavers, aggregate stone or gravel, and shall be graded and provided with adequate drainage and, if appropriate, erosion control measures

B. The Zoning Administrator shall inspect the Driveway as developed for compliance to the above standards and shall so notify the Building Inspector prior to issuance of a Building Permit.

C. In nonresidential Zones, no more than one Driveway shall be allowed per Lot or Parcel on a street unless separated by two hundred (200) feet, or unless traffic safety requires another Driveway within a shorter distance as established by the City Engineer or a qualified traffic engineer by means of a traffic impact study prepared according to MDOT guidelines, or unless additional Driveways are permitted in Special Use standards for a particular Use.

D. The new Driveways shall align with existing or planned Driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.

E. The location of new Driveways shall conform with road improvement plans or corridor plans that have been adopted by the City or County Road Commission or Michigan Department of Transportation.

F. No Driveway shall serve more than two (2) Dwelling Units unless the Use is a multiple-family Structure or as part of an approved PUD, except that a residential lot entitled to two (2) curb cuts under the provisions of Section 18.2.11.A.1 of this ordinance may install one or two driveways serving not more than four (4) Dwelling Units in total. However a Dwelling built on a residential Lot existing on May 17, 2012 may be served by the Driveway, or by a Driveway constructed on the easement, which provided access to that Lot on that date, even if this causes that Driveway to serve more Dwellings than otherwise allowed by this Section. This exception does not apply to Lots created by divisions made after May 17, 2012.

G. An individual Driveway serving more than one non-residential Use is permitted as described in Section 18.2.5.

H. No Driveway serving only Single-family or Two-Family Dwellings and accessing a public Street shall have a width of less than nine (9) feet or more than twenty-two (22) feet at the Street Right-of-Way line unless the additional Driveway width is required by the City in order to provide access to emergency vehicles under Section 3.29 of this Ordinance. There is no maximum width for a Single-Family or Two-Family Driveway accessing an Alley.

I. The width of a nonresidential or multi-family Driveway accessing a public Street shall be at least twenty-five (25) feet at the Street Right-of-Way line for two-way access and at least fifteen (15) feet for one-way access unless a different width is more

appropriate for the use characteristics as determined by the City Engineer. There is no maximum width for a nonresidential or multi-family Driveway accessing an Alley.

3.26.2 Nonresidential Access: No nonresidential Use access shall cross residentially-Zoned property.

3.26.3 One Driveway per Parcel: All land in each Parcel having a single tax code number, as of the effective date of this Ordinance as specified in Section 25.5, which fronts on a Major Thoroughfare shall be entitled to one (1) Driveway access from that street or highway. Subsequent division of each Parcel, either as metes and bounds descriptions, as Plats created in accord with P.A. 288 of 1967 as amended, or as site condominiums in accord with Act 59 of 1978 as amended, shall provide access by a single public road or by an approved Joint Parking Area or Driveway, as described in Section 18.2.5. No direct additional access to the Major Thoroughfare shall be permitted with subsequent land divisions.

3.26.4 Alteration or Removal of Curb Cuts: If the removal, relocation, or alteration of a Driveway should result in an existing curb cut becoming improperly sized or positioned for such Driveway, that curb cut shall be altered so that it is properly sized or positioned for the Driveway. If the removal, relocation, or alteration of a Driveway should result in an existing curb cut or in an existing curb cut becoming unnecessary, that curb cut shall be removed and a standard curb installed.

SECTION 3.27 SIDEWALKS

Every Subdivision, Condominium Project, PUD, commercial, industrial, Marina or other public or private project newly constructed in the City or which must go through Site Plan review shall have sidewalks at least five (5) feet in width that meet the construction standards of the City for sidewalks.

SECTION 3.28 STREET STANDARDS

3.28.1 Requirements: New public streets shall conform to the requirements of this Section.

3.28.2 Construction Standards: The creation of a street that serves a division of land, a Subdivision or a Parcel shall meet or exceed the cross-sectional construction standards established by the City Engineer.

3.28.3 Right-of-Way Width: All streets shall have a minimum Right-Of-Way easement of at least sixty-six (66) feet.

3.28.4 Dedication of Rights-of-Way or Easements: All new streets shall be dedicated to and accepted by the public, and no Structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description and sketch of description, and must include profiles with the horizontal and vertical alignments and drainage systems for these streets.

3.28.5 Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to County roads and from the Michigan Department of Transportation for connection to a State Highway. At the discretion of the City Commission, a proposed public street may be disapproved unless it connects to another public street or road when necessary to provide safe traffic flow and emergency vehicle access.

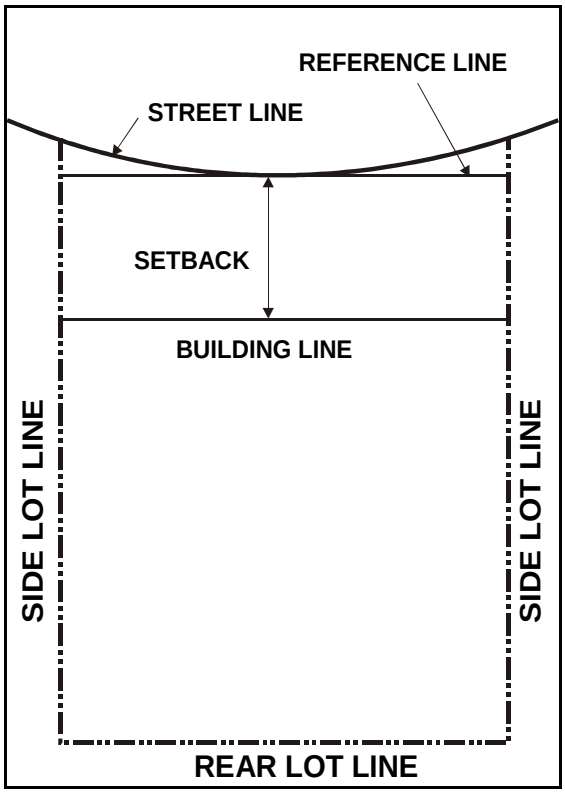
3.28.6 Cul-de-Sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the City Engineer and:

A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available Lot or Parcel within the development which Lot or Parcel fronts upon the cul-de-sac.
B. Frontage measurements for cul-de-sac Lots shall be from the curve tangent that meets both Side Lot Lines. See Figure 3-1.
C. Not more than four (4) Lots or Parcels shall have Frontage on a cul-de-sac.

3.28.7 Limit on Length: New public streets with only one connection to another city street, county road or state highway shall not be longer than eight hundred (800) feet.

3.28.8 Maximum Number of Lots Served: No more than twenty-five (25) Lots may gain access to a single street if only one point of intersection is provided between the new street and another existing public street. No more than seventy-five (75) Lots may gain access to a new street where two or more points of intersection are provided between the new street and other public streets.

Figure 3-1
LOTS FRONTING ON A CUL-DE-SAC



3.28.9 Application Review and Approval or Rejection:

A. The Zoning Administrator shall review, and send to the City Engineer for review and comment, the plans of a new public street. If the new street is proposed to connect to a county road or state highway, a copy of the application shall be sent to the County Road Commission or Michigan Department of Transportation (MDOT), as pertinent, for review and comment with a date specified as to when comments are needed.
B. City Engineer, County Road Commission, MDOT and City Attorney recommendations shall be forwarded to the Zoning Administrator who shall approve or disapprove the new public street with any conditions necessary to ensure conformance with the standards of this Ordinance.
C. The Zoning Administrator will arrange for inspections by the City Engineer during construction of, and upon completion of the new street.

If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the Applicant.

3.28.10 Failure to Perform: Failure by the Applicant to begin construction of the new street according to approved plans on file with the City within one (1) year from the date of approval shall void the approval and a new plan shall be required by the City subject to any changes made herein or subject to any changes made by the City in its standards and specifications for road construction and development. The new street shall be completed within one and one-half (1 ½) years of the date of approval of the street.

3.28.11 Issuance of Occupancy Permit: No occupancy permit shall be issued for a Structure on any new public street until such street is given final approval by the City Engineer.

3.28.12 Posting: All new public streets shall be designated as such and shall be posted by the City with an easily readable name which can be clearly seen in an emergency. The sign shall be paid for by the developer. The Zoning Administrator shall check with adjoining jurisdictions to avoid a duplicate of names and give approval of same. If the street is a stub street that eventually will be extended into adjoining property, the street shall have a sign posted at the end of the stub clearly informing sign readers that the stub street will someday be expanded.

SECTION 3.29 FIRE PROTECTION

Any Building housing a Principal Use, or any Residential Use, located more than one hundred (100) feet at the closest point from a public right of way or a private road which includes public water main and one or more public fire hydrants providing fire protection in a manner similar to a public road, must meet the following requirements:

A. The Building shall have a fire sprinkler system installed in accordance with National Fire Protection Association (NFPA) standard 13 or 13R, as appropriate. The property owner must properly maintain the fire sprinkler system in an operable condition at all times.
B. The Building must be served by a driveway or other hard surface accessible to emergency vehicles including fire apparatus approaching to within one hundred (100) feet of the Building. At a minimum, the driveway shall have a hard surface driving width not less than twelve (12) feet in width designed and constructed to support emergency vehicles including fire apparatus. The curb cut and approach must be designed to allow emergency vehicles including fire apparatus to enter and exit the driveway. The driveway and/or clearance areas may be provided by

recorded easements. If two driveways required under this section are adjacent to one another, the driveways may share a single joint area of unobstructed clearance between them or each driveway may be considered to provide an unobstructed clearance area for the other, subject to appropriate recorded easements being provided.

Article IV
OFFICIAL ZONING MAP, ZONING DISTRICTS & AUTHORIZED USES

SECTION 4.1 PURPOSE

The purpose of this Article is to establish zoning Districts within the City of St. Joseph, to establish and define the Official Zoning Map that shows the location of zoning Districts, and to create a framework for the interpretation of the Official Zoning Map and related District boundaries. Furthermore, this Article delineates Use classes, definitions, and Authorized Uses within each zoning District.

SECTION 4.2 ZONING DISTRICTS & MAPS

4.2.1 Establishment of Districts: To achieve the purposes of this Ordinance, the City of St. Joseph, Michigan, is hereby divided into the following zoning Districts:

R1	Single-Family Residence District*
R2	Two-Family Residence District
R3	Multiple-Family Residence District
C	Commercial Business District
CO	Commercial Office District**
D	Downtown District
I1	Light Industrial District
I2	Heavy Industrial District
OS	Open Space District
W	Water Recreation District
LB-OD	Lake Bluff Scenic View Protection Overlay District
FP-OD	Floodplain Overlay District

* In addition, the R1 Single-Family Residence District is divided into five sub-Districts known as R1-A, R1-B, R1-C, R1-D, and R1-E for the purpose of varying certain District dimensional regulations (see Table 5-1).
** In addition, the CO Commercial Office District is divided into two sub-Districts known as CO-A and CO-B for the purpose of varying certain District dimensional regulations (see Table 5-1).

4.2.2 Official Zoning Map: The boundaries of the respective zoning Districts are defined and established as depicted on the map entitled "Zoning Map of the City of St. Joseph," which is an integral part of this Ordinance, and which, with the accompanying explanatory notes, shall be published as part of this Section and is incorporated by reference at the end of the Zoning Ordinance.

A. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Article 4, Section 4.2.2, of the Zoning Ordinance of the City of St. Joseph, Michigan” together with the date of adoption of this Ordinance.
B. If in accordance with the provisions of this Ordinance, changes are made in District boundaries or other matters portrayed on the official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been

approved by the City Commission. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map.

C. If amendments are made in District boundaries or other matters depicted on the Official Zoning Map, such changes shall not be considered final, and Building permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the City Commission. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Zoning Administrator of the City of St. Joseph.
D. Any unauthorized change on the Official Zoning Map by any Person or Persons shall be considered a violation of this Ordinance and punishable as provided in Section 1-11 of the Code of Ordinances of the City of St. Joseph, Michigan.
E. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas, Buildings, and other Structures in the City.

4.2.3 Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission, hereinafter also referred to as “Legislative Body," may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, bearing the seal of the Municipality under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of St. Joseph, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain, shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 4.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

4.3.1 Interpretation of District Boundaries: Where a question arises with respect to the boundary of any District the following shall govern:

A. Boundaries indicated as approximately following the center lines of Streets or Alleys shall be construed to follow the center lines.
B. Where boundaries follow the shore line of a stream, lake or other body of water, the boundaries shall follow such Shoreline, and in the event of change in the Shoreline, the boundaries shall be the actual Shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
C. A boundary indicated as approximately following a recorded Lot Line or the line bounding a Parcel shall be construed as following the Lot Line.
D. A boundary indicated as following the municipal boundary line of a City, Village, or Township shall be construed as following the boundary line.

E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the Right-Of-Way if the tracks have been removed.
F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
G. Where physical features existing on the ground are at Variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Zoning Board of Appeals shall interpret the District boundaries.

Should the above rules not fully explain a question of boundaries, the Zoning Administrator shall have the authority to make an interpretation on appeal based upon the aforementioned standards. See Article XV.

SECTION 4.4 SCOPE OF DISTRICT PROVISIONS

4.4.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:

A. Every Building or Structure erected, any Use of land, Building, Structure or premises, any structural alteration or relocation of an existing Building or Structure and any enlargement of, or addition to, an existing Use of land, Building, Structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning District in which such land Use, Building, Structure or premises shall be located.
B. Only Uses permitted in particular Districts per the provisions of this Article may be established on a Parcel. All other Uses may be permitted only if the Ordinance has been amended to permit them, unless authorized by action of the Zoning Board of Appeals, or by means of approval of a Planned Unit Development by the Planning Commission or City Commission pursuant to Article XIII.
C. A change in Use group under the Stille-DeRossett-Hale Single State Construction Code Act, PA 230 of 1972, such as from “storage” or “business” to “mercantile” or “assembly” is a Change of Use which also requires review and approval under this Ordinance.
D. All zoning approvals granted under this Ordinance run with the land. All future Owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.

4.4.2 Categories of Authorized Uses: The principal and Accessory Uses permitted by District are listed on tables in Section 4.6.4 and 4.6.5. Other Sections of this Ordinance establish additional requirements (such as parking, buffering, fencing, landscaping, etc.) or provide for exceptions. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. Uses listed as "P" on Table 4-1, Section 4.6.3, and Table 4-2, Section 4.6.4 are allowed by right. Uses listed as "C" on Table 4-1, Section 4.6.3, and Table 4-2, Section 4.6.4 are allowed by right if the nondiscretionary conditions associated with that Use, as set forth in Article XI, are met. Accessory Uses are permitted as indicated on Table 4-3, Section 4.6.5 for the various zoning Districts, and if such Uses are clearly incidental to the permitted Principal Uses. Uses listed as "S" on Table 4-1, Section 4.6.3, and Table 4-2, Section 4.6.4 are permitted by Special Use Permit if the required discretionary and nondiscretionary

standards associated with that Use, as set forth in Article XI, are met, as reviewed by the Planning Commission and considered by the City Commission.

4.4.3 Unlisted Uses: Where a proposed Use of land or Use of Building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a Use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed Use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested Use in appropriate Districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the City Commission, an application may be made to the Zoning Administrator to establish that Use on a Parcel in a District in which that Use is permitted.

4.4.4 Required Open Spaces: No part of a Setback area, or other open space, or off-street parking or loading space required in connection with any Use of land, Building or Structure, for the purpose of complying with this Ordinance shall be included as part of a Setback area, open space, or Off-Street Parking Lot or loading space similarly required for any other Use, Building or Structure, except as provided for joint use of parking in Section 18.2.5.

4.4.5 Site Plan Review Threshold: No Use of land, Buildings, Structures or portions thereof of a size or character greater than the threshold as provided in Section 12.2 of this Ordinance, shall be erected or utilized without the prior approval of the Site Plan in accordance with Article XII of this Ordinance.

4.4.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance: All land within the territory subject to this Zoning Ordinance which is owned by the City of St. Joseph shall be exempt from the provisions of this Ordinance. All land within the territory subject to this Zoning Ordinance which is owned by the State or Federal governments, or other local agencies, including public schools and universities, or by any other public or quasi-public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 3.7 in Article III), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a court of law.

4.4.7 Zoning of Annexed Areas: Whenever any area is annexed to the City of St. Joseph, one of the following conditions will apply:

A. Land that is Zoned previous to annexation shall be classified as being in whichever District of this Ordinance that most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Commission and the Commission shall approve same by ordinance.
B. Land not Zoned prior to annexation shall be automatically classified as an R1 District until a Zoning Map for said area has been adopted by the City Commission. The Planning Commission shall recommend the appropriate zoning Districts for such area within three (3) months after the matter is referred to it by the City Commission.

4.4.8 Zoning of Vacated Areas: Whenever any street, Alley or other public way within the City of St. Joseph shall be vacated by official action, such street, Alley or other public way, or portion thereof, shall automatically be classified in the same zoning District as the property to which it attaches.

4.4.9 Reserved for Future Use

4.4.10 Intent and Structure of District Scheme: The City of St. Joseph Zoning Ordinance is based upon and is intended to help implement the City of St. Joseph Comprehensive Plan. The zoning Districts address four major land Use categories: residential, office, commercial, and industrial.

A. The three residential Zones provide for a wide range of residential living opportunities. Each Zone establishes residential Use as the primary and preferred use. A limited set of uses that are related to residential Use of property are also permitted. The greater density associated with a concentration of two-family and multiple-family development requires separate Zones for these uses. Land is intended to be rezoned to the higher intensity residential Districts only when public services are adequate and only in locations consistent with the City of St. Joseph Comprehensive Plan.
B. The commercial office District serves as a transition Zone to buffer low intensity adjacent uses (usually residential) from nearby higher intensity uses (usually commercial). It also provides a separate Zone with a limited number of other compatible uses so as to protect investments made in office Structures.
C. The commercial District is designed to meet the needs for general business in the City. The commercial District is expected to remain limited in size and location, and expanded only when growing demand cannot be met by land in the current Zone and when expansion is consistent with both the policies and Future Land Use Map of the City of St. Joseph Comprehensive Plan.
D. The downtown District is designed to be convenient and attractive for the needs of nearby office workers and residents and for shoppers and tourists arriving by automobile and parking once to carry out several errands. Intensive development of shopping and service facilities and safe and convenient pedestrian travel are essential to the economic viability of the District and public safety and welfare. To strengthen the downtown's economic viability, residential development of the upper floors of Buildings is permitted with certain conditions within the District.
E. Two industrial Districts accommodate the growing needs for a wide range of wholesale, specialized industrial service and manufacturing establishments. Special standards to minimize impacts on abutting residential properties are also provided, as are a limited number of non-industrial uses. Expansion of these Districts is expected to occur only when consistent with the City of St. Joseph Comprehensive Plan.
F. Special Districts such as open space and waterfront recreation Districts are intended to encourage the preservation, protection and appropriate Use of environmentally unique or sensitive areas and to encourage and facilitate a limited number of recreationally oriented or related uses that are compatible with the City's waterfront areas.

SECTION 4.5 RESERVED FOR FUTURE USE

SECTION 4.6 DEFINITIONS OF USE CLASSES AND AUTHORIZED USES

4.6.1 Definitions of Use Classes:

A. Use classes arrange land uses and activities into Use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning Districts.

B. When all Principal Uses of a development fall within one Use category, the entire development is assigned to that Use category. A development that contains a coffee shop, delicatessen and bakery, for example, would be classified in the Food and Drink Service Establishments category, because all of the development's Principal Uses are in that category. When the Principal Uses of a development fall within different Use categories, each Principal Use is classified in the applicable category and each Use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning District based on the characteristics of the use.

C. Accessory Uses are permitted in conjunction with a Principal Use subject to any special regulations applicable to it, and to the regulations applicable to the Principal Use if there are no special regulations. See also Article III for additional Accessory Use regulations.

D. The list of examples of Authorized Uses on Table 4-1, Section 4.6.3, lists common examples of uses included in the respective Use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific Use may call itself. For example, a Use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.

E. Many uncategorized uses are Special Uses for which particular standards are provided in Article XI. Others are basic uses allowed by right. Some uses are listed in more than one category (e.g. drugstores as convenience retail and also as medical service establishments).

F. The Limited Neighborhood Business class is a unique Use Class intended to recognize the circumstances peculiar to a number of Nonconforming Uses. A Use which, on a particular Lot at a particular time, meets the definition of a Limited Neighborhood Business shall be considered to belong to the Limited Neighborhood Business Use Class rather than to its Ordinary Use Class. For example, a coffee shop would ordinarily be considered a Food and Drink Service Establishment; if that coffee shop were located in a residential district or proposed to be located in a residential district and otherwise meets the definition of a Limited Neighborhood Business, it would instead be considered a Limited Neighborhood Business. If the Lot should be rezoned to a nonresidential District, the Use would no longer be considered a Limited Neighborhood Business but would be considered a Food and Drink Service Establishment and would be a Conforming Use or Nonconforming Use depending on the Authorized Uses of the new zoning District.

4.6.2 Similar Use Interpretations:

A. The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar Use interpretations (see also Section 15.4.8 on an appeal):
   1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use category.
   2. The relative amount of site area or floor space and equipment devoted to the activity.
   3. Relative amounts of sales from each activity.
   4. The customer type for each activity (retail or wholesale).
   5. The relative number of employees in each activity.
   6. Hours of operation.
   7. Building and site arrangement.
   8. Vehicles used with the activity.
   9. The relative number of vehicle trips generated by the use.
   10. How the Use advertises itself.
   11. Any other relevant considerations.

B. The Zoning Administrator shall keep a log of all Use interpretations indicating the use, the options considered and the selection made, along with the reasons for that decision.

4.6.3 Use Classes, Definitions, and Examples of Uses Permitted: Table 4-1 presents land Use classes, definitions and examples of uses permitted.

4.6.4 Authorized Uses Table: Table 4-2 presents land uses and Use classes permitted by District and the type of approval required.

4.6.5 Accessory Use Table: Table 4-3 presents Accessory Uses, Structures and Buildings by District and the type of approval required.

Section 4.6.3 **Table 4-1**

Classes, Definitions & Examples of Uses Permitted

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Business Service Establishments Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.	Advertising and mailing; stenographic services; temporary Personnel services; duplicating and copying services; Building maintenance; employment services; commercial food catering management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; data processing; telemarketing sales; vending machine service; and office supply services. Other establishments similar to and compatible with the above establishments.	"P" in CO, C, I-1 "C" in D (not on street level/first floor)

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Community Residential Care Facilities a. Community residential care facilities provide shelter and care for individuals with special needs in single-family dwellings for six (6) or less Persons. b. Community residential care facilities provide shelter and care for individuals with special needs in single-family dwellings for more than six (6) Persons.	Child Care Center/Day Care Center; Family Day Care Home; Group Day Care Homes; and Private Home Day Care. These are all state-regulated facilities. Other establishments similar to and compatible with the above establishments.	a. "P" in R1, R2, R3 "C" in D b. "C" in R2, R3, D
Convenience Retail Establishments A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. This includes similar establishments providing convenience services primarily geared toward individual, rather than business use, such as walk-in packaging, shipping and mailing services; facsimile services; mailbox rental; and photocopying. These are usually short-trip, high-volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a Building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.	Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands; consumer-oriented packaging and mailing stores. Other retail establishments similar to and compatible with the above establishments.	"P" in C, CO, D "PUD" in W
Dangerous Chemicals: Manufacturing, Storage and/or Distribution Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.	Manufacture and/or storage of fireworks, petroleum products, propane, bottled gas storage, industrial acids or similar substances; refineries. Other establishments similar to and compatible with the above establishments.	"P" in I-2

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Drive-through Establishments An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).	Drive-through fast food Restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window must be accessory to a permitted Principal Use. Drive-through automated teller machines and similar self-service automated kiosks. Other retail and business service establishments similar to and compatible with the above uses.	"S" in C, CO
Educational Institutions An educational institution is any government-owned and operated facility, Building or part thereof which is designed, constructed, or used for education or instruction at the primary or secondary level. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as Accessory Uses.	Governmentally owned and operated public elementary and secondary schools. Other institutions similar to and compatible with the above uses.	"C" in R1, R2, R3

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Essential Services The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers or office Buildings, substations, or Structures for service equipment, or maintenance depots.	Telephone, television, and electrical lines; sanitary sewer, storm sewer and water lines; gas and oil lines that link homes, businesses, schools and other Buildings to utility and public services Structures, including "Structures" such as telephone pedestals, cable television service boxes, and the like, so long as they do not exceed 10 sq. ft. in base Footprint and are no more than 4 ft. tall. Also includes public roads and road rights-of-way, railroad Right-Of-Way and uses related thereto. If Structures exceed dimensions listed above they shall be considered Utility and Public Service Installations, and they must meet those classification requirements.	"P" in all Districts
Facilities for the Dead Establishments for the preparation, visitation and internment of the dead, or lawful disposition of their bodies.	a. Cemeteries, columbaria, and/or mausoleums. b. Funeral homes and associated crematoria. c. Crematoria only.	a. "C" in R1, R2, R3 b. "C" in C c. "C" in I1, I2
Food and Drink Service Establishments An establishment where food and drink are prepared, served and consumed primarily on the premises.	Restaurants (eat-in or take-out, but not drive through); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (allowed only in conjunction with and as part of a Restaurant); coffee shops; delicatessens; diners; and related uses similar to and compatible with the above uses.	"P" in D, C "PUD" in W

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
General Retail Establishments The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for Personal, household, or business Use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common Accessory Use is repair of products sold on the premises. These facilities are small in scale compared to “big box” establishments.	Stores selling, leasing, or renting new or used consumer, home and business goods including but not limited to: apothecary goods; appliances; art and art supplies; antiques; bicycles; books, magazines and stationery; clothing; furs; dry goods; electronic equipment; fabric; furniture; garden supplies, plants and flowers; gifts and novelties; groceries; hardware; home Improvements; household products; jewelry; lumber and Building materials and incidental millwork; music and instruments; office supplies; pets and pet food; sporting goods; tableware; toys; and videos, prepackaged and fresh food. Other retail establishments similar to and compatible with the above establishments.	“P” in D, C “PUD” in W
Group Housing Group housing is characterized by the residential occupancy of a Structure by a group of people who do not meet the definition of a "Family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.	Monasteries, seminaries and convents. Other housing similar to and compatible with the above housing. Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.	“P” in R3

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Indoor Entertainment Establishments Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments. Additional state regulations apply to indoor entertainment establishments that serve alcohol.	Bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; gymnasiums or gymnastic facilities; health or fitness clubs; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs and lodges; saunas, hot tubs and similar establishments; hotels, motels and other temporary lodging with an average length of stay of less than 30 days. Other establishments similar to and compatible with the above establishments. Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered, they are lodging/accommodation establishments.	“P” in C, D, I-1 “PUD” in W

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Industrial Service Establishments Industrial service firms are engaged in the Repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and Building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. "Light": fully enclosed; no outdoor operations or storage of materials or vehicles. "Medium": same uses identified in "light", but with some outdoor operations or temporary storage of materials or vehicles. "Heavy": same uses as light or medium, but at a greater scale or volume of activity plus other uses with greater Nuisance characteristics.	Light/Medium: Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; Building, heating, plumbing or electrical contractors; general Building contractors; exterminators; recycling operations; Kennels with outdoor facilities or dog runs; janitorial and Building maintenance services; fuel oil distributors, solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; diaper services; linen supply services; and photo-finishing laboratories. Heavy: Sales, repair, storage, salvage or wrecking of heavy machinery, metal and Building materials; towing and vehicle storage; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; batching and redi-mix; contractors with large equipment stored on site; heavy equipment trade schools. Other establishments similar to and compatible with the above establishments. The scale or volume of any otherwise light industrial activity may result in classification as a medium or heavy industrial activity.	Light: "P" in C, I-1, I-2 Medium: "P" in I-1, I-2 Heavy: "P" in I-2
Institutions for Human Care and Habitation Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of Persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.	Community Care Facilities for the Elderly; Nursing Care Facilities; adult foster care: Group Homes and Congregate Facilities; extended care facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters. Other institutions similar to and compatible with the above uses.	"P" in R3 "C" in D (not on street level/first floor)

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Limited Neighborhood Businesses A commercial or industrial Use established on a Lot in a Residential zoning District, when the Ordinary Use Class of that Use is not an Authorized Use in that zoning District. Limited to: 1) Nonconforming Uses existing at the time of adoption of this Ordinance or subsequent amendment; 2) commercial or industrial Uses with previous zoning approvals such as Special Use Permits and Use Variances, when that Use is no longer an Authorized Use in that District; and 3) Successor Uses as allowed under this Use Class. Does not include any commercial or industrial Use that is currently an Authorized Use in the zoning District under the Ordinance.	Any commercial or industrial Use which is not an Authorized Use in the Residential zoning District in which the Lot is located.	"C" in R1, R2, R3 ("S" in R1, R2, R3 if requesting a liquor license change or a Drive-Through Establishment; see 11.12.10.B)
Lodging/Accommodations A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as Restaurants, meeting rooms, entertainment, and recreational facilities as Accessory Uses. Includes Short-term Rental establishments.	a. Hotels, motels, auto courts, lodges, residence inns, and other resident lodging facilities. b. Bed and Breakfast establishments. c. Short-term Rental establishments. d. Special Event Rentals (Temporary Use)	a. "P" in C, D "PUD" in W b. "S" in R1, R2, R3 "PUD" in W c. "C" in W "C" in R3 (if not adjacent to residential District or Use) "S" in R3 (if adjacent to residential District or Use) d. "P" in all zoning Districts; Temporary Use (see requirements of Chapter 8 of the St. Joseph Code of Ordinances)

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Manufactured Housing Park or Mobile Home Park Any Lot, site, Parcel or tract of land under the control or management of any Person upon which one (1) or more Mobile Homes are parked or which is offered to the public for that purpose regardless of whether a charge is made, therefore, or not, and including any Buildings, Structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of the park.	Manufactured homes in a park, Subdivision or condominium development	"PUD" in R3
Manufacturing Establishments Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	Light: Creameries; bottling works; bakery goods; candy; food products; ice making; greenhouses and Nurseries; taxidermists; printing, publishing and engraving shops; automotive products; vehicle and machinery assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs. Heavy: Drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck, farm or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen fertilizer and/or anhydrous ammonia; meat and poultry processing and packing (wholesale excluding slaughtering); and sawmills. Other manufacturing establishments similar to and compatible with the above establishments in each class. The scale or volume of any otherwise light manufacturing activity may result in a classification as a heavy manufacturing activity.	Light: "P" in I-1 Heavy: "P" in I-2

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Medical Service Establishments Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.	Small: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by certified or licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians; psychiatrists, psychologists, and outpatient counseling facilities; veterinary clinics; Kennels if fully enclosed with no outside operations. Large: Hospitals. Other establishments similar to and compatible with the above establishments.	Small: "P" in C "C" in D (no more than 33 feet of Frontage at the street level/first floor of the address side of the Building.) "C" in CO (not a veterinary office or kennel) Large: "S" in C, R1, R2, R3
Multiple-family Dwellings A Building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.	Apartment Building, townhouses, and row houses, garden Apartments, and condominiums when considering the entire Structure (not the individual Dwelling Units). Independent living facilities. Other housing similar to and compatible with the above housing.	"P" in R3 "C" in D (not on street level/ first floor) "C" in C, CO (not on street level/first floor and not more than 67% of total floor area of Building) "PUD" in W
Office Establishments Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory Uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.	Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; and Public Utility offices. Automated teller machines and similar self-service automated kiosks located within a Building or Structure or as a pedestrian walk-up only (no drive-through use). Other office establishments similar to and compatible with the above establishments.	"P" in CO, C, D "PUD" in W

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Outdoor Recreation & Entertainment Establishments Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of Structures that are arranged together in an outdoor setting. There may be concessions, Restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to Structures for the Principal Uses. Additional regulations apply to outdoor entertainment establishments that serve alcohol.	Amusement and water parks; theme parks; fairgrounds; zoos; golf courses; golf driving ranges; miniature golf facilities; animal racing; go-cart, automobile or motorcycle tracks; amphitheaters; air gun or survival games; batting cages; ski slope; and skate board parks. Other uses similar to and compatible with the above establishments.	"P" in I-1 "PUD" in W
Parking Facilities Facilities which are not associated with a particular Lot or Use, but instead serve as a common parking area for other Lots or Uses.	Parking lots, parking structures. Other Uses similar to and compatible with the above facilities. On-site parking for a Principal Use is an Accessory Use. City-owned or –operated Parking Facilities are "Public Buildings".	"P" in CO, C, I1, I2 "C" in D "PUD" in W
Personal Service Establishments Establishments primarily engaged in providing services involving the care of a Person or his or her Personal goods or apparel.	Laundry pick-up stations; dry cleaning establishments performing the cleaning processes on site; self-service laundries; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services. Other Personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.	"P" in C, D

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Public Buildings Buildings housing public services usually in offices, including City-owned or –operated "Educational and Social Institutions", "Parking Facilities", and "Utility and Public Service Installations".	Libraries, museums, city hall, police station, fire station , public works, and other public Buildings similar to and compatible with the above uses, and any City-owned or –operated "Educational and Social Institutions" "Parking Facilities" or "Utility and Public Service Installations".	City-owned: "P" in all Districts Not City-owned: "S" in all Districts except W "PUD" in W
Religious Institutions Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an Accessory Use).	Churches, synagogues, temples, mosques and associated cemeteries Other institutions similar to and compatible with the above establishments. Schools, Day Care Centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate Principal Uses.	"C" in all zoning Districts except OS
Repair Services Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.	Light: Repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery. Medium: Repair of small engines like lawn motors and small electric motors. Other establishments similar to and compatible with the above establishments. Does not include repair of motor vehicles.	Light: "P" in C, D, I-1 Medium: "P" in I-1 "C" in C (must be indoors/ fully enclosed)
Research, Development and Scientific Establishments An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.	Laboratories, research park, computer and related development and testing facility, software development. Other establishments similar to and compatible with the above establishments.	"P" in C, CO, I-1 "C" in D (not on street level/ first floor)
Sexually Oriented Businesses Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.	Adult bookstore, adult club, adult massage parlor, adult model studio, adult motel, adult theater or escort agency. Other adult entertainment establishments similar to the above establishments.	"C" in C, I-1 (see requirements of Chapter 38 of the St. Joseph Code of Ordinances).

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Single-family Dwelling A Building containing not more than one Dwelling Unit used, intended or designed to be used as the home or residence of one family. Includes site constructed, modular and manufactured dwellings for a single family.	Single-Family Dwelling, site condominium, Apartment unit. Child Care Center/Day Care Center with not more than six (6) Persons, Family Day Care homes with not more than six (6) Persons, Group Day Care homes with not more than six (6) Persons, Adult foster care facilities with not more than six (6) Persons. Other housing similar to and compatible with the above housing.	"P" in R1, R2, R3 "C " in D (not on street level/ first floor) "C" in C, CO (not on street level/first floor, and not more than 67% of total floor area of Building) "PUD" in W
	Mobile Home	"P" in R3
Social Institutions A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge. Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as Accessory Uses.	Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly; soup kitchens.	"P" in C, I-1 "C " in CO, D (not on street level/first floor)
Two-Family Dwelling A Building containing not more than two Dwelling Units, each designed and used exclusively as the home, residence or sleeping place of one family. An ECHO Unit approved pursuant to Section 11.12.5 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.	A duplex; a Building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing Structure provided each dwelling is separate. Other housing with only two units similar to and compatible with the above housing.	"P" in R2, R3 "C" in D (not on street level/ first floor) "C" in C, CO (not on street level/first floor, and not more than 67% of total area of Building) "PUD" in W

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Utility and Public Service Installations A Building or Structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation. Accessory Uses may include offices, truck and large equipment parking, fueling and maintenance.	Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed stormwater retention and detention facilities; telephone exchanges; recycling collection centers; solid waste; road maintenance and other public works garages. Light: Electrical substations, gas regulator stations. Communication Tower: radio, television, cellular and microwave transmitter towers or other communication towers; satellite Antennas larger than ten feet in diameter (does not include Antennae permitted as an Accessory Use). Other utility and public service Structures similar to and compatible with the above establishments.	Heavy: "P" in I-1 Light: "P" in I-1 "S" in all other Zones Communication Tower: "S" in all Zones.
Vehicle Sales and Service Establishments Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory Uses may include offices, showrooms, sales of parts, and vehicle storage.	Sales: Sales of new and used automobiles and trucks; Mobile Homes; boats; campers and other Recreational Vehicles; trailers; motorcycles, snowmobiles, Personal watercraft and other motorized sporting goods. Service: Service and repair of the above vehicles including: engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services; automobile service stations; towing and short term vehicle storage. Other establishments similar to and compatible with the above establishments. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks.	Sales: "P" in C, I-1 "PUD" in W (only for establishments selling or servicing boats or watercraft as a Principal Use) Service: "C" in C, D, and I-1 "PUD" in W (only for establishments selling or servicing boats or watercraft as a Principal Use)

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Waterfront Sales and Services Activities which provide goods and services that are directly associated with water-dependent or waterway uses. Includes commercial and recreational uses and boat-related services and sales.	Marinas; ship's store with related supplies and services; boat sales, service and storage; passenger and vehicular ferry terminals and associated facilities.	"PUD" in W
Wholesale Trade Establishments Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory Uses may include offices, truck fleet parking, fueling and maintenance.	Warehousing, storage or transfer Buildings, excluding the storage of flammable liquids. Truck, rail, marine or air freight terminals; bus barns; cold storage facilities; Parcel services, fertilizer sales, seed sales and grain elevators and terminals; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials. Other retail establishments similar to and compatible with the above establishments.	"P" in I-1, I-2 "PUD" in W (only for establishments in which the merchandise or material is loaded onto or unloaded from vessels at the site).

Section 4.6.4

Table 4-2

City of St. Joseph
Authorized Uses

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
RESIDENTIAL & RELATED USES										
Single-family Dwellings	P	P	P	C	C	C				PUD
Two-Family Dwellings		P	P	C	C	C				PUD
Multiple-family Dwellings			P	C	C	C				PUD
Manufactured Housing Park			PUD							
Group Housing			P							
Community Residential Care Facilities for 6 or fewer persons	P	P	P		C					
Community Residential Care Facilities for more than 6 persons		C	C		C					
Institutions for Human Care and Habitation			P		C					
COMMERCIAL & RELATED USES										
Business Service Establishments				P	C	P	P			
Convenience Retail Establishments				P	P	P				PUD
Drive-Through Establishments				S		S				
Food and Drink Service Establishments					P	P				PUD
General Retail Establishments					P	P				PUD
Indoor Entertainment Establishments					P	P	P			PUD
Limited Neighborhood Businesses	C/S	C/S	C/S							
Lodging/Accommodations, Hotel					P	P				PUD
Lodging/Accommodations, Bed & Breakfast	S	S	S							PUD
Lodging/Accommodations, Short-term Rental			C/S[8]							C[8]
Office Establishments				P	P	P				PUD
Outdoor Recreation and Entertainment Establishments							P			PUD
Personal Service Establishments					P	P				

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
Repair Services, Light					P	P	P			
Repair Services, Medium						C	P			
Sexually Oriented Businesses						C	C			
Vehicle Sales and Service Establishments (Sales)						P	P			PUD
Vehicle Sales and Service Establishments (Service)					C	C	C			PUD
INDUSTRIAL USES										
Dangerous Chemicals: Manufacturing, Storage and/or Distribution								P		
Light Industrial Service Establishments						P	P	P		
Medium Industrial Service Establishments							P	P		
Heavy Industrial Service Establishments								P		
Light Manufacturing Establishments							P			
Heavy Manufacturing Establishments								P		
Research Development, & Scientific Establishments				P	C	P	P			
Waterfront Sales & Services										PUD
Wholesale Trade Establishments							P	P		PUD
PUBLIC/SEMI-PUBLIC USES										
Public Buildings, City-Owned	P	P	P	P	P	P	P	P	P	P
Public Buildings, Owned by other than the City of St. Joseph	S	S	S	S	S	S	S	S	S	PUD
Educational Institutions	C	C	C							
Essential Services	P	P	P	P	P	P	P	P	P	P
Facilities for the Dead	C	C	C			C	C	C		
Medical Service Establishments, Small				C	C	P				
Medical Service Establishments, Large	S	S	S			S				
Parking Facilities				P	C	P	P	P		PUD
Religious Institutions	C	C	C	C	C	C	C	C		C
Social Institutions				C	C	P	P			

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
Utility and Public Service Installations, Heavy							P			
Utility and Public Service Installations, Light	S	S	S	S	S	S	P	S	S	S

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Reference Notes:
1 – Garages and sheds must be located off the Alley.
2 – Permitted only in the Rear Yard.
3 – Not permitted in any Front Yard.
4 – Not permitted in Side Yard facing a residential District, even if across the street.
5 – Must be screened from adjacent residential properties.
6 – Off-Street Parking in the D Downtown District not owned or operated by the City is a Conditional Use, under the same requirements as Parking Facilities (see 11.12.15).
7 - The residential Dwelling Unit must be authorized under this Ordinance, or a Nonconformity; the Special Use allows the Short-term Rental Use of that Dwelling Unit.
8 - The residential Dwelling Unit must be authorized under this Ordinance, or a Nonconformity; the Conditional Use allows the Short-term Rental Use of that Dwelling Unit.

Section 4.6.5

Table 4-3

City of St. Joseph
Common Accessory Uses, Buildings & Structures Allowed

Accessory Uses, Buildings & Structures	R1	R2	R3	CO	D	C	I1	I2	OS	W	Special Standards Section #
Antennae	P	P	P	P	P	P	P	P		P	
Boathouses and hoists	P									P	9.6.5
Decks and patios	P	P	P		P	P			P	P	3.9.2, 3.9.6, 3.9.7
ECHO Unit	S	S	S								11.12.5
Exterior lighting	P	P	P	P	P	P	P	P	P	P	19.2.1
Fences, walls, and Berms	P	P	P	P	P	P	P	P	P	P	9.6.5, 18.3.3, 18.4.2, 19.3.2, 19.4.1, 19.5, 19.6
Flagpoles	P	P	P	P	P	P	P	P	P	P	3.11
Garages and sheds	P	P	P		C[1]	P	P	P			3.9, 9.6.5
Garage sales	P	P	P								Accessory to a residential Use and subject to the terms of Chapter 24 of the Code of Ordinances.
Gazebos, fireplaces, and other outdoor appurtenances	C[2]	C[2]	C[2]						P	P	3.9, 9.6.5
HVAC units	C[3]	C[3]	C[3]	C[3]	C[3]	C[4]	P	P		C[4]	3.9, 19.5.2
Home Occupations	C	C	C	C	C	C				C	11.12.8
Off-street loading and unloading				C[5]	C[5]	C[5]	C[5]	C[5]		C[5]	18.3, 18.4
Off-street parking	P	P	P	P	C[6]	P	P	P	P	P	Article XVIII, 11.12.15
Outdoor storage	P	P	P				P	P			3.9, 3.16, 18.2
Outdoor tennis courts	P	P	P						P		3.9, 9.6.5

Accessory Uses, Buildings & Structures	R1	R2	R3	CO	D	C	I1	I2	OS	W	Special Standards Section #
Property management or temporary real estate office	P	P	P	P	P	P	P	P		P	3.15.1
Pumphouses			P	P		P	P	P		P	3.9, 9.6.5
Satellite dishes	P	P	P	P	P	P	P	P		P	3.9, 9.6.5
Security Station			P				P	P		P	3.9, 9.6.5
Signs and name plates	C	C	C	C	C	C	C	C	C	C	Chapter 25, Code of Ordinances
Special Event Rental	P	P	P	P	P	P	P	P	P	P	Chapter 8, Code of Ordinances
Swimming Pools, Wading Pools	P	P	P	P	P	P			P	P	Chapter 28, Code of Ordinances
Swing sets, play sets, tree houses and other playground equipment	P	P	P						P	P	3.9, 9.6.5
Temporary Buildings, Structures & uses											
Temporary contractor's Buildings	C	C	C	C	C	C	C	C	C	C	3.15.1
Temporary Buildings incidental to a Church or school	P	P	P			P					3.15.2

Reference Notes:
1 – Garages and sheds must be located off the Alley.
2 – Permitted only in the Rear Yard.
3 – Not permitted in any Front Yard.
4 – Not permitted in Side Yard facing a residential District, even if across the street.
5 – Must be screened from adjacent residential properties.
6 – Off-Street Parking in the D Downtown District not owned or operated by the City is a Conditional Use, under the same requirements as Parking Facilities (see 11.12.15).
7 - The residential Dwelling Unit must be authorized under this Ordinance, or a Nonconformity; the Special Use allows the Short-term Rental Use of that Dwelling Unit.
8 - The residential Dwelling Unit must be authorized under this Ordinance, or a Nonconformity; the Conditional Use allows the Short-term Rental Use of that Dwelling Unit.

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2.

Article V
SCHEDULE OF DISTRICT REGULATIONS

SECTION 5.1 PURPOSE

The purpose of this Article is to present most of the density and dimensional standards applicable to Lots subject to regulation under the City of St. Joseph Zoning Ordinance. These include minimum Lot sizes, minimum Lot Width, minimum Yard Setbacks, minimum floor area, maximum total Lot Area coverage, maximum height of Buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the regulations of Articles VI through X and the General Provisions of Article III. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual Districts is being maintained. The Zoning Districts are listed on each of the Schedules by their abbreviated names as defined in Article 4, Section 4.2.1.

SECTION 5.2 SCHEDULE OF DISTRICT REGULATIONS

Table 5-1 sets forth the density, Lot and Building dimension requirements for residential and non-residential Districts.

Section 5.2 **Table 5-1**

City of St. Joseph
Schedule of District Regulations

RESIDENTIAL DISTRICTS								
District	**Minimum Lot Size in Sq. Ft.**	**Minimum Lot Width in Feet**	**Maximum Building or Structure Height in Feet**	**Minimum Front Setback in Feet**	**Minimum Side Setback in Feet[2]**	**Minimum Rear Setback in Feet**	**Minimum Floor Living Area in Sq. Ft/Unit[3]**	**Maximum Lot Coverage in % of Lot**
Single or Two-Family Requirements								
R1 – A	6,000	60’[8]	35’	30’[9]	7’[5]	30’	1,000	35%
R1 – B	5,000	44’[7]	35’	25’[9]	7’[5]	30’	1,000	40%
R1 – C	5,000	44’[7]	35’	20’[9]	7’[5]	30’	1,000	40%
R1 – D	5,000	44’[7]	35’	15’[9]	7’[5]	30’	1,000	40%
R1 – E	4,000	33’[6]	35’	10’[9]	7’[5]	30’	1,000	45%
R2	4,000	33’[6]	35’	10’[9]	7’[5]	30’	800	45%
R3	6,000	66’	35’	25’	7’[5]	25’	800	40%
Multiple-Family Requirements								
R3	6,000	66’	60’	25’	10’[10]	25’	400	50%

NON-RESIDENTIAL DISTRICTS								
District	**Min. Front Setback in Feet**	**Minimum Rear Setback in Feet**	**Min. Rear Setback when Adjoining R District**	**Min. Side Setback when Adjoining R District**	**Min. Side Setback when not Adjoining R District**	**Min. Street Side Setback in Feet**	**Max. Building Height in Feet**	**Max. Lot Coverage in % of Lot**
Office and Commercial Requirements								
C	15’	5’	7’	7’	0’/7’[4]	5’	35’	50%
D	0’[2]	0’	7’	7’	0’/7’[4]	0’	80’	100%
CO-A	15’	0’	7’	7’	0’/7’[4]	5’	35’	90%
CO-B	0’[2]	0’	7’	7’	0’/7’[4]	0’	80’	90%
Industrial Requirements								
I1	15’	15’	30’	30’	7’[4]	15’	50’	75%
I2	40’	30’	30’	30’	20’	40’	80’	75%
Special District Requirements								
OS	7’	7’	7’	7’	7’	7’	35’	35%
W	15’	5’	7’	7’	7’[4]	5’	50’	50%

REFERENCE NOTES:

R District means any residential district

[1] Reserved for future use.

[2] Unless a street side where adjacent property fronts on the subject property's Side Street, in which case the side Setback is equal to the front Setback of the adjacent property.

[3] Excluding garages and/or Carports.

[4] May build on property line but side Setback must be at least seven (7) feet if not built on property line.

[5] May be reduced to five (5) feet if sprinklers or one-hour fire-resistance rated exterior wall are installed per the requirements of the NFPA 13 or NFPA 13R, as appropriate.

[6] Maximum Lot width sixty-six (66) feet.

[7] Maximum Lot width eighty-eight (88) feet.

[8] Maximum Lot width one hundred twenty (120) feet.

[9] If a subject property is located between two properties that 1) front the same street as the subject property, 2) are contiguous to the subject property at the right-of-way line of that street, 3) are in the same zoning district as the subject property, and 4) each have a Principal Structure that is set back from the right-of-way line of that street a distance less than the minimum front setback for the zoning district, then the minimum front setback of the subject property shall be equal to the average of the actual front setbacks for the Principal Structures on those two contiguous properties, rounded up to the nearest one (1) foot. For the purpose of this calculation, an existing Principal Structure which projects into the public right of way will be considered to have a front setback of zero (0) feet. This footnote shall not apply of the subject property is a Flag Lot or a Corner Lot.

[10] In situations where the R-3 district abuts an R-1 or R-2 district, the Minimum Side Setback shall be 10' for Structures not exceeding 35 feet in height. However, the Minimum Side Setback shall be increased 5' for every 5' increase in height, or fraction thereof, greater than 35'. Additionally, driveways, parking, dumpsters, HVAC units and other ancillary structures shall not be permitted in the Minimum Side Setback area.

Article VI
RESIDENTIAL DISTRICTS

SECTION 6.1 PURPOSE

The purpose of this article is to establish residential Districts designed to promote and protect public health, safety, comfort, convenience, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with allowance for a choice of sites and Building types;
B. To protect residential areas, as far as reasonable, from heavy traffic and through traffic;
C. To protect residential areas from congestion, by regulating the density of population and the bulk of Buildings in relation to the land around them and to one another, and by providing for off-street Parking Spaces;
D. To require the provision of open space and a maximum conservation of beach, lake front, river front, and protection of ravines and watercourses in residential areas;
E. To provide for access of light and air to windows and for privacy by controls over the spacing and height of Buildings and other Structures;
F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities, which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
G. To promote the most desirable Use of land and direction of Building development in accord with an adopted Comprehensive Plan, and to promote stability of residential development.

SECTION 6.2 "R1" SINGLE-FAMILY RESIDENCE DISTRICT

6.2.1 Intent: To establish and preserve single-family neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such Districts, and to maintain the character and integrity of existing residential areas predominantly comprised of single-family dwellings.

6.2.2 Authorized Uses: In an R1 Single-family Residence District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Use classes allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4. Use classes and examples are defined on Table 4-1, Section 4.6.3.

6.2.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

6.2.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

6.2.5 Planned Unit Developments: Any uses permitted in Single-family Residence Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

6.2.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 6.3 "R2" TWO-FAMILY RESIDENCE DISTRICT

6.3.1 Intent: It is the intent of this District to provide for a diverse residential environment by allowing medium density residential development. This District shall establish and preserve quiet neighborhoods of single and two-family homes free from other uses except those which are both compatible with and convenient to the residents of such a District.

6.3.2 Authorized Uses: In an R2 Two-Family Residence District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

6.3.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

6.3.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

6.3.5 Planned Unit Developments: Any uses permitted in Two-Family Residence Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

6.3.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 6.4 "R3" MULTIPLE-FAMILY RESIDENCE DISTRICT

6.4.1 Intent: To provide sites for multiple-family dwelling Structures and related densities of dwellings which generally serve the residential needs of Persons desiring an Apartment-type of accommodation with central services as opposed to the residential patterns found in single and two-family residential Districts. The multiple-family District is further provided to serve as a Zone of transition between nonresidential Districts and lower density residential Districts. This district is further intended to permit boarding and lodging houses under specified maximum capacities. Manufactured housing parks are also permitted (See Table 4.2). Short-term rentals shall be allowed for multiple-family structures within the R-3 district in accordance with Chapter 8 of the General Code of Ordinances.

6.4.2 Authorized Uses: In an R3 Multiple-family Residence District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

6.4.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

6.4.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

6.4.5 Planned Unit Developments: Any uses permitted in Multiple-family Residence Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

6.4.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

Article VII
COMMERCIAL DISTRICTS

SECTION 7.1 PURPOSE

The commercial Districts established in this Ordinance are designed to promote and protect public health, safety, welfare, convenience and prosperity. These general goals include, among others, the following specific purposes:

A. To provide sufficient space, in appropriate locations, to meet the needs of the City for development of various types of commercial and service activities;
B. To provide appropriate bulk regulations, buffers and parking areas to assure compatibility with adjacent Zones and minimize traffic congestion;
C. To encourage the continued orderly expansion of commercial facilities without creating increased vehicular congestion;
D. To prevent commercial encroachment on existing residential Districts;
E. To promote the most desirable Use of commercial land and development in accord with a Comprehensive Plan, to promote stability of commercial development, to strengthen the economic base of the City, to protect the character of the District and its suitability for particular uses and to conserve the value of land and Buildings.

SECTION 7.2 "C" COMMERCIAL DISTRICT

7.2.1 Intent: The provisions of this District are intended to apply to areas that can serve the general needs of the community within a large variety of retail commercial, financial, professional, office, service and other general commercial activities. This District establishes and preserves general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile. This District is characterized by an integrated or planned cluster of establishments often served by a common parking area. Limited residential uses are permitted.

7.2.2 Authorized Uses: In a C Commercial District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

7.2.3 Accessory Buildings, Structures and Uses, Parking and Signs:

D. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
E. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
F. Vehicle parking; see Article XVIII.

7.2.4 Required Conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
B. All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed Buildings, except for Restaurants with approved outside seating.

7.2.5 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

7.2.6 Planned Unit Developments: Any uses permitted in Commercial Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

7.2.7 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 7.3 "CO" COMMERCIAL OFFICE DISTRICT

7.3.1 Intent: The purpose and intent of the Commercial Office District is to promote orderly development of land for commercial, office, administrative and institutional uses which by their characteristics have a low turnover of vehicular movement and as such enhance the proper movement of traffic along major arterial roads. Institutional uses allowed in this District should be centrally located in relation to the population they will serve. Related commercial service activities and certain basic Personal services are also permitted. Limited residential uses are permitted.

7.3.2 Authorized Uses: In a CO Commercial Office District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

7.3.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

7.3.4 Required Conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
B. All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed Buildings.

7.3.5 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

7.3.6 Planned Unit Developments: Any uses permitted in Commercial Office Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

7.3.7 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 7.4 "D" DOWNTOWN DISTRICT

7.4.1 Intent: To establish and preserve the downtown area as a commercial and retail center. The District will be convenient and attractive for the needs of nearby office workers and residents and for shoppers and tourists arriving by automobile and parking once to carry out several errands. Intensive development of shopping and service facilities and safe and convenient pedestrian travel are essential to the economic viability of the District and to public safety and welfare.

Future development will reinforce the Downtown District's role as the symbolic center of the community and the region with special attention to the unique setting of the District with surrounding park land, unique vistas, and complementary development in the adjoining commercial office and water recreational Districts.

It is further the intent to strengthen the District's economic viability by permitting, with certain conditions, residential development of the upper floors of Buildings, within the District.

7.4.2 Authorized Uses: In the D Downtown District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

7.4.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

7.4.4 Required Conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
B. All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed Buildings, except for Restaurants with approved outside seating.

7.4.5 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

7.4.6 Planned Unit Developments: Any uses permitted in Downtown Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

7.4.7 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

Article VIII
INDUSTRIAL DISTRICTS

SECTION 8.1 PURPOSE

The Industrial Districts established in this Ordinance are designed to promote and protect the public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

A. To provide sufficient space, in appropriate locations, to meet the needs of the City for development of various types of manufacturing and related activities, with allowance for a choice of sites;
B. To provide, as far as reasonable, that such space will be available for Use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by prohibiting the Use of industrially zoned space for new residential development;
C. To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of Buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities;
D. To promote the most desirable Use of land and development in accord with a Comprehensive Plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the District and its suitability for particular uses, and to conserve the value of land and Buildings.

SECTION 8.2 "I1" LIGHT INDUSTRIAL DISTRICT

8.2.1 Intent: This District is designed to primarily accommodate wholesale and warehouse activities and industrial operations whose external physical effects are restricted to the area of the Districts and in no manner detrimentally affect any of the surrounding Districts. The I1 Light Industrial District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and /or treatment of finished or semi-finished products from previously prepared material. It is the intent of this article that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

8.2.2 Authorized Uses: In an I1 Light Industrial District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

8.2.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

8.2.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

8.2.5 Planned Unit Developments: Any uses permitted in I1 Light Industrial Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

8.2.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 8.3 "I2" HEAVY INDUSTRIAL DISTRICT

8.3.1 Intent: The I2 Heavy Industrial District is designed to accommodate necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses and to make provision for commercial uses which are necessary to service the immediate needs of people in these areas.

8.3.2 Authorized Uses: In an I2 Heavy Industrial District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

8.3.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

8.3.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

8.3.5 Planned Unit Developments: Any uses permitted in I2 Heavy Industrial Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

8.3.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

Article IX
SPECIAL DISTRICTS

SECTION 9.1 PURPOSE

The Special Districts in this Article are designed to promote the public health, safety, welfare, convenience, and prosperity. These Districts are intended to enhance the attractiveness, vitality, economic value, and utilization of the City's lakefront and riverfront areas, and to protect sensitive and unique environmental areas. In addition, at least one Special District is intended to permit a complex mix of land uses that otherwise would be very difficult to achieve using the other Districts in this Ordinance.

SECTION 9.2 "OS" OPEN SPACE DISTRICT

9.2.1 Intent: The purpose of this District is to retain or conserve insofar as is practicable, the open character of certain waterfront, ravines and scenic overlooks.

9.2.2 Authorized Uses: In an OS Open Space District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

9.2.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

9.2.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

9.2.5 Planned Unit Developments: Any uses permitted in Open Space Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

9.2.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 9.3 "W" WATER RECREATION DISTRICT

9.3.1 Intent: To encourage and facilitate a limited number of recreationally oriented or related uses that are compatible with the City's lakefront and riverfront areas. This District is intended to support activities that are not necessarily directly dependent upon access to a water body, but are directly associated with water-dependent or waterway uses. Includes land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity.

9.3.2 Authorized Uses: In a W Water Recreation District, no Building or land shall be used and no Building shall be erected or relocated, except for one or more of the Uses allowed by right, by right with conditions or by Special Use Permit as listed on Table 4-2, Section 4.6.4.

9.3.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory Uses listed in Table 4-3, Section 4.6.5 are permitted with any additional requirements as listed on the Table, or in Article III.
B. Signs; see Chapter 25 - Code of Ordinances of the City of St. Joseph, Michigan.
C. Vehicle parking; see Article XVIII.

9.3.4 Special Uses and Conditional Uses: The Special Uses specified in Table 4-2, Section 4.6.4, shall be allowed provided they meet the specified standards imposed for a particular Use and subject further to the standards and procedures of Article XI, Special Use and Conditional Use Regulations.

9.3.5 Planned Unit Developments: Any uses permitted in Water Recreation Districts may be allowed by Planned Unit Development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

9.3.6 Dimensional Requirements: All Lots of record shall conform to the minimum dimensions for Lot Area, Lot Width, front, rear and Side Yards, maximum Lot Coverage, minimum floor area and maximum height of Buildings specified in the Schedule of District Regulations in Article V of this Ordinance, except as otherwise stated in the above text of this District or as modified by Article III, General Provisions, Article XI, Special Use and Conditional Use Regulations or Article XIII, Planned Unit Development Regulations, or as varied by the Zoning Board of Appeals pursuant to Article XV of this Ordinance.

SECTION 9.4 "DH-OD" DOWNTOWN HEIGHT OVERLAY DISTRICT

9.4.1 Intent: The Downtown Height Overlay District (DH-OD) is an overlay District intended to preserve the character of the traditional downtown shopping district, which is found to be a valuable public resource of the community, while also acknowledging that in limited instances the benefits to the community of allowing varying Building Heights may justify varying from the normal standards. The DH-OD includes all lands in any zoning District in the area bounded by Main Street on the east, Port Street on the north, Lake Boulevard on the west, and Market Street on the south.

A. The character of the downtown shopping district is recognized to be a valuable asset to the citizens of the City and the State. The DH-OD is created for reasons including, but not limited to, the following: to provide specific regulations which shall further the

maintenance of safe and healthful conditions, prevent and control visual pollution, and reasonably limit the impact of inappropriate development on a valuable community cultural and economic resource while recognizing that in some circumstances it is possible to vary from the normal standards for the betterment of the community.

B. It is recognized that the character of the downtown shopping district is a community resource composed of many privately and publicly owned elements, and which is greater than the sum of its individual components, and which affects the viability of the community as a whole as well as the well being of individual property owners, and thus must be regulated in a manner that reasonably balances the uses afforded to private property owners with the rights of the general public and the community.

9.4.2 Structure Development: The installation, construction and operation of Structures within the DH-OD shall be regulated so as to preserve the character of the traditional downtown shopping district, enhance the economic value of properties, and minimize the negative impact associated with degradation of public sight lines, as follows:

A. A Building in the DH-OD Overlay District and fronting on State Street, Broad Street, Pleasant Street, or Ship Street must be built to the Front Lot Line for at least seventy-five percent (75%) of the Lot Width and must have at least two Stories along that Front Lot Line.

B. A Building in the DH-OD Overlay District may exceed a Building Height of 55' only in the following circumstances:

1. The Building must be approved through the Special Use Permit procedure, as described in Article XI, unless otherwise approved as a Planned Unit Development as described in Article XIII, a Variance as described in Article XV, or a Nonconformity as described in Article XXI.
2. To be approved through the Special Use Permit Procedure, in addition to the standards described in Article XI, the applicant must demonstrate that the proposal, if approved, would result in benefits to the traditional downtown shopping district and to the community as a whole that outweigh any substantial negative impact upon the character of the downtown shopping district.

C. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the Zoning Ordinance, the restrictions contained in this section shall control.

D. In the event the City Commission, Planning Commission, or Zoning Board of Appeals should consider approving or recommending approval of a Special Use Permit, Planned Unit Development, Variance, or any other request to construct a Structure in this DH-OD with a Building Height in excess of 55', in addition to the standards otherwise applicable to the particular request involved, that body must also affirmatively find that any substantial negative impact upon the character of the downtown shopping district potentially resulting from the approval of the request will be outweighed by other benefits to the community of the proposed Structure.

E. All projects or Structures for which final zoning approvals were granted by the City prior to the effective date of this Section shall be exempt from application of this section, conditioned upon the owner's or developer's full compliance with all of the original conditions of approval.

SECTION 9.5 "LB-OD" LAKE BLUFF SCENIC VIEW PROTECTION OVERLAY DISTRICT

9.5.1 Intent: The Lake Bluff Scenic View Protection Overlay District (LB-OD) is an overlay District intended to limit the environmental and aesthetic degradation associated with destroying public sight lines, which are found to be a valuable public resource of the community. The LB-OD includes all lands in any zoning District generally northwesterly of the Lake Bluff Park, between the St. Joseph River to the north and Elm Street to the south. See Map 9-1.

A. The public sight lines from Lake Bluff Park toward the Lake Michigan Shoreline are recognized to be a valuable asset to the citizens of the City and the State. The LB-OD is created for reasons including, but not limited to, the following: to provide specific regulations which shall further the maintenance of safe and healthful conditions, prevent and control visual pollution, reasonably limit the impact of development on a valuable natural resource, provide for access of light and air for adjacent properties by controlling overall height of Structures within the LB-OD, and controlling development so as to preserve the economic and environmental value of beach areas;
B. It is recognized that the public sight lines of the City are a shared resource of relatively fixed supply, and thus must be regulated in a manner that reasonably balances the Use afforded to private property owners with the rights of the general public;
C. It is the intent of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactment in the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended, and all relevant state regulatory provisions.

9.5.2 Structure Development: The installation, construction and operation of Structures within the LB-OD shall be regulated so as to protect natural beauty, enhance the economic value of properties, and minimize the negative impact associated with degradation of public sight lines, as follows:

A. The highest point of any Structure in the LB-OD shall not exceed the elevations identified on a map designated as "The Official Lake Bluff Scenic View Protection Overlay District Map of the City of St. Joseph." See Map 9-1. The Official Lake Bluff Scenic View Protection Overlay District Map shall be kept in the office of the Zoning Administrator, and shall be available to the public for review and inspection during all regular City Hall hours of business.
B. The Official Lake Bluff Scenic View Protection Overlay District Map shall include a rectangular grid overlay dividing the LB-OD into squares, with each square of that grid representing an area of land fifty feet (50') on each side. The grid's north-south lines shall be parallel to the easterly line of the Right-Of-Way for Lake Street, and the grid's east-west lines shall be parallel to the northerly line of the Right-Of-Way for Elm Street. The grid squares shall be identified from south to north by the letters A through X, and from east to west by the numbers 1 through 37; thus, the square in the southeasterly corner of the grid shall be identified as A-1, and the square in the northwesterly corner of the grid shall be identified as X-37. The grid's fixed reference point is the northeasterly corner of the intersection of the rights-of-way for Elm Street and Lake Street, which point shall coincide with the southeast corner of grid square A-17. The highest point of any Structure within a grid square shall not exceed the

elevation reference set forth in that grid square on the map. All such elevations shall be based upon and tied to North American Vertical Datum 1988 (NAVD88).

C. For purposes of this section, “highest point” shall mean relevant elevation at the highest point of a Structure, inclusive of (but not limited to) all peaks, gables, hips, spires, chimneys and all other appurtenances of the Structure, of any kind or nature.

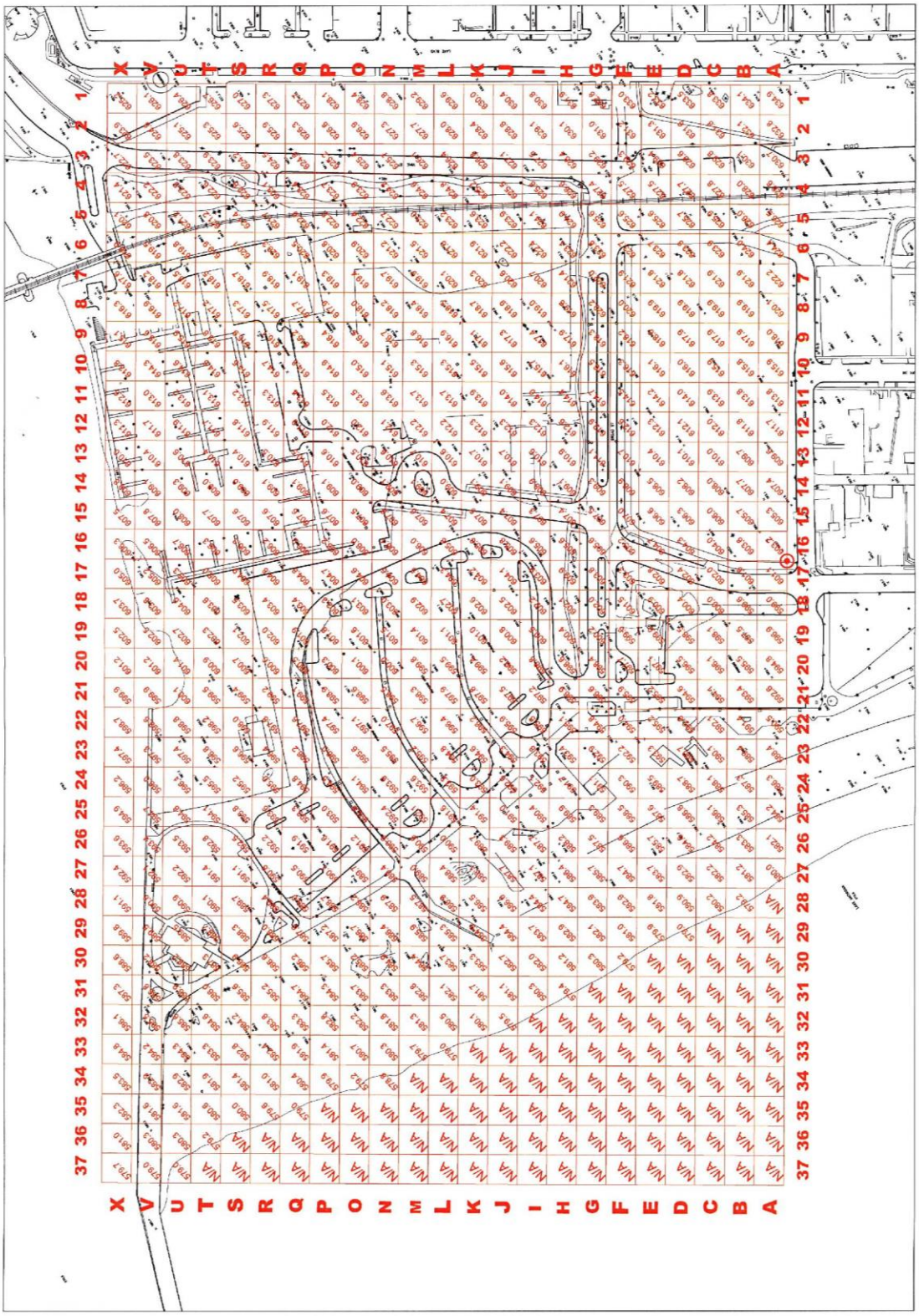
D. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the Zoning Ordinance, the restrictions contained in this section shall control, except that if the maximum Building Height otherwise specified in the property’s zoning District would result in a lower highest point of a Structure than would be permitted under this section, then the maximum height specified in the zoning District shall control.

E. In the event the City Commission, Planning Commission, or Zoning Board of Appeals should consider approving or recommending approval of a Special Use Permit, Planned Unit Development, Variance, or any other request to construct a Structure in this LB-OD with a highest point exceeding the elevation designated in the map, in addition to the standards otherwise applicable to the particular request involved, that body must also affirmatively find that any substantial negative impact upon the public views resulting from approving the request will be outweighed by other benefits to the public of the proposed Structure.

F. All projects or Structures for which final zoning approvals were granted by the City prior to the effective date of this Ordinance shall be exempt from application of this section, conditioned upon the owner’s or developer’s full compliance with all of the original conditions of approval.

9.5.3 The Official Lake Bluff Scenic View Protection Overlay District Map of the City of St. Joseph

Map 9-1



SECTION 9.6 FLOODPLAIN OVERLAY DISTRICT

9.6.1 Intent: Certain portions of the City of St. Joseph are subject to periodic or seasonal inundation which may result in flood damage to property; health and safety hazards of loss of life; disruption of commercial, industrial, and municipal and other economic activities; and adverse effects upon the general welfare of the community. It is the purpose of this Section to significantly reduce hazards to Persons and damage to property as a result of flood conditions in St. Joseph, and to comply with the provisions and requirements of (1) the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, vol. 44 CFR, Part 59, October 1, 1995 and subsequent amendments, and (2) the relevant requirements of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended. Further, the objectives of this Section include:

A. The protection of human life, health and property from the dangerous and damaging effects of flood conditions.
B. The minimization of public expenditures for flood control of projects, rescue and relief efforts in the aftermath of flooding, Repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes and neighborhoods, commercial and industrial areas.
C. The prevention of private and public economic loss and social disruption as a result of flood conditions.
D. The maintenance of stable development patterns not subject to the blighting influence of flood damage.
E. To insure that the public has access to information indicating the location of land areas subject to periodic flooding.
F. To preserve the ability of floodplains to carry and discharge a base flood.

9.6.2 Definitions: Unless specifically defined below, words or phases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. The following definitions apply to terms used in Sections 9.6.1 through 9.6.10:

A. Areas of Special Flood Hazard means the land in the floodplain within the City of St. Joseph, subject to a one (1%) percent or greater chance of flooding in any given year.
B. Base Flood means the flood having a one (1%) percent chance of being equaled, or exceeded, in any given year.
C. Development as used in Sections 9.6.1 through 9.6.10 means any man-made change, including remodeling or other substantial improvement, to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, Mobile Home placement, excavation, or drilling operations located within the Area of Special Flood Hazard.
D. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or Lake Michigan waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source.
E. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flood).
F. Floodway means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

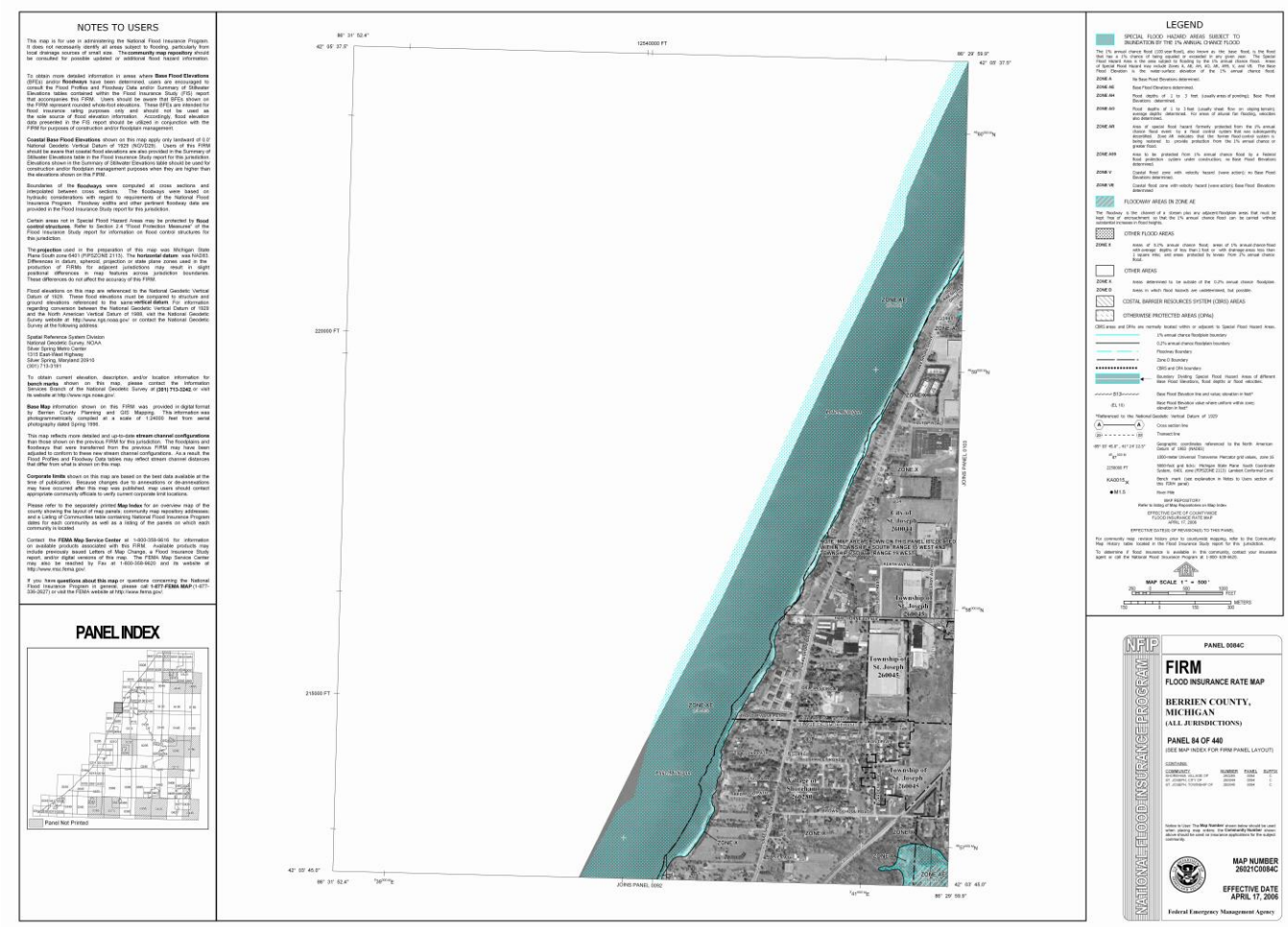
G. Flood Insurance Rate Map (FIRM) means the official map(s) on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards, and the risk premium Zones applicable to the community. At the time of adoption of this Ordinance, the FIRM included map numbers 26021C0084C, 26021C0101C, 26021C0102C, and 26021C0103C, each with the effective date of April 17, 2006.
H. Flood Insurance Study means the official report provided by the Federal Insurance Administration or the Federal Emergency Management Agency that includes flood profiles, flood boundary, floodway map, and the water surface elevation of the base flood.
I. Substantial Improvement means any Repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds fifty (50) percent of the market value of the Structure either:
   1. Before the Repair or improvement is started, or
   2. If the Structure has been damaged and is being restored, before the damage occurred. For the purpose 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 the alteration affects the external dimensions of the Structure.
J. Variance means a grant of relief from the requirements of this Ordinance which permits construction in a matter that would otherwise be prohibited by this Ordinance.

9.6.3 Areas of Special Flood Hazard: The Areas of Special Flood Hazard identified on the Flood Insurance Rate Map (see Maps 9-2.1 through 9-2.4) released by the Flood Insurance Administration and dated April 17, 2006 shall be used as the official map depicting flood hazard areas under this Ordinance, unless a more current study by the Federal Emergency Management Agency, or a successor agency, with an accompanying flood insurance rate map and/or flood hazard boundary maps is available, in which case such maps are adopted by reference and declared to be a part of this Ordinance. Where there are disputes as to the location of a flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute per the requirements of subsection 9.6.7 of this Section.

9.6.3.1 Floodplain Overlay District

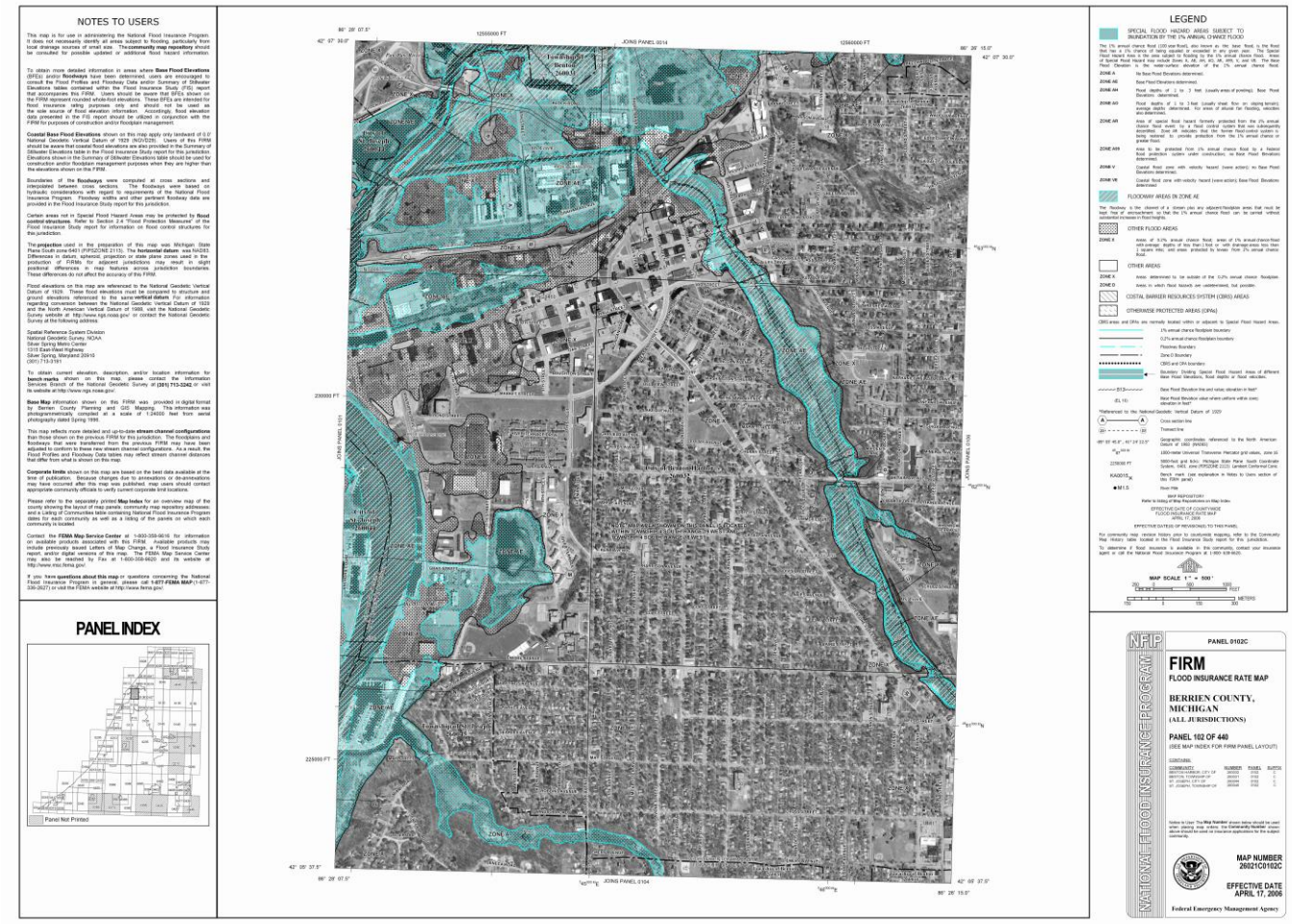
Map 9-2
Areas of Special Flood Hazard

Map 9-2.1 Panel Number 26021C0084C

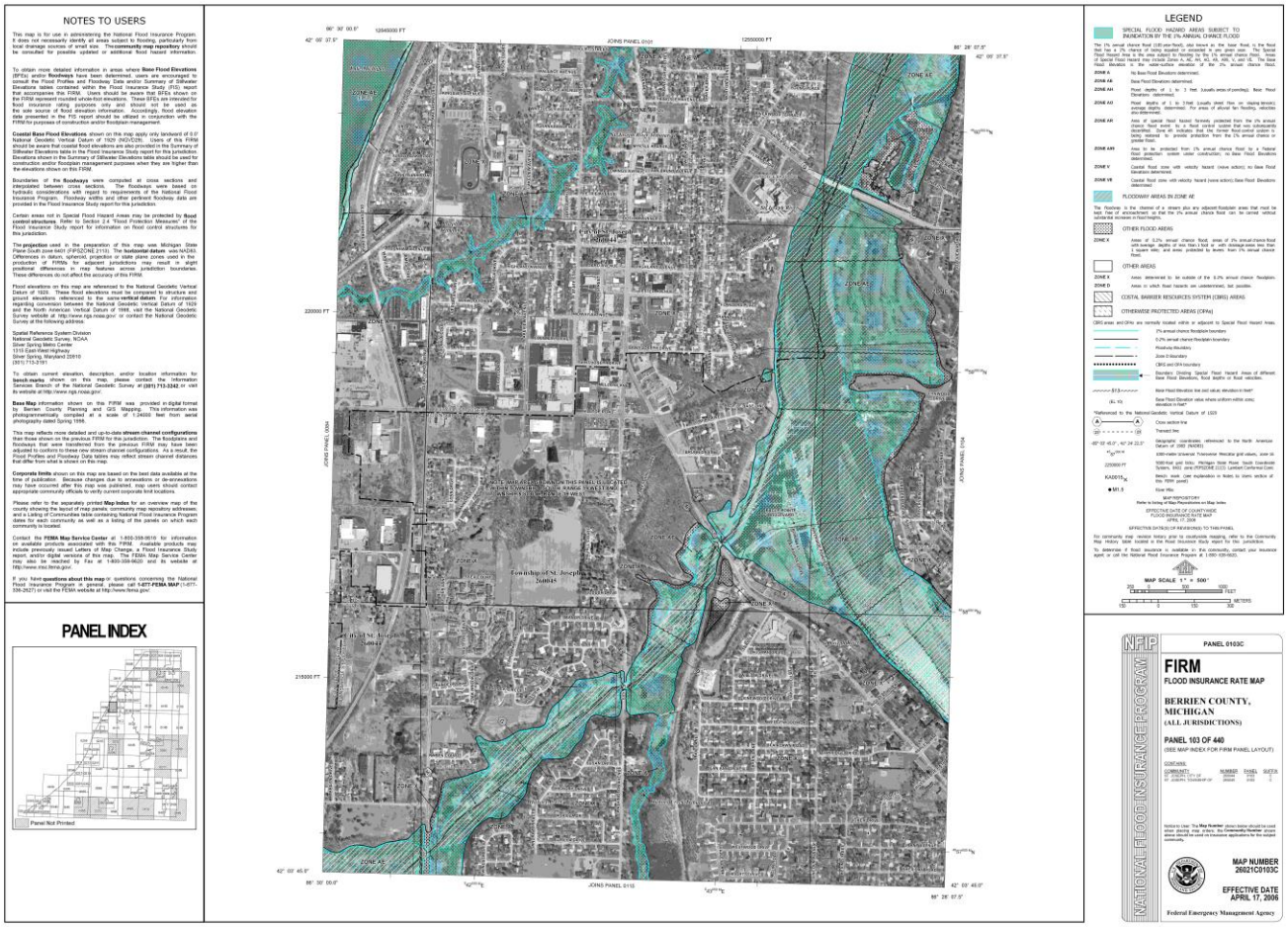


Map 9-2.2 Panel Number 26021C0101C

Map 9-2.3 Panel Number 26021C0102C



Map 9-2.4 Panel Number 26021C0103C



9.6.4 Designation and Duties of the Zoning Administrator: The Zoning Administrator is hereby appointed Administrator and shall review all development and Subdivision proposals to insure compliance with this Section. A log shall be maintained by year of all Building permits issued for areas within the Areas of Special Flood Hazard. In addition, the duties of the Zoning Administrator shall include, but are not limited to:

A. Notification of adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration.
B. Recording of written notification to all Applicants to whom Variances are granted in an Area of Special Flood Hazard indicating the terms of the Variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all Variance notifications and Variance actions shall be maintained together with the justification for each Variance.
C. All records and maps pertaining to the National Flood Insurance Programs shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

D. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

9.6.5 Development Prohibition and Allowable Uses: All development shall be prohibited within the Areas of Special Flood Hazard, except as provided below. It shall be further a requirement that any Structure built in the Areas of Special Flood Hazard have its lowest occupied level one foot above the base flood elevation for any area.

A. Within the Areas of Special Flood Hazard, no land shall be used except for one or more of the following uses:
   1. harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds
   2. harvesting of trees
   3. parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, bridle paths, nature paths and trails
   4. wildlife preserves
   5. historic sites and Structures
   6. swimming beaches, fishing and boating docks in accord with Part 301 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
   7. required open space or Yard for structural uses that are landward of the Areas of Special Flood Hazard.
B. Accessory Structures and uses are permitted in the Areas of Special Flood Hazard, provided they are constructed/used in a manner consistent with the requirements of Authorized Uses (above) and Accessory Uses (below):
   1. Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bleachers, bank protection Structures, Signs, Fences, gazebos and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
      a) the Structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain.
      b) all equipment and Structures shall be anchored to prevent flotation and lateral movement.
      c) compliance with these standards is certified by an engineering finding by a registered engineer.
C. Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met, including but not limited to approvals pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 as amended and all applicable administrative rules adopted thereunder.

9.6.6 Variance Procedure: The Zoning Board of Appeals of St. Joseph shall hear and decide appeals and requests for Variance from the requirements of this section consistent with the following standards of Section 60.3 (d) and 60.6 (a) of the Rules and Regulations of the National Flood Insurance Program (44CFR.59). A sealed verification of the "as-built" elevations 60.3(d) of lowest occupied level shall be filed. The secretary of the Zoning Board of Appeals Administrator shall maintain a log, by year, of any Variance granted for development within the area of special flood hazard.

A. A Variance shall be granted only upon a determination of compliance with the standards in Section 15.4.10 and each of the following specific standards:

1. a showing of good and sufficient cause;
2. a determination that failure to grant the Variance would result in exceptional hardship to the Applicant; and
3. a determination that the granting of a Variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create Nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

B. The Variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the Applicant.
C. The Zoning Board of Appeals may attach conditions to the granting of a Variance to ensure compliance with the standards contained in this Ordinance.
D. Variances may be granted for the reconstruction, rehabilitation or Restoration of Structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing Variances in Areas of Special Flood Hazard.

9.6.7 Mapping Disputes:

A. Where disputes arise as to the location of the Areas of Special Flood Hazard, or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.
B. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the Areas of Special Flood Hazard or the floodway, only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
C. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

9.6.8 General Standards for Flood Hazard Reduction:

A. No Building or Structure shall be erected, converted or substantially improved or placed, and no land filled or Structure used in an Area of Special Flood Hazard unless a Zoning Permit, or Variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Department of Environmental Quality has been obtained. Where a development permit cannot be issued prior to the issuance of a Zoning Permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
B. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
C. The Zoning Administrator shall review development proposals to determine compliance with the standards in this Section.
D. Land shall not be divided in a manner creating Parcels or Lots which cannot be used in conformance with the requirements of this Section.
E. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.

F. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this Section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

9.6.9 Areas of Special Flood Hazard Application Information: In addition to the information required with an application for a Zoning Permit, Special Use Permit, Variance, or any other type of development permission required under this Ordinance the following information shall be submitted as part of an application for permission to commence any type of development within an Area of Special Flood Hazard:

A. The elevation in relation to mean sea level of the floor, including Basement, of all Structures;
B. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
C. Proof of development permission from appropriate local, state, and federal agencies as required by Section 9.6.8.A above, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality;
D. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967, the Land Division Act, or the land is greater than five acres in size; and
E. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

9.6.10 Disclaimer of Liability: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the Use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance also does not imply that areas outside of the Areas of Special Flood Hazard will be free from flood damage. This Ordinance does not create liability on the part of the City of St. Joseph or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 9.7 "EB-OD" EDGEWATER BEACH OVERLAY DISTRICT

9.7.1 Intent. The Edgewater Beach Overlay District (EB-OD) is an overlay District intended to preserve the character of the public trust land along the shore of Lake Michigan, which is found to be a valuable public resource of the community, to prevent damage to the public trust land and to prevent damage to private property.

Based on the record presented the City finds that during periods of low Lake Michigan water levels, sand accretion in this District tends to significantly enlarge the beach and to enlarge affected parcels in this District. This additional land area can be seen by property owners as permanent and attractive for development. The character of the public trust land along the Lake Michigan shoreline, as well as viewsheds along the shoreline from public parks included in and adjacent to this District, is compromised by development in immediate proximity to the public trust land.

Based on the record presented the City further finds that the beach and property area near the shoreline is subject to submergence and erosion during periods of higher Lake Michigan water levels and resulting from weather conditions. It has been demonstrated that current state and federal development standards for the Lake Michigan shoreline, such as the Ordinary High Water Mark (OHWM) and the Base Flood Elevation, do not

ensure that property shoreward of those locations is protected from erosion, inundation, or damage during such periods of time and/or weather events. The OHWM is not intended to reflect these periods of peril, and the Base Flood Elevation is a still water elevation that does not take into account the effect of wave action. The City further understands that revised federal floodplain regulations are being developed to take into account additional environmental factors such as waves and to provide an improved standard of floodplain development protection, but implementation of these regulations will not likely occur for several years.

When erosion threatens a Structure legally built near the shoreline, a natural reaction for the owner is to attempt to construct a seawall or implement similar shore protection measures. Shore protection measures in this District would diminish significantly the character of the public trust land and pose an increased threat of erosion and damage to the public trust land as well as to adjacent private property.

The City has long experience with the detrimental effects of seawalls and shore protection structures constructed over a period of many years in response to erosion south of the St. Joseph River. These shore protection structures were and are necessary to protect previously developed areas of the City which are otherwise subject to regular and ongoing erosion. However, given the physical, environmental, and developmental characteristics of the EB-OD, including generally large lots which need not be developed near to the water's edge to be economically viable and that the area is generally benefitting from accretion rather than persistent erosion, the City believes that shore protection measures should not be necessary in this area and would be detrimental to the public health, safety and welfare for reasons further identified and set forth in the City of St. Joseph, Michigan Coastal Engineering Study, dated August 17, 2012, a copy of which is on file with the City.

The City believes the most appropriate, effective and reasonable method to further the public interests of protecting natural resources; preserving the economic and environmental well-being of the community; to protect the health, safety and general welfare of the community; and the general preservation or enhancement of property values is to restrict the construction of structures so near to the water's edge as to be detrimental to the character of the public trust property and/or the vistas from neighboring public parks; and/or to be susceptible to damage resulting from inundation or erosion or to create an apparent future need for seawalls or other shore protection measures in order to protect these structures from damage resulting from inundation or erosion; and/or to be potentially built in a location that will render the structure nonconforming under the future federal floodplain protection regulations currently under development.

These regulations are intended to preserve the character of the public trust property along the shoreline, protect the vistas from neighboring public parks, and prevent the construction of structures and shore protection measures which would have deleterious effects on the public trust property as well as neighboring private property.

These regulations are also supported by the Comprehensive Plan, as the Future Land Use Map indicates lakefront property in this area should be used as open space and the supporting text indicates that open space areas should be maintained and encouraged along the shoreline.

9.7.2 Description of District. The EB-OD includes all lands in any zoning District located north of the St. Joseph River and situated lakeward of a line sequentially connecting the following points described by Michigan State Plane Grid Coordinates, South Zone, Grid, NAD 83, U.S. Survey Feet and as illustrated in Map 9-3, Area of Edgewater Beach Overlay District:

Point	Northing	Easting
A	231408.65’	12547511.47’
B	231835.41’	12547625.92’
C	232647.21’	12548673.22’
D	232952.85’	12549032.86’
E	233537.35’	12549657.47’
F	233846.96’	12549969.52’
G	234468.24’	12550591.09’
H	234820.85’	12550921.86’

9.7.2.1 Area of Edgewater Beach Overlay District

Map 9-3 Area of Edgewater Beach Overlay District

9.7.3 Structure Development. For the reasons set forth in Subsection 9.7.1 and elsewhere in this Ordinance, the installation, construction and operation of Structures, which for the purpose of this section includes seawalls and shore protection measures, within the EB-OD shall be subject to the following:

A. No Structure shall be installed or constructed in the EB-OD. The following are not considered a Structure for purposes of this section only:

   1. Public recreational equipment in public parks;
   2. Open, unroofed walkways, including those constructed of pavers or similar objects;
   3. Stairs and similar open, unroofed structures that are set on the surface of the ground and which are not attached to a Structure; and
   4. Freestanding signs.

B. For the purposes of this section, shore protection measures does not include temporary fencing not more than four feet (4') in height and with openly spaced slats or weaves, placed seasonally between October 1 and May 1 to influence the accumulation of sand and/or snow and which does not prevent public passage across the public trust property.

C. In the event the provisions of the EB-OD prevents the development or use of a Lot existing on the effective date of this amendment for the purposes permitted in the Zoning District, or creates practical difficulties or unnecessary hardship for the use of such a Lot, the property owner may seek a Hardship Planned Unit Development under the terms of this Ordinance for lands within the EB-OD or a Hardship Planned Unit Development or Variance for lands adjacent to the EB-OD.

D. If any Lot within or partially within the EB-OD is divided or the subject of a boundary adjustment after the effective date of this amendment such that any resulting parcel is nonbuildable due to the regulations of this section, except for a boundary adjustment that has the effect of lessening a Nonconformity with respect to this section, it will be deemed a voluntary action of the property owner and will disqualify the resulting nonbuildable parcel from receiving a Variance or Hardship Planned Unit Development.

E. In the event the provisions of the EB-OD render Nonconforming any Structure which is existing or which is the subject of a valid building permit and under construction on the effective date of this amendment, this shall not be deemed a voluntary action of the property owner and will not disqualify the parcel from receiving a Hardship Planned Unit Development under the procedures described in this Ordinance for lands within the EB-OD or a Hardship Planned Unit Development or Variance if on lands adjacent to the EB-OD.

F. Variances shall not be permitted within the EB-OD.

G. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the Zoning Ordinance, the restrictions contained in this section shall control.

Article X
(RESERVED FOR FUTURE USE)

Article XI
SPECIAL AND CONDITIONAL USE REGULATIONS

SECTION 11.1 PURPOSE

The purpose of this Article is to establish procedures and criteria that shall be applied in the determination of requests to establish special and Conditional Uses. Special and Conditional Uses are not essentially incompatible with uses permitted in a zoning District, but possess characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The criteria for decision and requirements set forth in this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the Use under consideration.

SECTION 11.2 TYPES OF USE REGULATIONS

A. Conditional Uses are allowed by right in a particular District, provided that the Use complies with the standards of this Article.
B. Special Uses may be permitted in a particular District, but only after review by the Planning Commission and issuance of a permit by the City Commission, in accordance with the standards set forth in this Ordinance.

SECTION 11.3 CONDITIONAL USES

Before establishing, expanding, or amending a Conditional Use, with the exception of terminating a Conditional Use, any Person shall obtain a Zoning Permit from the Zoning Administrator, using a form provided by the City. The Applicant shall provide sufficient information to allow the Zoning Administrator to determine whether the proposed Use complies with the requirements of this Ordinance. If the application is denied, the Zoning Administrator shall identify the reasons for that denial. In such a case, an aggrieved Applicant may either appeal the Zoning Administrator's determination to the Zoning Board of Appeals, as described in Section 14.10, or may seek a Special Use Permit. If the Zoning Board of Appeals denies such an appeal, as an alternative to seeking Circuit Court review of the Zoning Board of Appeals decision as described in Section 15.4.19, the Applicant may seek a Special Use Permit.

SECTION 11.4 SPECIAL USE PERMIT APPLICATION PROCEDURES

Any Person must obtain a permit before establishing, expanding or amending a Special Use, with the exception of terminating the Special Use as described in Section 11.8.4. Any application for a combined Special Use Permit and Planned Unit Development shall not be subject to the requirements of Article XI, but shall instead be subject to the requirements of Article XIII.

11.4.1 Application: The Zoning Administrator shall, within a reasonable time, review each application for completeness. If incomplete, the application shall be returned to the Applicant, along with an explanation of the deficiencies. If complete, the application shall be scheduled for consideration in a public hearing at a Planning Commission meeting, which occurs no less than twenty-four (24) days after the date of that determination.

11.4.2 Required Information: An application for a Special Use Permit shall be accompanied by the following documents and information:

A. A Special Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the Applicant.
B. A Major Site Plan, satisfying the requirements of Article XII.
C. A statement with regard to compliance with the criteria required for approval in Section 11.5 and other criteria imposed by this Ordinance affecting the Special Use under consideration.

11.4.3 Public Notice, Public Hearing, and Approval Procedure: Notice of the public hearing shall be given pursuant to Section 14.14, and the public hearing shall be conducted by the Planning Commission, and the Planning Commission's recommendation shall be considered by the City Commission, as described in Article XV. The Planning Commission and City Commission, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 11.5.2, and such other standards contained in the Ordinance which relate to the Special Use under consideration. The concurring vote of a majority of the members of the Planning Commission or City Commission present and qualified to vote shall be required to take any formal action. A written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any conditions imposed shall be prepared.

11.4.4 Post-Hearing Actions:

A. Within thirty (30) days following the public hearing by the Planning Commission, provided all materials are complete, the City Commission shall review the application for a Special Use Permit, comments received at the public hearing, the Site Plan, and other materials submitted in relation to the application, and make a determination on the Special Use Permit application in accordance with the criteria for the approval stated in Section 11.5, and such standards contained in this Ordinance which relate to the Special Use under consideration. The City Commission may by majority vote of its members present and qualified to vote deny, approve, or approve with conditions the application for Special Use approval. Its decision shall be incorporated in a statement of conclusions relative to the Special Use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land Use or activity which is in compliance with Ordinance standards, other applicable ordinances, and state and federal statutes shall be approved. Upon the approval, or approval with conditions, by the City Commission, the Zoning Administrator shall prepare and issue a permit to the Applicant incorporating the conditions if any, imposed by the City Commission.
B. An appeal of a decision by the City Commission to approve, deny or approve with conditions a Special Use Permit application may be taken to Circuit Court, and may not be appealed to the Zoning Board of Appeals.

SECTION 11.5 BASIS OF DETERMINATION

11.5.1 Basis of Determination: Prior to approval of a Special Use Permit application, the Planning Commission and the City Commission, shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Use under consideration.

11.5.2 General Standards: The Planning Commission and the City Commission, shall review the particular circumstances of the Special Use Permit application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a Special Use Permit application only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

A. The Special Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
B. The Special Use shall not change the essential character of the surrounding area.
C. The Special Use shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.
D. The Special Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.
E. The Special Use shall meet the Site Plan review requirements of Article XII.
F. The Applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

11.5.3 Conditions: The Planning Commission may recommend, and the City Commission may impose, conditions with approval of a Special Use Permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Use Permit and shall conform with the requirements of Section 14.11.1.

SECTION 11.6 PREVIOUSLY APPROVED SPECIAL USES

A Special Use approved by the City Commission prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article, except that a time extension may be requested from and granted by the City Commission as described under Section 25.1.3.B. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved Special Use shall remain valid.

SECTION 11.7 RESERVED FOR FUTURE USE

SECTION 11.8 PERMITS

11.8.1 Validity of Permit: A Special Use Permit shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the City Commission as a condition of approval. If the Use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the City unless a time extension is requested from and granted by the City Commission as described under Section 14.13.2.

11.8.2 Permit Revocation: In the event the City Commission believes the holder of a Special Use Permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the City Commission may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days form the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the City Commission decides to revoke the permit, the Use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the Use for which the permit was revoked within sixty (60) days is declared to be a Nuisance per se and a violation of this Ordinance.

11.8.3 Permit Transferability: A new Owner may continue to use the property for the purposes for which the Special Use Permit was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new Owner registers his intent to continue the Special Use with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new Owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Use when the transfer form is submitted. A Special Use Permit may not be transferred from one property to another property.

11.8.4 Termination of a Special Use Permit if the Use Changes:

A. If there is a change in the Use of a property for which a Special Use Permit was issued, the Special Use shall automatically terminate and the property shall only be used for a Use permitted in the District in which the property is located. A Special Use Permit for a seasonal Use is also subject to termination, if the season passes in which the Special Use would normally occur and a different Use is in place instead.
B. In place of the above standards, the following standards shall apply to Short-term Rentals. A Special Use Permit for a Short-term Rental shall automatically terminate and the property shall only be used for a Use permitted in the District in which the property is located if one or more of the following occurs:
   1. If there is a change in the Use of the property.
   2. In the event that the rental unit permit required under Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph expires without being timely renewed, is not timely transferred to a new Owner, or is revoked.
   3. In the event that the property for which the Special Use Permit was issued is not actually used as a Short-term Rental at least once in each twenty-four month period.

11.8.5 Recording with Register of Deeds: A Special Use Permit, or expiration, revocation or termination thereof, shall be recorded by the City with the Berrien County Register of Deeds.

11.8.6 Amendment and Extension: A Special Use Permit approved by the City Commission under this Ordinance may be amended only through the filing and approval of a new application under this Article, except that a time extension may be requested from and granted by the City Commission as described under Section 14.13.2. The site plan, as approved, shall be part of the Special Use Permit and may be altered only

through the amendment procedure described above or through the adjustment procedure described in Section 12.8.

SECTION 11.9 REAPPLICATION

A. No application for a Special Use Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the City which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator.
B. The following circumstances are exceptions to the one (1) year time limit in A, above:
   1. In the event that an application for a Special Use Permit receives a tied vote from the Planning Commission and is therefore recommended for neither approval nor disapproval, or if the application is recommended for disapproval but it would be mathematically possible by addition of votes from members who were absent from that meeting to have resulted in a recommendation of approval, the application may be withdrawn before the City Commission acts upon it and a reapplication may be submitted.
   2. In the event that an application for a Special Use Permit receives a tied vote from the City Commission, and therefore is not approved, or if the application is denied but it would be mathematically possible by addition of votes from Commissioners who were absent from that meeting to have resulted in approval, a reapplication may be submitted at any time.
C. A reapplication shall be processed as a new application.

SECTION 11.10 Reserved for Future Use

SECTION 11.11 Reserved for Future Use

SECTION 11.12 STANDARDS FOR SPECIAL AND CONDITIONAL USES

The following standards apply to special and Conditional Uses permitted in this Ordinance, in addition to any other applicable standard or regulation:

11.12.1 Business Service Establishments

Business Service Establishments are permitted as a Conditional Use in the D Downtown District, so long as they are not located at street level or on the first floor of a Building or Structure.

11.12.2 Community Residential Care Facilities

A. Community residential care facilities for more than six (6) persons are permitted as a Conditional Use in the R2 and R3 residential Districts under the following conditions.
   1. Prior to the issuance of any permit to operate a community residential care facility, and no later than December 31 of each subsequent year, the Applicant or operator shall submit to the Zoning Administrator a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation, of any community residential care facility.

2. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
3. Community residential care facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
4. Adequate provisions shall be made for access by emergency medical and fire vehicles.
5. The outdoor storage of trash or rubbish shall be screened.
6. Proof of licensing by the State of Michigan shall be required prior to the operation of any Child Care Center. Additionally, there shall be provided and maintained an outdoor area suitable for play activity and containing a minimum of two thousand (2,000) square feet. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or Fence.

B. Community Residential Care Facilities are permitted as a Conditional Use in the D zoning district, subject to the following conditions:
   1. The establishment must be a Day Care Center (Child Care Center).
   2. Proof of licensing by the State of Michigan shall be required prior to the operation of any Child Care Center.
   3. Child care centers and day care centers shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
   4. Pick-up and discharge of visitors or attendees shall not interfere with the free flow of traffic on adjacent Streets.
   5. The establishment shall have no more than thirty-three (33) feet of Frontage at street level or on the first floor of the address side of the Building.

11.12.3 Reserved for Future Use

11.12.4 Drive-Through Establishments

Drive-through establishments, including drive-through establishments as an Accessory Use, are permitted as a Special Use in the C and CO commercial Districts under the following conditions:

A. The outdoor storage of trash and rubbish shall be screened.
B. An adequate number of outdoor trash receptacles shall be provided in convenient locations at drive-in and carry-out food establishments.
C. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
D. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent sound or music from being audible beyond the boundaries of the site.
E. Bathroom facilities shall be provided at food establishments for use by patrons even if no indoor seating is provided.
F. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.

11.12.5 ECHO Housing

ECHO Housing units are permitted as a Special Use in the R1, R2, and R3 residential Districts under the following conditions.

A. An ECHO Unit must be accessory on a Lot containing one, and only one, single-family residential Structure, and there may be a maximum of one (1) ECHO Dwelling Unit per Lot.
B. The ECHO Unit may be an expansion or alteration of an existing Structure, or a new separate Structure. If a separate Structure, the ECHO Unit shall comply with all Setback requirements and Lot Coverage requirements as a Principal Building, and shall be located not less than ten (10) feet from the existing single-family residential Structure.
C. The property Owner may reside in either the accessory (ECHO) Dwelling Unit or the principal Dwelling Unit.
D. Adequate provision for potable water and wastewater disposal, as provided by Chapter 30 of the Code of Ordinances, shall be required.
E. Dwellings modified in conjunction with an ECHO Dwelling Unit shall, on sides adjacent to streets, retain the appearance of a single-family Detached Dwelling.
F. The ECHO Dwelling Unit shall provide adequate access for emergency vehicles.
G. The ECHO Dwelling Unit shall meet all applicable construction codes for a dwelling.
H. One (1) additional off-street parking space shall be provided.
I. Separate sale or ownership of the ECHO Dwelling Unit from the primary dwelling on a Lot or Parcel is prohibited. No Person who is not a relative of the property Owner shall be permitted to reside in the ECHO Unit, except for a caregiver of the ECHO Unit occupant.
J. The City may, not more frequently than once per calendar year, request and require that the property Owner indicate, on a form provided by the City, whether the ECHO Unit is currently occupied in conformance with the terms of the Special Use Permit, and, if it is not, the date on which the occupation ceased.
K. If the ECHO Unit is a separate Structure, the ECHO Unit must be removed from the property within six (6) months of the ECHO Use ceasing. If the ECHO Unit is an expansion or alteration of a single-family Structure, upon cessation of the ECHO use, the ECHO Unit shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family Structure.

11.12.6 Educational Institutions

Educational Institutions are permitted as a Conditional Use in the R1, R2, and R3 residential Districts under the following conditions:

A. No Principal Building or Accessory Structure other than a flagpole shall be closer than fifty (50) feet to any Lot Line or street line.
B. No more than twenty-five (25%) percent of the gross site area shall be covered by Buildings.
C. Only temporary parking associated with drop off and pickup shall be allowed between the Front Lot Line and the Building Line.
D. The outdoor storage of trash and rubbish shall be screened.
E. Passenger drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with street traffic and be designed to ensure safe passage for pedestrians and bicyclists.

11.12.7 Facilities for the Dead

Facilities for the Dead are permitted as a Conditional Use under the following conditions:

A. Cemeteries, columbaria, and mausoleums.
   1. Cemeteries, columbaria, and/or mausoleums are permitted in the R1, R2, and R3 residential Districts.
   2. The minimum Lot size shall be five (5) acres.
   3. No more then ten (10) percent of the Lot shall be occupied by Buildings.
   4. All burial plots and all Buildings and Structures shall comply with the Setback requirements of the District.
   5. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Berrien County Health Department and the State of Michigan.

B. Funeral Homes.
   1. Funeral homes are permitted in the C Commercial District.
   2. Principal access and Frontage shall be on a Major Thoroughfare.
   3. There must be at least one fully enclosed parking space inside or adjacent to the Principal Building, which shall be used for all receipt of human remains.
   4. A crematorium may be included as an Accessory Use.

C. Crematoria.
   1. Crematoria are permitted in the I1 and I2 industrial Districts.
   2. There must be at least one fully enclosed parking space inside or adjacent to the Principal Building, which shall be used for all receipt of human remains.

11.12.8 Home Occupations

Home occupations are permitted as a Conditional Use under the following conditions:

A. Uses Allowed: Uses that comply with all of the standards of this subsection will be allowed as Home Occupations unless they are specifically prohibited. The Home Occupation must be clearly subordinate and incidental to the Use of the dwelling as a residence, and no more than one Home Occupation is permitted in a dwelling.

B. Size: A Home Occupation may not occupy more than twenty-five percent (25%) of the gross area of the Dwelling Unit used for the Home Occupation.

C. Prohibited Uses: The following uses are prohibited as Home Occupations:
   1. Vehicle and Large Equipment Storage/Repair: Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts.
   2. Animal Boarding Facilities: This includes Kennels, commercial stables and all other similar uses.
   3. Restaurants.

D. Resident Operator: The operator of a Home Occupation must be a full-time resident of the subject Dwelling Unit and be on the premises during the hours of operation of the Home Occupation.

E. Employees: A maximum of one (1) nonresident employee may be on the premises at any one time. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-Owner, independent contractor, or other Person affiliated with the Home Occupation, who does not live at the site, but who visits the site as part of the Home Occupation.

F. Location: All work areas and activities associated with Home Occupations must be conducted and located inside the principal Dwelling Unit, and not in accessory Buildings or garages, whether attached or detached.
G. Exterior Appearance: There may be no visible evidence of the conduct of a Home Occupation when viewed from the street Right-Of-Way or from an adjacent Lot, except there may be one (1) non-illuminated sign advertising the Home Occupation, no larger than two (2) square feet and firmly affixed to the Dwelling Unit as a wall sign. There may be no change in the exterior appearance of the Dwelling Unit that houses a Home Occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking Lots, paving of required Setbacks, or adding commercial-like exterior lighting or Signs.
H. Operational Impacts: No Home Occupation or equipment used in conjunction with a Home Occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage, or light beyond that customary for residential uses that is perceptible beyond the Lot Line of the Lot upon which the Home Occupation is conducted. No Hazardous Substances may be used or stored in conjunction with a Home Occupation.
I. Retail Storage, Sales and Display: No stock-in-trade may be stored, produced or sold upon the premises, other than within the allowed area used for the Home Occupation.
J. Deliveries: Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers or semi-trucks are expressly prohibited.
K. Traffic: No traffic shall be generated by any Home Occupation in greater volume than would normally be expected in a residential neighborhood.
L. Registration: Any Person conducting a Home Occupation shall register with the Zoning Administrator, on a form to be provided by the Zoning Administrator, within thirty (30) days of beginning that use, or within sixty (60) days of the effective date of this Ordinance, whichever is later.

11.12.9 Institutions for Human Care and Habitation

Institutions for Human Care and Habitation are permitted as a Conditional Use in the D Downtown District so long as such Uses shall not be located at street level or on the first floor or any Building.

11.12.10 Limited Neighborhood Businesses

A. Limited Neighborhood Businesses are permitted as a Conditional Use in the R1, R2, and R3 zoning Districts under the following conditions:
   1. The Predecessor Use is, or if actively used would be, considered a Limited Neighborhood Business at the time of the Conditional Use application.
   2. The proposed Successor Use shall be judged to have, on the whole, no greater deleterious impact upon adjacent residential properties than the Predecessor Use. This includes but is not limited to traffic, lighting, noise, odor, vibration, electrical interference, garbage or rubbish or other impacts.

3. The Successor Use must meet the condition described in the following table:

If the Predecessor Use's Ordinary Use Class is a Permitted Use in the following District:	*The Successor Use's Ordinary Use Class must be a Permitted Use in one of the following Districts:*
I1 alone or with any other District(s)	I1, C, CO
C alone or with any other District(s), except not with I1	C, CO
CO alone or with any other District(s), except not with I1 or C	CO
Not Permitted in any of the above Districts	C, CO

For example, if the Predecessor Use is an insurance office, which is in the Office Establishment Use Class and therefore a Permitted Use in the C and CO Districts, it may potentially be replaced by a barber shop, which is in the Personal Service Establishment Use Class and therefore a Permitted Use in the C District. The Predecessor Use may not be replaced by a cold storage facility, which is in the Wholesale Trade Establishment Use Class and therefore a Permitted Use only in the I1 and I2 Districts.

4. The proposed Successor Use must meet the parking requirements of the Ordinance, as modified by Section 18.2.4.
5. The proposed Successor Use may not include the sale of alcoholic liquor unless the Predecessor Use legally possessed an active liquor license issued by the Michigan Liquor Control Commission at the time of the Conditional Use Permit application, or if such a license had been legally possessed by the Predecessor Use but placed in escrow not more than six (6) months prior to the date of application. The proposed Use must use the same type of liquor license. For the purposes of this section, licenses defined by the state as "Special Licenses" which are typically issued on a temporary basis, shall not be considered an "active liquor license". If the type of liquor license, as defined by the State, is proposed to change, the Zoning Administrator must decline to issue the Conditional Use permit; the applicant may request a Special Use Permit under this Article.
6. The proposed Successor Use may not include a Drive-through Establishment.

B. Limited Neighborhood Businesses are permitted as a Special Use in the R1, R2, and R3 zoning Districts under the following conditions:
   1. The Predecessor Use is, or if actively used would be, considered a Limited Neighborhood Business at the time of the Conditional Use application.
   2. The proposed Successor Use shall be judged to have, on the whole, no greater deleterious impact upon adjacent residential properties than the Predecessor Use. This includes but is not limited to traffic, lighting, noise, odor, vibration, electrical interference, garbage or rubbish or other impacts.

3. The Successor Use must meet the condition described in the following table:

If the Predecessor Use's Ordinary Use Class is a Permitted Use in the following District:	*The Successor Use's Ordinary Use Class must be a Permitted Use in one of the following Districts:*
I1 alone or with any other District(s)	I1, C, CO
C alone or with any other District(s), except not with I1	C, CO
CO alone or with any other District(s), except not with I1 or C	CO
Not Permitted in any of the above Districts	C, CO

For example, if the Predecessor Use is an insurance office, which is in the Office Establishment Use Class and therefore a Permitted Use in the C and CO Districts, it may potentially be replaced by a barber shop, which is in the Personal Service Establishment Use Class and therefore a Permitted Use in the C District. The Predecessor Use may not be replaced by a cold storage facility, which is in the Wholesale Trade Establishment Use Class and therefore a Permitted Use only in the I1 and I2 Districts.

4. The proposed Successor Use must meet the parking requirements of the Ordinance, as modified by Section 18.2.4.
5. The proposed Successor Use may not include the sale of alcoholic liquor unless the Predecessor Use legally possessed an active liquor license issued by the Michigan Liquor Control Commission at the time of the Conditional Use Permit application, or if such a license had been legally possessed by the predecessor business but placed in escrow not more than six (6) months prior to the date of application. For the purposes of this section, licenses defined by the state as "Special Licenses" which are typically issued on a daily basis, shall not be considered an "active liquor license". The type of liquor license, as defined by the state, may change if such change is judged unlikely to create a deleterious impact on the surrounding neighborhood.
6. For a proposed Successor Use including a Drive-through Establishment, the standards set forth in 11.12.4.A through 11.12.4.I shall also be considered.

11.12.11 Lodging/Accommodations

A. Bed and Breakfast establishments are allowed as a Special Use in the R1, R2, and R3 residential Districts under the following conditions:

   A. One (1) off-street parking space per room to be rented shall be provided on site or on a site within two hundred (200) feet of the site at the nearest point, in addition to the parking required for a single-family dwelling. Parking shall be screened from adjacent residential Parcels.
   B. The Bed and Breakfast must be the primary residence for the Owner, who must operate and occupy the Structure. The Bed and Breakfast facility may have up to six (6) bedrooms used for transient guests for compensation.
   C. The Applicant shall provide a scaled floor plan of the premises as part of the Special Use application.

D. The exterior appearance of the Structure shall be harmonious with the character of the surrounding District.
E. A fire escape plan shall be developed and graphically displayed in each guest room.
F. A minimum of one (1) appropriate fire extinguisher, in proper working order, shall be located on each floor, in a place readily accessible to guests.
G. The establishment shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.
H. No guest room shall be located in a Basement or cellar.
I. No transient occupant shall reside on the premises for more than ninety (90) days in any calendar year.
J. Lavatories and bathing facilities shall be available to all Persons using the premises.
K. No separate or additional kitchen facilities shall be provided for the guests.
L. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
M. Meals shall not be served to the public at large but only to registered guests.
N. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
O. The outdoor storage of trash or rubbish shall be screened.

B. Short-term Rental establishments are allowed as a Special Use in the R3 residential District under the following conditions:
1. The Use shall occupy one or more Dwelling Units authorized under this Ordinance or existing as Nonconformities.
2. The subject Parcel is adjacent to one or more residentially zoned or used Parcels.
3. On-site parking must be provided as required in Article XVIII.
4. The Applicant shall provide a scaled floor plan of the premises as part of the Special Use application.
5. The exterior appearance of the Structure shall be harmonious with the character of the surrounding District.
6. A fire escape plan shall be developed and graphically displayed in each Dwelling Unit.
7. A minimum of one (1) appropriate fire extinguisher, in proper working order, shall be located in each Dwelling Unit, in a place readily accessible to guests.
8. Each Dwelling Unit, and the establishment, shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.
9. No sleeping room shall be located in a Basement or cellar.
10. Lavatories and bathing facilities shall be available to all Persons using the premises.
11. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
12. The outdoor storage of trash or rubbish shall be screened.
13. The establishment meets all requirements of Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph.

C. Short-term Rental establishments are allowed as a Conditional Use in the R3 residential District under the following conditions:
   1. The Use shall occupy one or more Dwelling Units authorized under this Ordinance or existing as Nonconformities.
   2. The subject Parcel is not adjacent to one or more residentially zoned or used Parcels.
   3. On-site parking must be provided as required in Article XVIII.
   4. The Applicant shall provide a scaled floor plan of the premises as part of the Special Use application.
   5. The exterior appearance of the Structure shall be harmonious with the character of the surrounding District.
   6. A fire escape plan shall be developed and graphically displayed in each Dwelling Unit.
   7. A minimum of one (1) appropriate fire extinguisher, in proper working order, shall be located in each Dwelling Unit, in a place readily accessible to guests.
   8. Each Dwelling Unit, and the establishment, shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.
   9. No sleeping room shall be located in a Basement or cellar.
   10. Lavatories and bathing facilities shall be available to all Persons using the premises.
   11. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
   12. The outdoor storage of trash or rubbish shall be screened.
   13. The establishment meets all requirements of Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph.

D. Short-term Rental establishments are allowed as a Conditional Use in the W Water Recreation District, under the following conditions:
   1. The Use shall occupy one or more Dwelling Units authorized under this Ordinance or existing as Nonconformities.
   2. On-site parking shall be provided as required in Article XVIII.
   3. The Applicant shall provide a scaled floor plan of the premises as part of the Zoning Permit application.
   4. The exterior appearance of the Structure shall be harmonious with the character of the surrounding District.
   5. A fire escape plan shall be developed and graphically displayed in each Dwelling Unit.
   6. A minimum of one (1) appropriate fire extinguisher, in proper working order, shall be located in each Dwelling Unit, in a place readily accessible to guests.
   7. Each Dwelling Unit, and the establishment, shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.
   8. No sleeping room shall be located in a Basement or cellar.
   9. Lavatories and bathing facilities shall be available to all Persons using the premises.
   10. Retail sales are not permitted beyond those activities serving the registered overnight patrons.

11. The outdoor storage of trash or rubbish shall be screened.
12. The establishment meets all requirements of Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph.

11.12.12 Medical Service Establishments, Small

A. Small Medical Service Establishments are permitted as a Conditional Use in the D Downtown District so long as the establishment has no more than thirty-three (33) feet of Frontage at street level or on the first floor of the address side of the Building.
B. Small Medical Service Establishments are permitted as a Conditional Use in the CO Commercial Office District so long as the establishment is not a veterinary clinic or a Kennel.

11.12.13 Medical Service Establishments, Large

Larger Medical Service Establishments are permitted as a Special Use in the R1, R2, and R3 residential, and C Commercial Districts, under the following conditions:

A. The minimum area for a hospital shall be ten (10) acres.
B. The site shall be located on a Major Thoroughfare.
C. The minimum distance of any Building from any Lot Line or street line shall be at least one-hundred (100) feet for all two (2) Story Structures. For every Story above two (2), the minimum Yard distance shall be increased by at least twenty (20) feet. Buildings less than two (2) stories shall be no closer than forty (40) feet from any Lot Line or street line.
D. Delivery and/or ambulance areas shall be accessible from a Major Thoroughfare.
E. Parking areas shall be screened from surrounding residential areas by a wall or Fence or with suitable plant materials.
F. The outdoor storage of trash or rubbish shall be screened.

11.12.14 Multiple-family Dwellings

A. Multiple-family Dwellings are permitted as a Conditional Use in the D Downtown District so long as such uses shall not be located at street level or on the first floor of any Building.
B. Multiple-family Dwellings are permitted as a Conditional Use in the C Commercial and CO Commercial Office Districts under the following conditions.
    1. Such uses shall not be located at street level or on the first floor of any Building.
    2. Such uses shall not occupy more than 67% of the total floor area of any Building.
    3. Such uses shall not be established in a Building containing a Sexually Oriented Business.

11.12.15 Parking Facilities

Parking Facilities, whether a Principal or an Accessory Use, are permitted as a Conditional Use in the D Downtown District under the following conditions:

A. For the purpose of this Section, a “Vehicular Entrance” shall be either:
    1. A single combined entrance/exit suitable for the intended purpose, not more than 25’ wide.
    2. A separate entrance and exit, each suitable for its intended purpose, each not more than 15’ wide, and separated by not less than 66’ as measured by the shortest path along the property line. Such separate entrances/exits may be on different streets, but each entrance/exit shall otherwise be considered a Vehicular Entrance for the purpose of 11.12.15.C and shall prevent additional Vehicular Entrances from being developed on any other intersecting street.

B. All contiguous indoor Parking Facilities or contiguous outdoor Parking Facilities under the control of one Person shall be considered a single Parking Facility, regardless of the number of Lots that may be included.
C. Only a single Vehicular Entrance may be allowed from a Parking Facility onto any Street, unless separated by at least 132' as measured by the shortest path along the property line. Separate Vehicular Entrances to a Parking Facility are not permitted onto intersecting Streets. These restrictions do not apply to Vehicular Entrances onto Alleys.
D. For Parking located in Structures:
   1. Non-parking Uses otherwise permitted in the District must be placed along the Structure perimeter at the street level or on the first floor, in keeping with the primary function of the D Downtown area as a mixed-use commercial area particularly suited to pedestrians. Allowed Vehicular Entrances, reasonable pedestrian entrances leading directly to the parking Use, and an additional allowance of not more than 20% of the remaining street level or first floor frontage of the Structure facing Streets and not occupied by such vehicular or pedestrian entrances are permitted at the street level or on the first floor.
   2. The Structure must be designed and constructed so that the parking Use is enclosed and not visible from the public Street except through allowed Vehicular Entrances or through transparent or translucent windows or doors, except that faces of the Structure along Alleys and at least twenty (20) feet from a public Street may be open, and the uppermost level of the Structure which is above street level or the first floor may be unroofed and open.
   3. The Structure shall be consistent in appearance with the commercial and residential nature of the Downtown District.

11.12.16 Public Buildings

Public Buildings owned by governmental entities other than the City of St. Joseph are permitted as a Special Use in all Districts under the following conditions:

A. No Building, Structure (except for flagpoles), or Use shall be located within 30' of a residential zoned Parcel or use.
B. If located in a residential District, all Buildings and Structures shall be designed to be compatible with the character of the surrounding neighborhood.
C. Off-street parking shall be screened from adjacent residential uses or Districts.
D. The outdoor storage of trash or rubbish shall be screened.

11.12.17 Religious Institutions

Religious institutions are permitted as a Conditional Use in all zoning Districts under the following conditions:

A. If the combined Building Area is over thirty-thousand (30,000) square feet, access shall be from a Major Thoroughfare.
B. No Building shall be located nearer than thirty (30) feet from any residentially Zoned Parcel.
C. The outdoor storage of trash or rubbish shall be screened.
D. Additional associated uses must comply with the requirements of the Zoning Ordinance, including, if applicable, conditional or Special Use Permit regulations.
E. Additional Principal Uses may share parking if the uses are at different times.

11.12.18 Repair Services, Medium

Medium Repair Services are permitted as a Conditional Use in the C Commercial District so long as the establishment shall be in a fully enclosed facility and all services, activities, and storage shall take place inside an enclosed Building.

11.12.19 Research, Development and Scientific Establishments

Research, Development, and Scientific establishments are permitted as a Conditional Use in the D Downtown District so long as the establishment is not located at street level or on the first floor of a Building.

11.12.20 Sexually Oriented Businesses

Sexually oriented businesses are permitted as a Conditional Use in the C Commercial and I-1 Light Industrial Districts, so long as:

A. The business meets all requirements of Chapter 38 of the Code of Ordinances of the City of St. Joseph.
B. No Person shall reside in or on, or permit a Person to reside in or on, a Building or property occupied by a sexually oriented business.

11.12.21 Single-Family Dwelling

A. Single-Family Dwellings are permitted as a Conditional Use in the D Downtown District so long as such uses shall not be located at street level or on the first floor of any Building
B. Single-Family Dwellings are permitted as a Conditional Use in the C Commercial and CO Commercial Office Districts under the following conditions:
    1. Such uses shall not be located at street level or on the first floor of any Building.
    2. Such uses shall not occupy more than 67% of the total floor area of any Building.
    3. Such uses shall not be established in a Building containing a Sexually Oriented Business.

11.12.22 Social Institutions

Social institutions are permitted as a Conditional Use in the CO Commercial Office and D Downtown Districts so long as such uses are not located at street level or on the first floor of a Building.

11.12.23 Two-Family Dwelling

A. Two-Family Dwellings are permitted as a Conditional Use in the D Downtown District so long as such uses shall not be located at street level or on the first floor of a Building.
B. Two-Family Dwellings are permitted as a Conditional Use in the C Commercial and CO Commercial Office Districts under the following conditions:
    1. Such uses shall not be located at street level or on the first floor of a Building.
    2. Such uses shall not occupy more than 67% of the total floor area of any Building.
    3. Such uses shall not be established in a Building containing a Sexually Oriented Business.

11.12.24 Utility and Public Service Installations, Light

Utility and public service installations that do not qualify as essential services (see Section 3.5) are permitted as a Special Use in all zoning Districts under the following conditions:

A. Buildings, Structures (except for flagpoles), and Uses shall be located at least thirty (30) feet from all Lot Lines and street lines.
B. Exterior equipment shall be screened from adjacent residential Districts.
C. The outdoor storage of trash or rubbish shall be screened.

11.12.25 Utility and Public Service Installations, Communication Towers

A. Communication Towers except Public Safety Communication Towers are permitted as a Special Use in all zoning Districts under the following conditions:
   1. The location of a proposed Communication Tower shall not be approved unless the Zoning Administrator determines that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or Building located within the Applicant's search radius of the proposed tower due to one or more of the following reasons:
      a. The planned equipment would exceed the structural capacity of the existing or approved tower or Building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
      b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or Building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
      c. Existing or approved towers and Buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
      d. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or Building, including but not limited to documented proof that the Owner of such tower or Building will not lease space to the Applicant, that there is insufficient ground, Building, roof or tower area on which equipment may be installed, existing towers or Buildings would not provide Required Setback Distances, etc.
   2. Subject to the Setback and other requirements of this Ordinance, a Communication Tower shall be located on a Parcel of land so as to provide a fall zone of not less than one hundred ten percent (110%) of the height in the tower to any Lot Line. This fall zone shall be maintained throughout the existence of the Communication Tower. No land division shall be approved which would violate this provision.
   3. Communication Towers shall be of a monopole or self-supporting lattice design, unless the City Commission finds that an alternative design will not adversely impact the surrounding area.
   4. Proposed Communication Towers of the guyed or self-supporting lattice type shall be structurally designed, to accommodate both the Applicant's antennas and comparable Antennas for at least two additional users. Proposed monopole Communication Towers shall be structurally designed to accommodate both the Applicant's Antennas and comparable Antennas for at least one additional user.

All towers must be designed to allow for future rearrangement of Antennas upon the tower and to accept Antennas mounted at varying heights.

5. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') climb resistant Fence which may be a Protective Measures Fence.

B. Public Safety Communication Towers are permitted as a Special Use in all zoning Districts under the following conditions:
   1. Subject to the Setback and other requirements of this Ordinance, a Communication Tower shall be located on a Parcel of land so as to provide a fall zone of not less than one hundred ten percent (110%) of the height in the tower to any Lot Line. This fall zone shall be maintained throughout the existence of the Communication Tower. No land division shall be approved which would violate this provision.
      a. Alternatively, the applicant may provide an engineering report sealed by a registered professional engineer demonstrating that the tower is designed to collapse upon itself in a controlled fashion in such a way, and with such structural strength in the remaining portion of the structure, as to render a fall zone unnecessary. Such a report must be based upon the following criteria:
         i. The tower design shall meet or exceed the requirements of the current version of the Michigan Building Code but in no case shall the tower design fail to meet any standard set in ANSI/EIA/TIA-222-G.
         ii. The tower design shall meet the "Class III" Classification of Structure standards as intended for structures supporting essential communications and/or representing a substantial hazard to human life and/or property.
         iii. The Chief Building Official shall concur with the Exposure Category and Topographic Category used in the tower design.
         iv. A demonstration that the "self-collapsing" action of the tower, if functioning as designed, will not cause a hazard to persons or structures on adjacent properties.
   2. The height of the tower will be dictated by the operational needs of the planned or reasonably foreseeable public safety communication uses; the tower shall not be increased beyond this height to provide opportunities for the placement of allowed commercial antennae.
   3. The tower or any accompanying Building or Structure shall not be located within 30' of a residential zoned Parcel or Use.
   4. If located in a residential District, the tower shall be designed to be compatible with the character of the surrounding neighborhood.
   5. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') climb resistant Fence which may be a Protective Measures Fence.
   6. The tower shall remain under the ownership and control of a governmental unit and more than 50% of the number of antennae on the tower shall be used for public safety and governmental communications purposes.

C. All Communication Towers, including Public Safety Communication Towers, erected, constructed, or located within the City shall comply with the following requirements:
   1. Discontinuance and Abandonment: The holder of a Special Use Permit for a Communications Tower shall remove all discontinued communication towers, including the foundations and all support structures, and give notice of discontinuance of Use of a tower within ninety (90) days of the date that the Use of the tower ceases. If at any time the Use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first-class mail to the Applicant instructing the Applicant that the tower must either be reactivated or

dismantled and removed from the site within 120 days the date the notice is sent to the Applicant. If reactivation or dismantling and removal of the tower does not occur, the City may contract to remove the tower and assess all cost on the property taxes of the Owner of the tower.

2. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the City Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
3. There shall be no display advertising or identification of any kind intended to be visible from the ground or other Structures.

11.12.26 Vehicle Sales and Service Establishments

Automobile service and repair stations are permitted as a Conditional Use in the C Commercial, D Downtown, and I-1 Light Industrial Districts under the following conditions:

A. The facility shall be located on a Major Thoroughfare.
B. All gasoline pumps shall be located not less than fifteen (15) feet from any Lot Line or within thirty (30) feet from the Street Right-Of-Way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or Street Right-Of-Way.
C. The entire area used for vehicle service and/or fueling shall be concrete-paved and adequately drained.
D. There shall be no above-ground outdoor storage/dispensing tanks on the site.
E. All restrooms shall be accessed from the interior of the Principal Building.
F. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed Structure.
G. Sales of new and used motorized vehicles shall not be permitted.

Article XII
SITE PLAN REQUIREMENTS

SECTION 12.1 PURPOSE

The purpose of this Article is to identify specific data submittal requirements, review procedures and standards to guide the City's review and approval of Site Plans, and to require conformity with approved Site Plans.

SECTION 12.2 SITE PLANS REQUIRED; MINOR AND MAJOR SITE PLANS

A Major or Minor Site Plan shall be prepared and submitted in accordance with the requirements of this Article. The Zoning Administrator shall not issue a Zoning Permit or other approval under this Ordinance, nor shall the Building Inspector issue a Building Permit, for any Use or Structure for which Site Plan approval is required, until a Site Plan covering the entire Lot or Parcel has been reviewed and approved.

A. Minor Site Plans: A Minor Site Plan meeting the requirements of Section 12.3 must be submitted as part of any application for a Zoning Permit or a Building permit for any new or altered Use which is classified as a "P" Permitted or "C" Conditional Use under this Ordinance, or for a new or altered Building or Structure associated with such a use.

B. Major Site Plans: A Major Site Plan meeting the requirements of Section 12.4 must be submitted as part of any application for a new or amended Planned Unit Development, Special Use Permit or Variance.

SECTION 12.3 MINOR SITE PLAN REQUIREMENTS

A Minor Site Plan shall be a diagram drawn to a scale sufficient to allow a reviewer to determine compliance with this Ordinance, but in no event less than one (1) inch equals thirty (30) feet. Drawings required under this Article shall be submitted on sheets of paper not less than 8 ½ by 11 inches in size, nor more than 24 by 36 inches. In the event that the entire Site Plan does not fit on one sheet at the required scale, in addition to the diagrams drawn at the required scale, the Minor Site Plan shall include an overall Site Plan drawn at a reasonable scale, and with a reasonable level of detail, to permit a reviewer to view the entire site on a single sheet. Three (3) copies of the Minor Site Plan shall be submitted and shall include the following information unless waived by the Zoning Administrator as unnecessary given the nature of the request, and shall distinguish between existing features and proposed changes:

A. The current zoning classification of the site and surrounding properties.
B. The bearings and dimensions of the boundary lines of the Lot or Lots included in the Site Plan; the area of the site and of any individual Lots; the location, dimensions and conditions of any easements burdening or benefiting the property; and an arrow indicating North.
C. Required front, rear, and side Setbacks under this Ordinance.
D. General direction of stormwater flow and elevation at pertinent points if available. Topography with contour intervals of not more than two (2) feet (spot elevations may be accepted for proposed topography) may be required by the Zoning Administrator, depending on the site characteristics. See also Section 3.25.

E. The shape, size, location on the Lot, height, and floor area of all Buildings and Structures; Lot Coverage ratios; and Finished Grade. In addition, for Lots in the Floodplain Overlay District, the base flood elevation and the elevation of the lowest habitable floor of all Structures.
F. Natural characteristics, including, but not limited to, open space, stands of trees, brooks, ponds, creeks, rivers, lakes, floodplains, hills, dune classifications, dune crest, and similar natural assets.
G. Streets, Driveways, Parking Spaces, curb cuts, loading spaces, and sidewalks, with indication of direction of travel for one-way Streets and drives, and the inside radius of all curves. The width of Streets, Driveways, and sidewalks, and the size, layout, and total number of Parking Spaces shall be shown.
H. The size and location of all public and private utilities and storm drainage systems.
I. A vicinity sketch showing the location of the site in relation to the surrounding Street system.
J. A legal description of Lots included in the Site Plan.
K. Applications made and approvals received, including all conditions, from other County, State and Federal authorities, including those that have not yet been granted or have been denied, as well as a description of any required approvals that have not yet been applied for.
L. Any other information deemed by the Zoning Administrator to be necessary to establish compliance with this and any other Ordinance.

SECTION 12.4 MAJOR SITE PLAN REQUIREMENTS

A Major Site Plan shall satisfy all of the requirements for a Minor Site Plan, as well as the following, except for items waived by the Zoning Administrator as unnecessary given the nature of the request:

A. The location, height, and Use of all Buildings and Structures on adjacent properties, including properties across public rights-of-way.
B. Buffer Strips, landscaping, screening and Fenced areas.
C. Signs and lighting, pedestrian or bicycle paths, trash and dumpster locations.

All information depicted on a Major Site Plan shall be prepared by, or under the direct supervision of, a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan, or an AICP or PCP certified professional community planner, as indicated by the signature and seal of the professional. The requirement for this signature and seal may be waived if under the Code of Ordinances the design or construction work associated with the proposed project would not otherwise require the supervision of such a licensed professional.

SECTION 12.5 SITE PLAN REVIEW PROCESS

12.5.1 Review of Site Plans: The Zoning Administrator and Chief Building Official shall examine the Site Plan as to proper form and content and to determine compliance with all applicable requirements of this Ordinance. A Site Plan which is submitted without all the information required by this Ordinance shall not be processed. The Applicant shall be notified and informed of the missing information.

12.5.2 Review and Action on Minor Site Plans: If upon review, a Minor Site Plan meets the Ordinance requirements it shall be approved by the Zoning Administrator. If the Minor Site

Plan does not meet Ordinance requirements, it shall be denied and the specific reasons for denial shall be listed in a letter to the Applicant from the Zoning Administrator. Any conditions shall be shown on the Site Plan, as well as stated in writing and delivered to the Applicant.

12.5.3 Review and Action on Major Site Plans: A Site Plan associated with a Special Use or PUD application shall be reviewed and considered for approval concurrently with the other elements for each review as provided in Article XI and Article XIII respectively. A Site Plan associated with a Variance application shall be reviewed and considered for approval concurrently with the other elements for the review as provided in Article XV.

12.5.4 Reserved for Future Use

12.5.5 Reserved for Future Use

12.5.6 Signing Approved Site Plans: Upon approval of a Site Plan, the Zoning Administrator shall sign and date three (3) copies thereof. One (1) signed copy shall be made part of the Zoning Administrator's files and one (1) shall be forwarded to the Building Inspector for issuance of a Building permit. The third copy shall be returned to the Applicant. If any Variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals relative to the property for which Site Plan approval was granted, the minutes concerning the Variances, duly signed and dated, shall also be filed with the Planning Commission records as a part of the approved Site Plan and a copy delivered to the Applicant.

SECTION 12.6 STANDARDS FOR REVIEW OF SITE PLANS

12.6.1 Standards for Review of Site Plans: Prior to a recommendation or approval of any Minor or Major Site Plan by the Planning Commission, City Commission or by the Zoning Administrator, conformance shall be ascertained with all the applicable standards of this Ordinance, as well as with the following standards:

A. Ingress and egress to the property and proposed Structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency. Sidewalks, bicycle paths and/or a trail system linking the property to abutting property, trails, or public rights-of-way shall be provided.
B. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present significant noise, glare, odor or other Nuisance effects on adjoining properties and properties in the proposed development.
C. Sewer, water and storm drainage shall be satisfactory and shall be sited in locations, which provide suitable availability and compatibility with adjacent uses and Structures.
D. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, Use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.
E. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be compatible and in harmony with Signs, Structures and uses of adjoining properties.
F. The number, size and height of dwellings, Buildings and Structures, as well as their locations with reference to required Yards shall be compatible with existing or planned development in the area and shall be designed consistent with all applicable fire and safety codes.
G. Proposed Uses and Structures shall be generally compatible with adjacent properties.

H. The Site Plan shall be consistent with the general purposes and spirit of this Ordinance and as may be relevant the Comprehensive Plan of the City.
I. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the Street or abutting properties when not in use.
J. The Applicant shall demonstrate that reasonable precautions will be made to prevent Hazardous Substances from entering the soil or water including:
   1. Sites at which Hazardous Substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
   2. Secondary containment for above ground areas where Hazardous Substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
   3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
   4. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
   5. Underground Storage Tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.
   6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
M. Earth moving activities necessary to reshape land consistent with the Site Plan shall be in compliance with requirements of the Natural Resources and Environmental Protection Act, PA 453 of 1994, and shall minimize soil erosion and sedimentation, alteration of protected sand dunes, wetlands, high risk erosion areas and related natural features, as applicable.
N. The Site Plan shall fully conform with this Ordinance, and all applicable City, County, State and Federal statutes, rules and regulations and any permits issued by agencies charged with administration of these statutes, rules or regulations, including but not limited to regulations pertaining to floodplains, wetlands, sand dunes, high risk erosion areas and water quality administered by the Michigan Department of Environmental Quality.

SECTION 12.7 ADDITIONAL INFORMATION PROVIDED AS PART OF APPLICATIONS

A. The Applicant may voluntarily provide additional information to that specified in Sections 12.3 and/or 12.4 of this Ordinance, or required to determine compliance with other sections of this Ordinance. These representations are not binding and may be altered by the Applicant or owner except as otherwise provided in this Section and so long as this alteration does not cause a violation of this Ordinance or other applicable laws or regulations. Such alterations do not constitute a change to the site plan requiring zoning approval.

B. In the event the recommending or approving person or body believes some portion of this additional information is necessary or plays an integral part in determining that the application meets Ordinance standards, that person or body can recommend or require as a condition of approval conformity with the appropriate information presented.

C. Amenities and appurtenances not specified in Sections 12.3 and/or 12.4 of this Ordinance, such as benches, drinking fountains, planters, bicycle racks, and internal directional signage, may be added, removed or altered by the Applicant so long as this does not cause a violation of this Ordinance or other applicable laws or regulations. Such alterations do not constitute a change to the site plan requiring zoning approval.

D. This Section applies to all applications, whether for Permitted Uses, Conditional Uses, Special Uses, Planned Unit Developments, Hardship Planned Unit Developments, or Variances.

E. Examples:

1. *An Applicant provides renderings of a proposed Building, including but not limited to exterior finishes, colors, window size and placement. Section 12.3.E requires the shape, size and height of all Buildings but does not require an elevation. The application is approved as a Permitted Use The Applicant may not change the shape, size or height of the Building except as otherwise described in this ordinance but may alter the exterior finish, color, window size and placement, and add or alter signage as allowed under the sign ordinance.*
2. *Similar to example 1, except the application is for a Planned Unit Development. As a condition of approval, the City Commission finds that the Building must have a brick exterior in order to be harmonious with the character of adjacent property and to maintain the essential character of the surrounding area, which are among the standards which must be satisfied to approve the application. The applicant must maintain a brick exterior in keeping with the condition of approval but may alter other aspects of the building exterior.*
3. *Using example 2 above, site plan approved for the Planned Unit Development shows site amenities such as benches, drinking fountains, and a bicycle rack as well as interior directional signage. The Applicant wishes to remove one bench, change the design of the drinking fountain, move the bicycle rack to another location on the site, and construct a small storage building. Constructing a storage building requires a site plan amendment and the Applicant must follow this process. The Applicant may make the other changes so long as these individual changes do not violate the Zoning Ordinance or other applicable laws or regulations.*

SECTION 12.8 SITE PLAN AMENDMENT

A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.

B. Proposed site plan changes associated with a Permitted Use, Conditional Use, Nonconforming Use, or property that is the subject of a Variance shall be reviewed and processed by staff as described in this Article and other relevant provisions of this Ordinance.

C. Proposed site plan changes associated with an approved Special Use Permit, Planned Unit Development, or Hardship Planned Unit Development may be approved only through amending the site plan through the filing and approval of a new zoning application under this Ordinance, unless the Zoning Administrator determines the proposed site plan change may be reviewed and approved by staff as a site plan adjustment under the terms of this Section.

D. A site plan adjustment must be a minor change(s) which meets the standards of the zoning ordinance and other applicable ordinances and regulations; is in keeping with the basic concept of the approved site plan; and does not violate any specific conditions included as part of the original approval. Examples of potential site plan adjustments include but are not limited to:
   1. changes to building design that do not increase the overall area or height of the structure or the number of dwelling units, if part of the original approval;
   2. addition, deletion or adjustment of signage if allowed by the sign ordinance;
   3. addition, deletion or adjustment of lighting, fencing and/or screening, and trash or dumpster locations;
   4. increase in or reconfiguration of open space or natural areas;
   5. replacing plantings by similar types of landscaping on an equal or greater basis, if part of the original approval;
   6. minor grade changes, after approval by the City Engineer, if part of the original approved site plan;
   7. improvements to or slight redesign, reconfiguration or relocation of utilities, walkways, traffic ways and parking areas; and
   8. similar minor changes.

E. The Zoning Administrator and/or designee will consult with appropriate staff members regarding the proposed changes and will review the proposal with the City Manager and/or designee. Following this review, the Zoning Administrator and/or designee may authorize as a site plan adjustment any changes that are determined by staff to be a minor change to the approved site plan as defined in this Section; are consistent with the intent of the original approval; and do not appear to have a greater adverse impact on public health, safety and welfare when compared to the original approval. Changes that do not meet the standards of this Section may not be approved as a site plan adjustment. The Zoning Administrator's determination will be in writing and will include an explanation of the determination.

The Zoning Administrator will inform the applicant of the results of the review. If some but not all of the proposed changes are authorized as a site plan adjustment, the applicant shall, if it wishes to proceed with the authorized changes, within ten (10) calendar days provide a new site plan incorporating only changes authorized as site plan adjustments. The Zoning Administrator's determination may be appealed as provided in Section 14.10.1.

SECTION 12.9 CONFORMITY TO APPROVED SITE PLANS

Property that is the subject of Site Plan approval must be developed and used in strict compliance with the current approved Site Plan.

SECTION 12.10 AS BUILT SITE PLANS

Once a project is completed which involves new or altered publicly owned Streets or water, sanitary sewer or storm sewer mains, two (2) sets of "as built" Site Plans showing the exact Building Footprints, Driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed and dated by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of occupancy (for each phase of a project if multi-phased).

SECTION 12.11 APPEALS OF SITE PLAN DECISIONS

An appeal of a Minor Site Plan decision made by the Zoning Administrator may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. An appeal of a Major Site Plan decision associated with a Special Use, PUD, or Variance application may only be appealed to the Circuit Court as provided in the applicable Article of this Ordinance.

Article XIII
PLANNED UNIT DEVELOPMENT REGULATIONS

SECTION 13.1 PURPOSE

The purpose of this Article is to permit innovation and variety in land use, design, and layout of property in order to achieve economy and efficiency in the Use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide opportunities particularly suited to the needs of the residents of the City of St. Joseph, provided such opportunities do not unreasonably create adverse economic, social or environmental impacts on surrounding land uses.

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal Building on a Lot. In certain developments, including but not limited to condominium, townhouse, and Apartment developments, these regulations might require design and land Use arrangements with multiple Buildings on a Lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The zoning District does not change if a PUD is approved, but like a Special Use, an approved PUD has all the rights and privileges of an approved Use by right as long as all conditions attached to the approval are satisfied and the approved Use continues.

A PUD shall afford each type of land use within the PUD reasonable protection from encroachment or interference by other incompatible land uses, and provide reasonable protection to uses adjacent to a PUD.

As a PUD permit is required for most Uses in the W Water Recreation District in order to ensure compatibility among a wide range of possible Uses, as befits the special nature of that District, and as the General Standards of Section 13.6.1 suffice to ensure the necessary compatibility, the Applicant need not demonstrate that approval of a proposed PUD in the W Waterfront District would advance one or more of the objectives listed in Section 13.2.

SECTION 13.2 OBJECTIVES

For a proposed PUD located in a District other than the W Water Recreation District, the Applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake Shorelines, floodplains, hills, and similar natural assets.
B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of

all living units. Developments having water frontage should be so designed to preserve public vistas where possible.

C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.
D. Reducing to a significant extent the Nonconformity of a Nonconforming Use, Building or Structure, i.e., modification of a Nonconforming Use or Structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning District in which it is situated.
E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
F. To promote the efficient Use of land to facilitate a more economic arrangement of Buildings, circulation systems, land uses, and utilities.
G. To combine and coordinate architectural styles, Building forms, and Building relationships within the PUD.

SECTION 13.3 GENERAL

13.3.1 Minimum Requirements:

A. PUDs are permitted in all Districts.
B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as “PUD” for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and “PUD” Uses.
C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.
D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).
E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use , a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.
F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights-of-way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:
    1. Contiguous and uninterrupted by Structures, Driveways and other features.
    2. Significant in size when considered in relation to the PUD area.
    3. Used only for landscaping, lawn, playfield, natural area or other similar uses.

G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

13.3.2 Eligibility Requirements:

A. W Water Recreation District. No PUD located in the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal, that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

B. Other Districts. No PUD located in a District other than the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development substantially advances objectives described in Section 13.2,and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:
   1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the City of St. Joseph. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).
   2. The PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

SECTION 13.4 PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS

A PUD approved by the City Commission prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article, except that a time extension may be requested from and granted by the City Commission as described under Section 25.1.3.B. The site plan, as approved, shall be part of the PUD and may be altered only through the amendment procedure described above or through the adjustment procedure described in Section 12.8. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. The components of the PUD proposed to be created or altered under the amendment must meet the current standards of this Ordinance, except that the reviewing body may accept a component that fails to meet these standards if it determines that on the whole, and through its interaction with existing elements of the PUD, the proposed nonconforming component would lessen the overall nonconformity of the development to a greater extent than would be achieved through strict application of current standards to the new component. If the application is denied, the previously approved PUD shall remain valid.

SECTION 13.5 APPLICATION, REVIEW AND APPROVAL PROCEDURES

13.5.1 Application: The Zoning Administrator shall, within a reasonable time, review each application for completeness. If incomplete, the application shall be returned to the Applicant, along with an explanation of the deficiencies. If complete, the application shall be scheduled for consideration in a public hearing at a Planning Commission meeting, which occurs no less than twenty-four (24) days after the date of that determination.

13.5.2 Required Information: An application for PUD shall be accompanied by the following documents and information:

A. A PUD application form supplied by the Zoning Administrator which has been completed in full by the Applicant.
B. A Site Plan as specified in Article XII.
C. One of the following statements:
   a. For a PUD located in the W Water Recreation District, a statement with regard to the eligibility requirements of Section 13.3.2.A, the criteria for approval in Section 13.6, and other criteria imposed by this Ordinance affection the PUD under consideration.
   b. For a PUD located in a District other than the W Water Recreation District, a statement with regard to compliance with the objectives of a PUD stated in Section 13.2, the eligibility requirements of Section 13.3.2, the criteria for approval in Section 13.6, and other criteria imposed by this Ordinance affecting the PUD under consideration.

13.5.3 Public Notice, Public Hearing and Approval Procedure: Notice of the public hearing shall be given according to the requirements in Section 14.14, and the first public hearing shall be conducted by the Planning Commission, and the Planning Commission's recommendation shall be considered by the City Commission, as described in Article XV. After receiving the recommendation of the Planning Commission the City Commission shall also hold a public hearing with notice according to the requirements in Section 14.14. The Planning Commission and City Commission, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 13.6, and such other standards contained in the Ordinance which relate to the PUD under consideration.

13.5.4 Post-Hearing Actions: Within forty-five (45) days following the public hearing, provided all materials are complete, the Planning Commission shall review the application for a PUD, comments received at the public hearing, the Site Plan, and other materials submitted in relation to the application, and by the concurring vote of its total membership make a recommendation on the PUD application in accordance with the criteria for the approval stated in Section 13.6, and such standards contained in this Ordinance which relate to the PUD under consideration. The recommendation of the Planning Commission shall be transmitted to the City Commission which, following a public hearing, may by majority vote of its members present and qualified to vote deny, approve, or approve with conditions the application for PUD approval. The Planning Commission's recommendation shall be available to the City Commission for review no less than ten (10) days before the City Commission acts upon the recommendation. Its decision shall be incorporated in a statement of conclusions relative to the PUD under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land Use or activity which is in compliance with Ordinance

standards, other applicable ordinances, and state and federal statutes shall be approved. Upon the approval, or approval with conditions, by the City Commission, the Applicant may apply for a Building permit.

The Zoning Map shall note as a Planned Unit Development any Parcel for which PUD approval has been granted and remains in effect.

SECTION 13.6 BASIS OF DETERMINATION

Prior to approval of a PUD application, the Planning Commission and the City Commission, in their respective hearings, shall ensure that the standards specified in this Section, as well as the applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the PUD under consideration.

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.
C. The PUD shall be consistent with the intent of the Comprehensive Plan.
D. The PUD shall not change the essential character of the surrounding area.
E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.
F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.
G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.
I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.
K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out

of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.
M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.
N. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

13.6.2 Conditions: The Planning Commission may recommend, and the City Commission may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval.

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.
B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.
C. No Nuisance will be created.

13.6.4 Appeal of PUD Decision: An appeal of a decision by the City Commission to approve, deny or approve with conditions a PUD application may be taken to Circuit Court, and may not be first appealed to the Zoning Board of Appeals.

13.7 PERMITS

13.7.1 Validity of Permit: A Zoning Permit authorizing a PUD (hereafter referred to as a PUD permit) shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the City Commission as a condition of approval. If the Use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the City unless a time extension is requested from and granted by the City Commission as described under Section 14.13.2.

13.7.2 Permit Revocation: In the event the City Commission believes the holder of a PUD permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the City Commission may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days from the date of the notice. The notice of hearing shall include a written statement of the reasons

for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the City Commission decides to revoke the permit, the Use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the Use for which the permit was revoked within sixty (60) days is declared to be a Nuisance per se and a violation of this Ordinance.

13.7.3 Permit Transferability: A PUD permit may be transferred from one Owner of the property to which it is affixed to the next Owner of the same property. A PUD permit may not be transferred from one property to another property. A new Owner may continue to use the property for the purposes for which the PUD was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new Owner registers his intent to continue the PUD with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new Owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the PUD when the transfer form is submitted.

13.7.4 Termination of a PUD if the Use Changes: If there is a change in the Use of a property for which a PUD was issued, the PUD shall automatically terminate and the property shall only be used for a Use permitted in the District in which the property is located. A PUD including a seasonal Use is also subject to termination, if the season passes in which the seasonal Use would normally occur and a different Use is in place instead.

13.7.5 Recording with Register of Deeds: A PUD permit, or expiration, revocation or termination thereof, shall be recorded by the City with the Berrien County Register of Deeds.

13.7.6 Continuing Adherence to Approved Site Plan: Any property Owner who fails to develop and maintain an approved PUD according to the approved Site Plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.

13.7.7 Amendment and Extension: A PUD approved by the City Commission under this Ordinance may be amended only through the filing and approval of a new application under this Article, except that a time extension may be requested from and granted by the City Commission as described under Section 14.13.2. The site plan, as approved, shall be part of the PUD and may be altered only through the amendment procedure described above or through the adjustment procedure described in Section 12.8.

13.7.8 Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.

13.7.9 Timing of Phases: Each phase of the project shall be commenced within the schedule set forth on the approved Site Plan. One phase must be completed before beginning work on the next unless explicitly authorized during Site Plan approval. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the City Commission.

SECTION 13.8 REAPPLICATION

A. No application for a PUD which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the City which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator.

B. The following circumstances are exceptions to the one (1) year time limit in A, above:
   1. In the event that an application for a PUD receives a tied vote from the Planning Commission and is therefore recommended for neither approval nor disapproval, or if the application is recommended for disapproval but it would be mathematically possible by addition of votes from members who were absent from that meeting to have resulted in a recommendation of approval, the application may be withdrawn before the City Commission acts upon it and a reapplication may be submitted.
   2. In the event that an application for a PUD receives a tied vote from the City Commission, and therefore is not approved, or if the application is denied but it would be mathematically possible by addition of votes from Commissioners who were absent from that meeting to have resulted in approval, a reapplication may be submitted at any time.

C. A reapplication shall be processed as a new application.

SECTION 13.9 HARDSHIP PLANNED UNIT DEVELOPMENT

13.9.1 Intent and Purpose: It is the intent of this section to provide a site specific administrative remedy to allow reasonable Use of property in those limited instances in which a property Owner demonstrates to the City Commission that (1) the Applicant's property cannot be used for the purposes permitted in the zoning District, (2) the plight is due to the unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and Use would not alter the essential character of the area, and (4) the Applicant's problem has not been self-created.

If and when a property Owner meets such four-part threshold burden of proof, it is not intended that any Use may then be approved. Rather, this section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable Use of property on the particular site, which is compatible to the extent possible with the uses of adjacent properties.

In order to satisfy the finality requirement dictated by the Michigan Supreme Court in **Paragon Properties Company v. City of Novi**, 452 Mich 568 (1996), a property Owner shall not be required to seek Variance relief at the Zoning Board of Appeals if relief is sought and denied under this Section.

13.9.2 Application Requirements:

A. In addition to the information required for other Variance requests, an application for a Hardship Planned Unit Development shall include a Site Plan and a summary of the facts which support each of the following conclusions:
   1. Applicant's property cannot be used for the purposes permitted in the zoning District.
   2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
   3. Applicant's suggested Use would not alter the essential character of the area.
   4. Applicant's problem has not been self-created.
B. At the end of each statement (1 through 4 in Subsection A above) identify all Persons who will appear at the hearing with respect to each of the facts, and, separately, identify all Persons who will appear at the hearing relative to the respective conclusion (and if any Person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such Person within the particular area of expertise).

13.9.3 Pre-Hearing Conference:

A. Prior to the scheduling of a hearing, the Applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
B. The purposes of the pre-hearing conference shall be to:
   1. Review the procedure for the hearing and identify all Persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the Applicant.
   2. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
   3. Explore a means of providing relief to the Applicant by way of non-Use Variance from the Zoning Board of Appeals.
   4. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
C. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the Applicant or the Applicant's representative.
D. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the Applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-conference hearing, stated above.

13.9.4 Hearing Procedure:

A. The Applicant shall have the burden of proof. In order to be entitled to relief, the Applicant must demonstrate each of the four factors set forth in Section 13.9.2.A, subsections 1 through 4.
B. Manner of Presentation:
   1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning District, and any planning, engineering, financial, environmental or

other considerations which are generally relevant within the zoning District and/or in the general area of the property at issue.

2. The Applicant may present witnesses, including the Applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The Applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the chairperson of the City Commission may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a Person at the hearing, the City Commission may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of any expert nature, with the view of permitting members of the City Commission to ask questions of such witnesses.
3. At the conclusion of the Applicant's presentation, interested Persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the Applicant.
4. When interested Persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the Applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the City Commission for consideration as it relates to the specific application presented.
5. If testimony or evidence has been offered by or on behalf of interested Persons and/or the community, the Applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested Persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the Applicant's principal presentation.
6. At the hearing, the City Commission may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested Persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the City Commission. When questions of procedure arise during the hearing, the chairperson of the City Commission may solicit the recommendation of the representatives of both the Applicant and the community.
7. If a hearing is not completed at a given meeting within the time period allowed by the City Commission, the City Commission shall adjourn the hearing to a date certain for continuation.

13.9.5 Decision of the City Commission:

A. The City Commission may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
B. At the conclusion of the hearing, the City Commission may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
C. If the City Commission determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable Use of property, while

maintaining the essential character of the area. The motion may include conditions that are authorized by law.

D. If the City Commission adopts a motion to grant a Hardship Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, Zoning Administrator, City Engineer or other Person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the City Commission, in the same motion, should request the completion of all reviews by other boards or Persons by a specific date, so that relief may be expeditiously finalized.

Article XIV
ADMINISTRATION AND ENFORCEMENT

SECTION 14.1 PURPOSE

The purpose of this Article is to establish specific regulations and guidelines for the administration and enforcement of the Zoning Ordinance of the City of St. Joseph.

SECTION 14.2 ADMINISTRATION AND ENFORCEMENT

The Zoning Administrator shall be principally responsible for administration and enforcement of this Ordinance.

SECTION 14.3 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator and his or her deputies to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance, and in so doing to perform the following duties:

14.3.1 Issue Permits: The Zoning Administrator shall receive all applications for Zoning Permits, temporary Zoning Permits, land divisions, Special Use Permits, Planned Unit Development permits, Variances, appeals, requests for Ordinance interpretation and requests for changes to a Nonconforming Use, process the applications and issue appropriate permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.

14.3.2 File of Applications: The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Zoning Administrator and shall be open for public review.

14.3.3 Inspections: The Zoning Administrator shall not approve any plans or issue any permits until he or she has reviewed the application in detail and found it to conform with this Ordinance. The Zoning Administrator shall be empowered to make inspections of Buildings or premises in order to carry out the enforcement of this Ordinance. The Zoning Administrator may seek a search warrant through the City Attorney any time a property Owner or occupant refuses to permit access to a property in order to allow an inspection to determine compliance with this Ordinance.

14.3.4 Limit on Zoning Administrator Authority:

A. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein, unless specifically authorized under this Ordinance.
B. The Zoning Administrator shall not refuse to issue a permit when the Applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants or private agreements which may result upon the granting of a permit are not cause to refuse to issue a permit.

14.3.5 Prepare Forms, Manuals, and Guidelines: The Zoning Administrator may periodically prepare, maintain and/or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance.

14.3.6 Enforcement of Ordinance: The Zoning Administrator, or his or her designee, shall ensure conformance with issued permits, investigate alleged Ordinance violations, issue violation notices, and undertake such other enforcement activities as may be authorized by the City Commission or Planning Commission.

14.3.7 Relief from Personal Responsibility: The Zoning Administrator, his or her deputy officer or other employees charged with the enforcement of this Ordinance, while lawfully acting for the City of St. Joseph, shall not thereby render himself or herself liable personally, and he or she is relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his or her official duties. Any suit instituted against the Zoning Administrator, or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his or her duties and under the provisions of the Ordinance shall be defended by the City Attorney or other legal representative of the City, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his or her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance.

SECTION 14.4 RESERVED FOR FUTURE USE

SECTION 14.5 ZONING PERMITS

14.5.1 Zoning Permits:

A. When Required: No land clearing, filling, nor excavation for any Building or Structure shall be commenced; nor erection of, addition to, alteration of, or moving of any Building or Structure shall be undertaken; nor any land used; nor any existing land Use changed to a different type or class; nor the Use or occupancy of any Building or premises, or part thereof, shall be undertaken, without the issuance of the proper and appropriate certificates and permits pursuant to the requirements of this Ordinance.
B. Applications shall be on forms created for the type of zoning approval sought, and only the Owner(s) of the property in question, or a Person with the written authorization of the Owner(s) to make the specific application, may apply. All applications shall be accompanied by a Site Plan as required in Article XII.
C. The Zoning Administrator shall, within a reasonable time, review each application for completeness. If incomplete, the application shall be returned to the Applicant, along with an explanation of the deficiencies. If complete, the application shall be reviewed within a reasonable time by the Zoning Administrator and other appropriate personnel and an approval or denial issued, unless a public hearing is required, in which case the application will be scheduled for consideration in a public hearing at a Planning Commission or Zoning Board of Appeals Meeting, as appropriate, which occurs no less than twenty-four (24) days after the date of that determination. All hearings shall be preceded by public notice as required in Section 14.14.
D. Any issued Zoning Permit shall clearly indicate what is authorized and whether the approval is for a Permitted Use, a Temporary Use, a Conditional Use, a Special Use,

or a Planned Unit Development; and whether a Variance, Nonconformity or other special authorization or exception permits the Use under this Ordinance.

E. Revocation: The Zoning Administrator shall have the power to suspend or revoke any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance or the permit, or in the case of any false statement or misrepresentation made in the application. The Applicant shall be notified of such revocation in writing. Upon such notification, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the cited violations. Revocation of a permit issued for a Special Use, Planned Unit Development or Variance shall not occur before a hearing by the body which granted the permit.

F. Issuance: Whenever the Buildings, Structures, and uses set forth in an application satisfy the requirements of this Ordinance, or a Variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue a Zoning Permit. In any case where a permit is denied, the reasons shall be stated in writing to the Applicant.

G. Relation to Nonconforming Uses: It shall not be necessary for an Owner of a legal Nonconforming Structure or use, existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no Nonconforming Building, Structure, or Use shall be enlarged, expanded, or extended until a Zoning Permit pursuant to Article XXI has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the Nonconforming Building, Structure, or Use differs from the provisions of this Ordinance.

H. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an Applicant has received required city, county, state or federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, Driveway or Building permits. Likewise, the City Commission may condition final approval of the requested development activity upon the receipt of any of the above mentioned city, county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until such permits from other agencies have been obtained.

I. Performance Guarantee: A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance. See Section 14.8.

SECTION 14.6 INSPECTIONS

The Zoning Administrator or Building Inspector shall inspect sites on which new Buildings or Structures will be erected prior to the pouring of footings and at such other time as is necessary to ensure the proper location of all Buildings and Structures, and to ensure conformance with this Ordinance.

SECTION 14.7 FEES

14.7.1 Fees:

A. The amount of all fees which may be assessed pursuant to this Ordinance shall be determined, and periodically revised, by adoption of a Schedule of Fees by the St. Joseph City Commission. Fees shall be deposited with the City Treasurer in advance of processing any application, issuance of any permit or inspection. Fees shall be based on actual or typical direct costs of inspection and supervision resulting from the enforcement of this Ordinance and may include the cost of filing approvals with

other entities. Such fees may also include but are not limited to all costs associated with conducting public hearings or inspections, including public notices, postage, photocopying, staff time, Planning Commission, City Commission and/or Zoning Board of Appeals time, mileage and any costs associated with reviews by qualified professional planners, attorneys, and/or engineers or other experts hired by the City.

B. A fee is required for any application for approval of a Site Plan, Special Use, Planned Unit Development, Variance, or other Use or activity requiring a permit under this Ordinance, except for projects proposed by the City of St. Joseph or one of its agencies, or by any other public agency if the fee is waived by the City Planning Commission. An escrow fee may be requested for any project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City values to review the proposed application and/or Site Plan of an Applicant. Professional review shall result in a report to the City indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The Applicant will receive a copy of any professional review hired by the City and a copy of the statement of expenses for the professional services rendered.

D. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the City Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The Applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the Applicant's request.

E. If actual professional review costs exceed the amount of an escrow, the Applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by a representative of the City in response to the Applicant's request. Failure of the Applicant to make timely payment of any balance due will entitle the City to place a lien on the subject property.

SECTION 14.8 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

14.8.1 Requirements: In authorizing any Zoning Permit, Special Use Permit, Planned Unit Development, Site Plan approval or Variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to ensure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or Variance; and (2) to provide sufficient resources for the City to complete required Improvements or conditions in the event the permit holder does not.

14.8.2 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: Streets and other roadways, utilities, fencing, screening, landscaping, common open space Improvements, lighting, drainage and sidewalks; provided the City may not collect a

performance guarantee for Improvements it has already collected a guarantee on, such as Improvements in a Subdivision constructed under the Land Division Act, PA 288 of 1967, as amended. The performance guarantee shall meet the following requirements:

A. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the City Treasurer, which names the property Owner as the obligor and the City as the obligee.
B. Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the City shall deposit the funds in an interest bearing account in a financial institution with which the City regularly conducts business.
C. Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the Improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the City Commission. If none are specified or applicable to the particular Use or development, the City Commission shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the City and its inhabitants.

14.8.3 Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the Improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

14.8.4 Withholding and Partial Withholding of Performance Bond: As required Improvements are completed, or when all of the required Improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said Improvements. Thereupon, the Zoning Administrator shall inspect all of the Improvements and shall transmit recommendation to the City Commission indicating either approval, partial approval, or rejection of the Improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

A. The City Commission shall either approve, partially approve or reject the Improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the City Commission within 30 days after receipt of the notice from the obligor of the completion of the Improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the Improvements not yet approved.
B. Should installation of Improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and Improvements are only partially completed or conditions only partially met, the City may complete the necessary Improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the Improvements or conditions against the performance guarantee or bond. Any unused balance remaining would

be returned to the Applicant, any excess expense would be recorded as a lien on the property.

14.8.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the City.

SECTION 14.9 ZONING APPROVAL RUNS WITH THE LAND

The approval to engage in any land Use activity or to construct a Building or Structure that is bestowed by a Zoning Permit or other permit issued under the authority of this Ordinance, or any Variance granted by the Zoning Board of Appeals, runs with the land, unless suspended or revoked as provided in this Ordinance or unless the Use is abandoned or discontinued, and another Use is established pursuant to the requirements of this Ordinance.

SECTION 14.10 APPEALS TO THE ZONING BOARD OF APPEALS

14.10.1 Appeals: Any decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals (see Section 15.4). An appeal must be filed within sixty (60) days of the decision. All written records of the Zoning Administrator related to an appeal shall be provided to the Zoning Board of Appeals. The Board shall review the decision in light of the applicable procedures and standards in the Ordinance and may overturn the decision of the Zoning Administrator only where the facts or law do not support the decision made.

14.10.2 Notification of Department of Environmental Quality: The Zoning Administrator shall inform the Department of Environmental Quality if the appeal involves an Area of Special Flood Hazard, high risk erosion area or designated sand dune at the time an appeal is filed.

SECTION 14.11 CONDITIONAL APPROVALS

14.11.1 Conditional Approvals:

A. As provided in the City-Village Zoning Act, PA 207 of 1921, Site Plans for Special Uses, Planned Unit Developments or other discretionary approvals may be approved with reasonable conditions.
B. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land Use or activity will be capable of accommodating increased service and facility loads caused by the land Use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the Use of land in a socially and economically desirable manner.
C. A Site Plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable Ordinances, and state and federal statutes.
D. Decisions rejecting, approving, or conditionally approving a Site Plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable Ordinances, and state and federal statutes.
E. Once the Site Plan is approved and properly signed, any necessary Special Use Permit, Planned Unit Development permit, Zoning Permit, or Building permit may be issued; the Site Plan becomes part of any permit issued.

SECTION 14.12 RECORDING CONDITIONS WITH REGISTER OF DEEDS

14.12.1 Recording Conditions with Register of Deeds: At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, Special Use, Variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the Berrien County Register of Deeds. The following requirements shall be met with each such recording:

A. The Applicant shall record an affidavit with the Berrien County Register of Deeds containing the full legal description of the project site, specifying the date of final City approval, and declaring that all Improvements will be carried out in accordance with the approved Site Plan or Variance unless an amendment thereto is adopted by the City. In addition, all Deed Restrictions and easements associated with the property shall be duly filed with the Register of Deeds and copies of all recorded documents shall be presented to the Zoning Administrator.
B. Record of Agreement: A copy of any agreement between joint users of parking areas shall be filed with the application for a Building permit and recorded with the Berrien County Register of Deeds. The agreement shall include a guarantee for continued Use of the parking facility by each party and proper maintenance of the parking ingress and egress areas. A copy of all recorded documents shall be presented to the Zoning Administrator.
C. All documents to be recorded with the Berrien County Register of Deeds shall be first reviewed and approved as to form and content by the City Attorney.

SECTION 14.13 EXPIRATION OF AUTHORIZATION

14.13.1 Expiration of Authorization:

Expiration of Permit: Any Variance or permit granted under this Section shall become null and void after thirty-six (36) months from the date of granting such Variance or permit, and it shall be conclusively presumed that the Applicant has waived, withdrawn, and abandoned his appeal or his application, and all permission, Variances, and permits granted to him shall be deemed automatically rescinded, unless the Use or activity authorized shall have fully commenced or the Building or other Structure authorized shall have been substantially completed.

14.13.2 Extension of Authorization:

The period of time allotted to commence or to complete work allowed or required under a Special Use Permit or Planned Unit Development permit granted under this Ordinance may be extended by resolution of the City Commission following a public hearing.

The applicant shall pay the Special Use Permit or Planned Unit Development application fee, as appropriate, and shall provided information regarding the requested duration of the extension and the reason for the request. The Zoning Administrator shall, within a reasonable time, review this information for completeness. If incomplete, the Applicant shall be made aware of the deficiencies. If complete, the application shall be scheduled for consideration in a public hearing at a City Commission meeting, which occurs no less than twenty-four (24) days after the date of that determination. Notice of the public hearing shall be given pursuant to Section 14.14.

A time extension may be granted only if the required findings or standards required for approval, including the portions of the Comprehensive Plan relied upon, remain valid, if the permit has not yet expired at the time the extension is granted, and if the applicant is not disqualified from receiving a permit under Section 23.3.3 of this Ordinance. In making its decision, the City Commission may review the required findings and standards required for approval in light of the actual circumstances experienced since the original approval of the project. If the City Commission determines that there is a deficiency in regard to any of the findings and standards, the time extension may not be granted under this section, but the applicant may apply for a revised Special Use Permit or Planned Unit Development permit under the appropriate section of this Ordinance.

Any requested change other than a time extension must be considered as a new application under the appropriate section of this Ordinance.

Additional extensions may be requested and granted under the same procedure described above.

SECTION 14.14 PUBLIC HEARING NOTICE REQUIREMENTS

14.14.1 Public Notification:

When an application that requires a public hearing for approval has been filed with all of the required information, and the fee paid, the Zoning Administrator shall place the application or appeal upon the calendar for hearing and the City shall give the notices required by this Section. Notice for all such public hearings shall comply with the following provisions:

A. Content: All notices for public hearings, whether done by newspaper publication or mail (written notice) shall:
   1. Identify the application and the name and address of the applicant or the applicant's agent.
   2. Indicate the date, time and place of the public hearing(s).
   3. Describe the land involved by street address, or if no street address, by legal description and nearest cross street, and area (size) of Lot or Parcel or other means of identification.
   4. Describe the nature, scope and purpose of the application or proposal.
   5. Include a statement indicating that the public may appear at the public hearing in person or by counsel, be heard and submit evidence and written comments with respect to the application.
   6. Include a statement describing when and where written comments will be received prior to the public hearing.
   7. Indicate whether the hearing room is handicapped accessible.

B. Published Notice: When the provisions of this Ordinance require that notice be published, the City shall be prepare the content of the notice and publish the notice in a newspaper of general circulation within the City.

C. Written (Mailed) Notice
   1. General: When the provisions of this Ordinance require that written or mailed notice be provided, the City shall mail that notice to:
      a. All property Owners of the land subject to the application, as well as the Applicant if the Applicant is not such an Owner.
      b. All Owners of real property located within three hundred (300) feet of the boundary of the land subject to the application, whether or not the property is

located within the City of St. Joseph. The names of Owners shall be determined from the current assessment roll.

c. All Persons who have requested to receive notice pursuant to Section 14.14.2, Registration to Receive Notice.

d. Occupants of all Structures within three hundred (300) feet of the boundary of the land subject to the application, whether or not the property is located within the City of St. Joseph. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different Persons, one (1) occupant of each unit or spatial area shall be mailed notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different Persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

e. Failure to give proper notice shall not invalidate a proceeding unless mandated by state law.

2. Notice by mail: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The City Clerk shall prepare a list of Persons to whom notice was mailed as well as the date of mailing.

D. Open Meetings Act: Notices shall be posted in accordance with the Open Meetings Act, Public Act 276 of 1976.

E. Timing of Notice: Unless otherwise provided in state law, notice shall be provided not less than fifteen (15) days before the public hearing.

F. Exceptions.

1. In the event that eleven (11) or more adjacent properties are proposed for rezoning under Article XXII of this Ordinance, the City shall not be required to mail notices as described under Section 14.14.1.C, nor shall the City be required to include the street addresses as described under Section 14.14.1.A.3.

2. An amendment for the purpose of conforming a provision of the zoning Ordinance to the decree of a court of competent jurisdiction may be adopted by the City Commission without the notice required by this section. The adopted amendment must be published as described in Section 22.4.

14.14.2 Registration to Receive Notice:

A. General: Any Person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 14.14.1.C. Fees may be assessed to cover the cost of written notice provided under this subsection. Notice may be provided by mail, facsimile, or electronic mail if requested.

B. Requirements for Eligibility: To be eligible for registration, the requesting party must provide the Zoning Administrator information in the form required by the Zoning Administrator to ensure notification can be made. All Persons that have been registered must re-register biennially to remain registered and continue to receive notification pursuant to this Section.

SECTION 14.15 CONDUCT OF PUBLIC HEARINGS

14.15.1 Public and Applicant Comments Related to a Hearing:

Any interested party may appear and be heard at such hearing in person or by agent or attorney.

14.15.2 Adjournment and Resumption of a Hearing:

Upon the date for hearing any application or appeal, the Planning Commission, City Commission or Zoning Board of Appeals may adjourn the hearing in order to obtain additional information, or to cause service of such further notice as it deems proper. In the case of an adjourned hearing, Persons previously notified and Persons already heard need not be notified of the resumption of the hearing, provided the hearing is continued within thirty-six (36) hours, pursuant to Section 15.265(5) of the Open Meetings Act, Public Act 276 of 1976.

14.15.3 Failure to Appear at a Hearing

If an Applicant fails to appear at the hearing, in person or through an agent or attorney, the Planning Commission, City Commission or Zoning Board of Appeals shall conduct the hearing and issue its decision based on the information available at the hearing.

Article XV
REVIEW AND DECISION-MAKING BODIES

SECTION 15.1 PURPOSE

The purpose of this Article is to identify and to clarify the roles of the different boards and governing bodies responsible for review and decision-making on applications and appeals under this Ordinance. The review boards included in this Article are the City Commission, the Planning Commission, and the Zoning Board of Appeals.

SECTION 15.2 CITY COMMISSION

15.2.1 Powers and Duties: In addition to any authority granted by charter, ordinance or state law, the City Commission has the following powers and duties under this Ordinance:

A. The City Commission may propose, and shall review, hear, consider and approve or disapprove amendments to the text of this Ordinance or the Official Zoning Map.
B. The City Commission shall review, hear, consider and approve, approve with conditions, or disapprove applications for a PUD classification.
C. The City Commission shall review, hear, consider and approve, approve with conditions, or disapprove Special Use Permits.
D. The City Commission may take any other lawful action not delegated to the Planning Commission, Zoning Board of Appeals or designated City officials, as the City Commission may deem desirable and necessary to implement the provisions of this Ordinance.

SECTION 15.3 PLANNING COMMISSION

15.3.1 Establishment: The Planning Commission of the City of St. Joseph was established, and its membership and general powers and duties prescribed, in Chapter 22 of the St. Joseph Code of Ordinances.

15.3.2 Powers and Duties: In addition to the general powers prescribed under Chapter 22 of the St. Joseph Code of Ordinances, the Planning Commission has the following powers and duties under this Ordinance:

A. The Planning Commission may propose, and shall review, hear, consider and recommend that the City Commission approve or disapprove amendments to the text of this Ordinance, or to the Official Zoning Map of the City of St. Joseph.
B. The Planning Commission shall review, hear, consider and recommend that the City Commission approve, approve with conditions, or disapprove applications for a PUD classification.
C. The Planning Commission shall review, hear, consider and recommend that the City Commission approve, approve with conditions, or disapprove Special Use Permits.

SECTION 15.4 ZONING BOARD OF APPEALS

15.4.1 Establishment: The Zoning Board of Appeals of the City of St. Joseph was previously established, and “Board" as used in this Ordinance shall mean the Zoning Board of Appeals. The Board shall consist of five members appointed by the City Commission for a term of three years who shall serve without compensation. The Board

shall elect its own chairman, and a majority of the Board shall constitute a quorum for the transaction of business. The Zoning Administrator shall serve as its secretary.

15.4.2 Rules of Procedure: The Board shall, by a majority vote of its members present and qualified to vote, adopt rules of procedure governing its procedures on such matters as officers, voting, conduct of meetings, and related matters as it may consider necessary or advisable.

15.4.3 Procedures:

A. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board, in its rules of procedure, may specify. There shall be a fixed place for each meeting and all meetings shall be open to the public. The Board shall adopt rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member on each question considered.
B. All findings of the Board shall be in writing. Determinations and findings of the Board shall be made within a reasonable time period.
C. All members of the Board present at a meeting shall vote on every matter unless a member of the Board has a conflict of interest. A member of the Board shall only abstain from a vote in a case in which the member has a conflict of interest, and the member shall state the nature of the conflict of interest. A Board member who has a conflict of interest should state this at the beginning of the Board proceeding related to the matter, and shall leave the room during the proceeding. A Board member who has stated that they have a conflict of interest with regard to the matter, but who has not been replaced for this matter by an alternate member as described in Section 15.4.4, shall not count as a “present” Board member for purposes of a quorum.
D. A conflict of interest may include, but is not limited to, considering property a Board member owns or has a legal or financial interest in or adjacent property, or considering a request by a party with whom a Board member has close ties.

15.4.4 Membership:

A. The Board shall consist of five (5) regular members, and two (2) alternate members. The members of the Board on the effective date of this Ordinance shall be the current members of the Board without change to the length of their terms of office.
B. No member of the City Commission or City employee shall serve on the Board.
C. One member of the Board shall also be a member of the Planning Commission.
D. Members and alternate members of the Board shall be appointed by the City Commission.
E. The term of appointment shall be for three (3) years.
F. Any vacancy on the Board shall be filled not more than one month after the term of the preceding member has expired. A vacancy may also be filled for the unexpired term in the same manner as in the case of the original appointment.
G. The alternate members shall consist of a first alternate member and a second alternate member. The alternate member with the most seniority on the Board shall be the first alternate. The alternate members may take part in all deliberations of the Board but shall not have a vote unless a regular member is unable to vote because of absence or a conflict of interest. The first alternate member shall have the priority to replace the first regular member that is absent or unable to vote. The second alternate member shall replace the second regular member that is absent or unable to vote.
H. A member of the Board may be removed by the City Commission for misfeasance, malfeasance, or nonfeasance in office as provided by State law.

15.4.5 Powers and Duties: The Board shall have the following powers and duties under this Ordinance:

A. The Board shall review, hear, consider and approve, approve with conditions or disapprove requests for Variances.
B. The Board shall hear, review, consider, and affirm, modify or reverse any order, decision, determination or interpretation of the Zoning Administrator or any other administrative official made under the terms of this Ordinance.
C. The Board shall review, hear, consider and approve, approve with conditions or disapprove a change of one Nonconforming Use to another Nonconforming Use.
D. The Board shall review, hear, consider and approve or deny appeals of Conditional Uses as provided in Section 11.3.

15.4.6 Jurisdiction: The Board, in conformity with the provisions of the City Charter, this Ordinance, and Act 207 of the Public Acts of 1921, as amended, may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination appealed from and shall make such an order, requirements, decision, or determination as, in its opinion, ought to be made and to that end, shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as the officer or body from whom an appeal is taken.

15.4.7 Fees: The required fees for a hearing before the Board are a part of the cost of any Zoning Permit and are in addition to other Building permit fees. The required fees for any hearing before the Board shall be paid as specified in Section 14.7 and certain additional expenses may be recovered if there are any additional costs incurred over and above the amount of the required fee. Those costs shall include, but are not limited to, if applicable, any additional hearings, the attendance of the City Attorney at the hearing(s), engineering fees, and professional planner consulting fee. An escrow may be collected to pay for these costs per the procedure in Section 14.7.

15.4.8 Appeals, Interpretations and Variances: Subject to the provisions of Section 15.4.10, the Board, after public hearing, shall have the power to consider and approve, approve with conditions, or deny applications for appeals, interpretations, and Variances filed as hereafter provided, in such a manner that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done:

A. Where it is alleged by the appellant that there is an error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other administrative officials in the carrying out or enforcement of the provisions of this Ordinance, then an appeal or request for Ordinance interpretation shall be filed with the Board. In deciding a request for Ordinance interpretation, the Board shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions of the Ordinance. All Zoning Map interpretation questions shall be guided by the standards in Section 4.3.1.
B. Where, by reason of the exceptional narrowness, shallowness or shape of a Lot of Record, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, Building, or Structure, or of the Use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause unnecessary hardship.

C. Where carrying out the strict letter of this Ordinance relating to the construction, structural changes in equipment, or alterations of Buildings or Structures, or the Use of land, Buildings, or Structures would result in practical difficulties or unnecessary hardship.

15.4.9 Reserved for Future Use

15.4.10 Dimensional Variance Standards: No Variance to the provisions of this Ordinance shall be granted unless the Board finds, from substantial evidence, that all of the following standards have been met. In each instance, the Board shall specifically address each of the listed criteria in reaching its decision, and each member shall affirmatively state that they believe each of the following nine standards has been met; a member who believes that even one of the following nine standards has not been met shall vote to deny the application:

A. The Variance would not be detrimental to adjacent property and the surrounding neighborhood.
B. The Variance would not impair the intent and purpose of this Ordinance.
C. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended Use of the property that do not apply generally to other properties in the same zoning District and vicinity. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, exceptional shape or topography of the property involved, or to the intended Use of the property. See Section 15.4.8.B.
D. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a Variance.
E. The condition or situation of the specific piece of property or of the intended Use of said property, for which the Variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the condition or situation.
F. The condition or situation for which the Variance is sought shall not be the result of actions of the property Owner.
G. Strict compliance with area, Setbacks, Frontage, height, bulk or density requirements would unreasonably prevent the Owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
H. The Variance requested is the minimum change necessary to mitigate the hardship.
I. The Variance will relate only to the property that is the subject of the application.

15.4.11 Use Variances: Use Variances shall not be permitted in any zoning District within the City. An alternative procedure may be available in some circumstances; see Section 13.9 for the Hardship Planned Unit Development procedure and requirements.

15.4.12 Special Exceptions: In the event that the Michigan Department of Environmental Quality acknowledges a special exception is warranted in a designated Area of Special Flood Hazard, high risk erosion area or sand dune area, the Board shall have the power to grant a special exception pursuant to applicable standards in state law.

15.4.13 Conditions of Approval:

A. In granting a Variance, the Board may impose specific conditions regarding the location or character of fencing, buffering or landscaping, or such other design changes as are reasonably necessary for the furtherance of the intent and spirit of this Ordinance and to ensure the protection of the public interest and abutting properties; see Section 14.11. To ensure compliance with such conditions, the Board may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 14.8. Variances granted expire pursuant to the requirements of Section 14.13.
B. The Board may require that its decision be recorded with the Berrien County Register of Deeds; see Section 14.12.

15.4.14 Decisions of the Board: The concurring vote of a majority of the total membership of the Board shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body from whom the appeal is taken, or to decide in favor of the Applicant on any matter upon which they are required to pass. The Board shall decide all applications and appeals within a reasonable time of filing of an application for Ordinance interpretation, a Variance or an appeal. A copy of the Board's decision shall be transmitted to the Applicant or appellant. Such decision shall be binding upon the Zoning Administrator, and the terms and conditions shall be incorporated into the permit issued to the Applicant or appellant, whenever appropriate.

15.4.15 Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of competent jurisdiction.

15.4.16 Hearings: Public hearing notice shall be provided and public hearings shall be conducted pursuant to the requirements of Section 14.14.

15.4.17 Reapplication:

A. No application for a Variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the City which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator.
B. The following circumstances is an exception to the one (1) year time limit in A, above: in the event that an application for a Variance, Ordinance interpretation, or appeal receives a tied vote from the Board and is therefore recommended for neither approval nor disapproval, or if the application is denied but it would be mathematically possible by addition of votes from members who were absent from that meeting to have resulted in approval, a reapplication may be submitted at any time.
C. A reapplication shall be processed as a new application.

15.4.18 Reserved for Future Use

15.4.19 Review by Circuit Court

A. The decision of the Board shall be final. However, any aggrieved party, including the City, may obtain a review thereof both on the facts and the law, in Berrien County Circuit Court; provided that application is made to the Court within twenty-one (21) days after the minutes of the meeting at which the final decision was made are available.
B. Under state law, the Circuit Court shall review the record and decision of the Board to ensure that the decision:
   1. Complies with the constitution and laws of the State.
   2. Is based upon proper procedure.
   3. Is supported by competent, material, and substantial evidence on the record.
   4. Represents the reasonable exercise of discretion granted by the Board.
C. If the Court finds the record of the Board inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board, the Court shall order further proceedings before the Board on conditions which the Court considers proper. The Board may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.
D. Authority of Court: As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Board.

Article XVI
(RESERVED FOR FUTURE USE)

Article XVII
(RESERVED FOR FUTURE USE)

Article XVIII
OFF-STREET PARKING AND LOADING

SECTION 18.1 PURPOSE

The purpose of this Article is to prescribe provisions, criteria and standards for off-street parking and loading areas. The City recognizes that inadequate off-street parking and loading areas may lead to traffic congestion and loss of economic opportunities, as well as unauthorized parking in adjacent Lots and on nearby Streets. Excessive parking and loading areas are an inefficient Use of resources, and increase the potential for drainage problems. This Article seeks to balance the public and the private needs for off-street parking and loading areas.

SECTION 18.2 PARKING REQUIREMENTS

18.2.1 Intent: Parking Spaces shall be provided and adequately maintained by each property Owner in every zoning District for the off-street storage of motor vehicles for the Use of occupants, employees and patrons of each Building and premise constructed, altered or enlarged under the provisions of this Ordinance, except as otherwise provided by this Ordinance.

18.2.2 General Provisions:

A. Whenever a Use requiring off-street parking is increased in floor area, or when interior Building modifications or a change in Use result in an increase in the required parking under this Ordinance, additional parking shall be provided and maintained as required by this Ordinance.
B. No parking area or parking space or loading area which exists at the time this amendment becomes effective or which later is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless and until equal or better parking facilities meeting the requirements of this Ordinance are approved and provided.
C. Required parking areas shall be used only for the parking of vehicles.

18.2.3 Right-of-Way: The Right-Of-Way of any public Street shall not be used for off-Street parking or loading without the written permission of the appropriate authority. No parking space located within or along the traveled portion of any Street shall be counted toward the off-Street parking requirements set forth in this Ordinance.

18.2.4 Limited Neighborhood Businesses; Businesses with Parking Nonconformities: For Limited Neighborhood Businesses, the following special procedures shall be used:

A. If the proposed Successor Use requires no greater number of parking and/or loading spaces than would be required for the Predecessor Use, as determined at the time of application, no additional parking need be provided regardless of the actual number of parking and/or loading spaces provided on the Lot.
B. If the proposed Successor Use requires a greater number of parking and/or loading spaces than would be required for the Predecessor Use, as determined at the time of application, only the additional number of parking and/or loading

spaces need be provided regardless of the actual number of parking and/or loading spaces provided on the lot.

C. Any additional spaces provided must meet the requirements of this Ordinance, including the site development and buffering standards of Articles XVIII and XIX.

For example, if the Predecessor Use is an office with 1,200 square feet of usable floor area, which would require 6 parking spaces under the current Ordinance, for the purposes of zoning approvals considered for the Limited Neighborhood Business Use Class, the proposed Successor Use may consider the Lot to provide 6 parking spaces regardless of the number of parking spaces actually provided.

18.2.5 Joint Use of Parking Areas: The joint use of parking areas by two or more Uses may be approved by the Zoning Administrator whenever such joint use is practical and satisfactory to each of the Uses intended to be served, and when all requirements for location, design, and construction are met.

A. Computing Capacities: In computing capacities of any joint parking area, the total parking space requirement is the sum of the greatest number of Parking Spaces required for the individual uses that will occur at the same time. If the maximum space requirements for individual uses occur at distinctly different times, the total number of off-street Parking Spaces required for joint use may be reduced by the Zoning Administrator.
B. Record of Agreement: A copy of an agreement between all joint users and the City shall be filed with and must be approved by the Zoning Administrator, and recorded with the Register of Deeds of Berrien County prior to the issuance of the Zoning Permit. The agreement shall include provisions for the continued long-term Use and maintenance of the parking area as well as the allocation of Parking Spaces to each use.

18.2.6 Measurements and Calculations:

A. Definition of Usable Floor Area: The gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the Building, maintenance facilities, or other areas where customers, patients, clients, visiting salespeople, and the general public are denied access. Floor area, whether usable or gross, shall be measured from the exterior faces of exterior walls, except in a case where an interior Building wall separates two uses or users. In such a case, the floor area shall be measured from the inside face of such an inside wall.
B. Fractional Space: When a calculation determining the number of required Parking Spaces results in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
C. Employees: Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
D. Seating Capacity: When benches, pews or other similar seating is used, each 18 inches of that seating shall be counted as one seat, unless Table 18-1 specifies otherwise.

18.2.7 Parking Space Requirements:

A. Dimensional Requirements.
   1. General. Parking Spaces shall meet the following dimensional standards, as shown in Figure 18-1:
      a. Parking Spaces oriented parallel to, or at an angle of less than thirty (30) degrees from, the direction of travel of the maneuvering lane serving such Parking Spaces shall be not less than ten feet (10') wide and twenty feet (20') long.
      b. Parking Spaces oriented at an angle of thirty (30) degrees to ninety (90) degrees from the direction of travel of the maneuvering lane serving such Parking Spaces, or which can be accessed without lateral maneuvering (such as parking at the end of a driveway) shall be not less than nine feet (9') wide and eighteen feet (18') long.
   2. Exceptions. The above dimensional standards are amended as follows:
      a. A Parking Space, except a Parking Space associated with a Dwelling Unit, placed such that a wall, column, or similar object would interfere with opening a parked vehicle's side doors, shall be increased in width by one foot (1') if one side is so obstructed and by two feet (2') if both sides are so obstructed.
      b. Parking Spaces associated with Dwelling Units, and not more than ten per cent (10%) of the number of Parking Spaces required under this Ordinance for a nonresidential parking area may be designated "compact car" spaces and may reduce the length of the stall by two feet (2') and the width of the stall by one foot (1') from the above standards. Any "compact car" Parking Space, or group of Parking Spaces, not associated with Dwelling Units must be designated by signage indicating "compact cars only".
   3. ADA Parking. Accessible Parking Spaces which satisfy the dimensional requirements of the current version of the Michigan Building Code, including the provision of access aisles or passenger loading areas, are exempt from the above standards.

B. Plans and specifications showing the number of required off-street Parking Spaces for every use, as listed on Table 18-1, shall be provided and approved prior to the issuance of a zoning or Building permit. If there is more than one Principal Use on a Lot, then the combined parking requirements for each of the Authorized Uses must be met unless there is an approved joint use agreement as set forth above. If a Use is not listed, then the Zoning Administrator may apply the off-street parking standards for a similar use, or use a standard from the American Planning Association's current edition of the Parking Standards publication. Accessible Parking Spaces required under the Americans with Disabilities Act shall be counted toward the number of Parking Spaces required under this section. Loading and unloading spaces required under Section 18.3 shall not be counted toward the number of Parking Spaces required under this section.

C. Parking Standards Table. Table 18-1 presents the parking required for each Use based on the size and/or occupancy of each Use.

Section 18.2.7.C **Table 18-1**

PARKING STANDARDS	
USE	**NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE**
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the Structure, whichever is greater.
Community residential care facilities for six (6) or fewer persons	Four (4) spaces.
Community Care Facilities for the Elderly, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Mobile Home parks	Two (2) spaces for each Mobile Home site, plus one (1) space for each Mobile Home park employee.
Multiple-family Dwellings	Two (2) spaces for each Dwelling Unit, except in the D Downtown District one and one-half (1-1/2) spaces for each Dwelling Unit.
Single- and two-family dwellings	Two (2) spaces for each Dwelling Unit, except in the D Downtown District one and one-half (1-1/2) spaces for each Dwelling Unit.
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE, RECREATION & RELATED USES	
Beaches, Parks and other outdoor public recreation areas	As established in Parking Standards, published by the American Planning Association.
Boat launching Ramps and waterfront access sites	Twenty-five (25) spaces per Ramp, or access site.
Educational and social institutions:	
• Auditoriums and gyms (incidental to) schools, Churches, and institutional Buildings of similar Use with fixed seats	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees.
• Auditoriums (other than incidental to schools and Churches), lodge halls, fraternal organizations, private clubs, public meeting halls, community centers, or Buildings of similar Use without fixed seats	One (1) space for every six (6) Persons of legal capacity as established by local, county or state fire, Building or health codes.
• Charitable, eleemosynary or philanthropic organizations	One (1) space for each two hundred fifty (250) sq. ft. of floor area.
• Elementary and middle schools	Three and one-half (3 ½) per classroom, plus separate parking where the school contains an auditorium and/or stadium or gym.
• High schools and colleges	One (1) space for every employee, plus one (1) space for each five (5) students.
Institutions for human care and habitation:	
• Community residential care facilities for more than six (6) persons	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
• Community Care Facilities for the Elderly, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
• Hospitals, sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees.

Table 18-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
• Orphanages	One (1) per employee and one (1) per four (4) beds.
Libraries, museums, post offices	One (1) space for every eight hundred (800) sq. ft. of usable floor area, plus one (1) space for every four (4) employees.
Nursery school, day nurseries or Child Care Centers	One (1) space for each three hundred and fifty (350) sq. ft. of usable floor area.
Private golf clubs, Swimming Pool clubs, tennis clubs, lodges or other similar uses	One (1) space for every two (2) member families or individuals, plus spaces required for each Accessory Use, such as a Restaurant or bar.
Public Buildings	One (1) space for each two hundred fifty (250) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions and houses of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship.
Utility and public service installations	One (1) space per two hundred (200) sq. ft. of gross floor area.
COMMERCIAL & RELATED USES	
Automatic Teller Machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Barber shops and beauty parlors	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) space for each additional chair.
Business service establishments: • Advertising and mailing • Banks and credit unions • Employment services • Investment companies • Real estate companies	One (1) space for every two hundred fifty (250) sq. ft. of useable floor area.
Business, vocational or trade schools	One (1) space per one hundred (100) sq. ft. of gross floor area.
Catering service	One (1) space per two hundred (200) sq. ft. of gross floor area, plus one (1) space per employee in the largest shift.
Clinics and professional offices of doctors, dentists, or similar professions	One (1) space for each fifty (50) sq. ft. of usable floor area in waiting rooms, and one (1)space for each examining room, dental chair, or similar Use area.
Clothing, furniture, appliance, hardware, shoe repair, Personal services (other than beauty and barber shops), wholesalers	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Commercial Kennel	One (1) space per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces.
Convenience retail establishments	Five (5) spaces per each one thousand (1,000) sq. ft. of gross floor area.

Table 18-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Dance schools	One (1) space for each one hundred (100) sq. ft. of dance floor area, plus one (1) space for each six hundred (600) sq. ft. of gross floor area.
Drive-through banks, cleaners, drug stores, and similar businesses	Space for five (5) cars between the sidewalk area and the pickup window, and one (1) space for every two hundred (200) sq. ft. of usable floor area if there is no customer space inside.
Drive-through Restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments:	
• Carry-out food or walk-up, establishment including bakeries, ice cream shops and delicatessens if carry-out only, or if all seating is exterior only.	One (1) space for each employee, plus five (5) spaces.
• Restaurant or establishment for sale and consumption, of beverages, food or refreshments on the premises including drive-in, but not including drive-through Restaurants	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) Persons allowed within the maximum occupancy load as established by the local fire marshal.
Funeral homes and mortuaries	One (1) space for every twenty-five (25) sq. ft. of *usable* floor area of chapels and assembly rooms.
Furniture, antique, appliance, household equipment, showroom of a plumber, decorator, electrician or similar trade, and other similar uses (including resale shops but not flea markets)	One (1) space for each eight hundred (800) sq. ft. of usable floor area, plus one (1) additional space shall be provided for each two (2) Persons employed therein.
Garden center, greenhouse(if it has retail sales)	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each two thousand (2,000) sq. ft. of exterior sales area.
General offices	One (1) space for every two hundred fifty (250) sq. ft. of usable floor area.
General retail stores, except otherwise specified herein	One (1) space for every one hundred and fifty (150) sq. ft. of usable floor area.
Health or fitness club, gymnasium or gymnastics facility, or martial arts schools	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Hotels	One (1) space for each guest room, plus one (1) additional space for every five (5) employees.
Laundromats and coin operated dry cleaners	One (1) space for each two (2) washing and/or dry-cleaning machines.
Motels, and auto courts	One (1) space for each sleeping unit, plus. one (1) space for each one (1) employee.
Music and voice schools	One (1) space per three (3) students at any one time.
Open air business	One (1) space per three thousand (3,000) sq. ft. of exterior sales area, except for open air flea markets which require one (1) space for each three hundred (300) sq. ft. of exterior sales area.

Table 18-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Office supply, factory and mill supplies, and related activities	One (1) space for each four hundred (400) sq. ft. of gross floor area.
Personal service establishment	One (1) space per two hundred (200) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each one hundred (100) sq. ft. of usable floor area.
Repair services	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Short-term Rental	One (1) space per Dwelling Unit, plus one-half ($^1/_2$) space per sleeping room in excess of one (1) in each Dwelling Unit, rounding fractions up for each Dwelling Unit.
Special Event Rental	No additional parking requirement, but see Chapter 8, Code of Ordinances
Supermarket, self-service food store	One (1) space for every fifty (50) sq. ft. of usable floor area.
Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of *usable* floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle, farm equipment and other machinery sales and service establishments	One (1) space for each two hundred (200) sq. ft. of usable floor area of sales room, and one (1) space for each one (1) auto service stall in the service room.
Vehicle wash (automatic)	One (1) space for each one (1) employee. In addition, reserved Parking Spaces equal in number to five (5) times the maximum capacity of the vehicle wash. Maximum capacity of the vehicle wash shall mean the greatest number of vehicles possibly undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Vehicle wash (self-service or coin operated)	Five (5) spaces for each washing stall, in addition to, the stall itself.
Indoor Entertainment	
Amusement center, video or pinball arcade	One (1) space per game, provided that where such games are an Accessory Use, one (1) space is required for each game above four (4) games.
Bingo parlor	One (1) space for each three (3) seats or one (1) per one hundred (100) sq. ft. of usable floor area, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, plus one (1) space for each employee, plus spaces for each Accessory Use, such as a bar or Restaurant.
Dance halls, pool and billiard rooms, exhibition halls, roller and ice skating rinks	One (1) space for each two (2) Persons allowed within the maximum occupancy load as established by local, county or state fire, Building or health codes, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).

Table 18-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Indoor racquet courts	Three (3) spaces per court, plus one (1) space per employee on the largest shift, plus spaces for any other principal or Accessory Uses, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).
Indoor soccer facility	Fifty (50) spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.
Theaters and commercial auditoriums	One (1) space for each three (3) seats, plus one (1) for each two (2) employees.
Outdoor Entertainment	
Boat, canoe, jet ski and bicycle rental	Five (5) spaces per employee where it is the Principal Use; where it is an Accessory Use, parking may be waived partially or wholly in the discretion of the Zoning Administrator.
Campground	Two (2) dust free 10'x30' spaces for every campsite.
Golf courses open to the public, except Miniature or “Par 3” courses	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each Accessory Use, such as a Restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Miniature or “Par 3” golf courses	Three (3) spaces for each hole, plus one (1) space for each employee, plus required spaces for each Accessory Use, such as a Restaurant or bar.
Racetrack	One (1) space for every four (4) seats; one (1) seat is equal to two (2) feet of bench length.
Racquet sports	Three (3) spaces, plus three (3) spaces per court or one (1) per three (3) spectator seats, whichever is greater.
Rifle and archery range (indoor or outdoor)	A minimum of five (5) spaces, plus one (1) space per firing position.
Stadiums and sport arenas	One (1) space for every four (4) seats or six (6) feet of benches.
Theme Park, scenic area, amusement ride, water slide, go cart track and similar uses	Two (2) spaces per three (3) seats on amusement rides or twenty (20) spaces per ride or attraction with no specific or defined seating.
INDUSTRIAL & RELATED USES	
Auto body/paint shop	One (1) space per each service bay and employee.
Contract construction uses	One (1) space per employee, plus one (1) space per company vehicle.
Dangerous chemical manufacturing, storage and/or distribution	One (1) space per employee on the largest shift.
Incinerators and recycling centers	One (1) per employee, plus one (1) per each simultaneous truck.

Table 18-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Industrial service establishments	One (1) space for every two (2) employees for industries working two (2) or more shifts. One (1) space for every three (3) employees for industries working one (1) shift, or one (1) space for every four hundred (400) sq. ft. of gross floor area, whichever is greater.
Medical or dental laboratories	One (1) space per two hundred (200) sq. ft. of gross floor area.
Mini-warehouse (self-service storage facility)	One (1) space per ten (10) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of gross floor area.
PLANNED UNIT DEVELOPMENTS	
Planned Unit Developments	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this Table 18-1.

18.2.8 Location of Parking Areas: Unless otherwise permitted under this Ordinance, all off-street parking areas shall be located on the same Lot or on adjacent premises in the same District as the Use they are intended to serve. If on adjacent premises, they shall be under the ownership of the Applicant or part of an approved joint parking area under Section 18.2.5. All parking areas shall be fully accessible for the parking of motor vehicles and suitable for the uses described in this Article.

18.2.9 Parking Area Plan Review: Whenever vehicle Parking Spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning and/or Building permit is issued. Such plans and specifications shall indicate the location of Buildings and parking areas, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, signage, and any other detailed feature essential to the complete design and construction of the parking area. For site development requirements for off-street parking and loading, see Section 18.4.

18.2.10 Shelter Buildings: No parking area for accessory off-street parking shall have more than one attendant shelter Building which shall conform to all Setback requirements for Structures in the District, and which shelter Building in the residential and commercial Districts shall contain not more than fifty (50) square feet of gross floor area.

18.2.11 Special Parking Restrictions for Residential Districts:

A. Front Yards.
   1. In R1 and R2 Districts, as well as for single-family and two-family dwellings in R3 Districts, no curb cut onto a public Street is permitted if access to an existing garage, Carport or parking area is available from a public Alley. If a garage, Carport, or parking area is newly constructed, even if replacing an existing garage, Carport, or parking area, and if the Lot abuts on a public Alley, the garage, Carport, or parking area must be accessible only from that Alley and no curb cut onto a Street is permitted. Otherwise, one (1) curb cut is permitted. If the Lot has Frontage in excess of eighty (80) feet, two (2) curb cuts are permitted if the Lot abuts on a local Street, but only one (1) if it abuts a minor or Major Thoroughfare. For Lots that front on more than one (1) Street, the number of permitted curb cuts is determined by the Lot Frontage on that Street with the least Frontage.

B. Driveways.
   1. When a curb cut is permitted and constructed, a hard surface Driveway meeting the requirements of 18.4.2.E leading to the Carport, garage or parking area shall be constructed.
   2. The portion of the Driveway located within the Street or Alley shall be constructed of concrete not less than six (6) inches thick for Residential Uses, or as approved by the City Engineer for Commercial or Industrial Uses. In cases where the Driveway crosses a public sidewalk, the portion of the sidewalk which also serves as a Driveway shall be constructed in keeping with this requirement.
   3. Vehicle Parking Spaces required by Section 18.2.7 shall be behind the front Building Line of the Structure.

C. Vehicle Parking.
   1. All vehicles parked in any Yard must be on a hard surface meeting the requirements of 18.4.2.E.
   2. The outdoor parking of motor vehicles on Parcels in the R1, R2, and R3 Districts shall be limited to passenger vehicles and a single commercial vehicle~~s~~ built on a chassis which is rated one-and-one-half (1 ½) tons or less and not exceeding ten thousand (10,000) pounds in gross vehicle weight. All such vehicles shall be currently operable and registered and shall display a current license plate. These vehicles may be parked in the Front Yard for a period not to exceed twelve (12) hours in any calendar day, provided that this time limitation shall not apply if the vehicles are parked in front of the required Parking Spaces such as a garage or Carport or in front of the adjacent Side Yard.
   3. The outdoor storage or parking of any airplane, boat, personal watercraft, float, raft, trailer, Recreational Vehicle and other equipment or vehicles of similar nature shall be prohibited for a period greater than forty-eight (48) hours in all residential Districts, except where expressly permitted under Chapter 17 of the St. Joseph Code of Ordinances or where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:
      a. All such vehicles or equipment shall be placed within a completely enclosed Building or be located behind the rear face of the principal Building, but no closer than three (3) feet to any Side or Rear Lot Line.
      b. Storage or parking shall be limited to a Lot or Parcel of land upon which is located an inhabited Dwelling Unit and the vehicle or equipment is owned by the occupant.
      c. Mobile Homes and Recreational Vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to

sanitary sewer facilities, or have a fixed connection to electricity, water or gas, except as otherwise permitted in this Ordinance.

18.2.12 Downtown Parking:

A. When Required. Public parking facilities are intended to serve the majority of Uses in the D Downtown District. Off-street parking must be provided only for the following Uses (and need not be provided for other Uses even when sharing the same Structure or Lot):

1. Definitions. For the purpose of this Section:
   a. Building Structure. The exterior physical structure of an Existing Building as it existed on January 18, 2007.
   b. Converted Dwelling Unit. A Dwelling Unit created or remodeled on or after January 18, 2007, entirely within the Building Structure of an Existing Building, except that balconies, decks, porches and/or garages may be outside the Building Structure.
   c. Existing Building. A Building which first received a certificate of occupancy before January 18, 2007.
   d. Existing Dwelling Unit. A Dwelling Unit which was located in an Existing Building before January 18, 2007.
2. Parking must be provided for all Uses in the "Lodging/ Accommodations" Use Class.
3. Parking must be provided for all Uses in Use Classes categorized as "Residential & Related Uses" in Table 4-2, Authorized Uses except as provided below.
4. Exemptions.
   a. Converted Dwelling Units: Up to six (6) Converted Dwelling Units in an Existing Building are exempt from the above residential parking requirement; the number of exemptions may be reduced as described in subsection (c), below. Parking must be provided for any Converted Dwelling Units in the Building beyond the exempt number.
   b. Existing Dwelling Units. All Existing Dwelling Units are exempt from the above residential parking requirement and even if modified may remain exempt from that parking requirement so long as they then qualify as Converted Dwelling Units.
   c. Reduction of Exemption for Building Expansions: Any Dwelling Unit created by conversion, reconfiguration or expansion of an Existing Building which does not qualify as a Converted Dwelling Unit is ineligible to receive an exemption under subsection (a) or (b) and in addition reduces the subsection (a) exemption for the Building by one Dwelling Unit.
5. Examples.
   a. A new building including both residential and commercial Uses is constructed after January 18, 2007. All residential Uses must include parking under 18.2.12.A.3; no parking is required for the commercial Uses under Section 18.2.12.A.
   b. An Existing Building is converted to contain four Dwelling Units. One unit is entirely within the existing building, two units are entirely within the existing building but receive new external balconies, and one unit includes a newly constructed penthouse. Parking must be provided for the Dwelling Unit that includes the penthouse because the Dwelling Unit is not located <u>entirely</u> within the existing building and therefore is not a Converted Dwelling Unit; the

remaining three units are Converted Dwelling Units and exempt from providing parking under Section 18.2.12.A.4.a.

c. *An Existing Building is converted to contain twelve Dwelling Units. Ten units qualify as Converted Dwelling Units but two units include a newly constructed penthouse and therefore do not qualify as Converted Dwelling Units. Typically six Converted Dwelling Units would be exempt from providing parking under Section 18.2.12.A.4.a but under Section 18.2.12.A.4.c the two penthouse units reduce this exemption by two, so the exemption is four units. Subtracting the exemption of four units from the total of twelve units built indicates that parking must be provided for eight Dwelling Units.*

B. State Street Access Prohibited.

1. No curb cut or vehicular access shall be permitted onto State Street, in the area north of Elm Street and south of Ship Street.

SECTION 18.3 LOADING AND UNLOADING SPACE REQUIREMENTS

18.3.1 Loading Space Requirements: Plans and specifications showing the number of required off-street loading and unloading spaces for every use, including the means of ingress and egress and interior circulation, shall be provided and approved prior to the issuance of a zoning or Building permit. Every Lot used for commercial or industrial purposes and having a Building or Buildings with a total floor area of at least ten thousand (10,000) square feet actually used for such purposes and every Lot used for office or research purposes on which there is a Building having a total floor area of at least twenty thousand (20,000) square feet actually used for such purposes, shall be provided with one off-street loading space. One additional off-street loading space shall be required for Lots used for commercial or industrial purposes where the floor area of all Buildings actually used for such purposes exceeds one hundred thousand (100,000) square feet. If there is more than one Principal Use on a Lot, then the greater of the loading and unloading requirements for each of the Authorized Uses must be met. Each loading and unloading space required by this section shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. Accessible Parking Spaces required under the Americans with Disabilities Act and Parking Spaces required under Section 18.2 shall not be counted toward the number of loading and unloading spaces required under this section.

18.3.2 Access: Access to a loading and unloading space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a Street or Alley.

18.3.3 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and Streets. Where any off-street loading space adjoins or abuts a Lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential District, there shall be provided a masonry wall or solid Fence not less than four (4) feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential Zone.

18.3.4 Commercial Properties Abutting Alleys: The regulations of this Section are not applicable to properties in the D Downtown, C Commercial or CO Commercial Office Districts that abut a public Alley and are situated in a manner to permit the efficient Use of the Alley for loading and unloading.

SECTION 18.4 PARKING, LOADING, AND UNLOADING AREA SITE DEVELOPMENT REQUIREMENTS

18.4.1 Reserved for Future Use

18.4.2 Site Development Requirements: All off-street parking, loading, and unloading areas shall be designed, constructed, and maintained in accordance with the following standards and requirements. For the purposes of this section, "parking area" shall mean any area serving as a parking area or a loading and unloading area:

A. Each parking, loading or unloading space shall meet the minimum dimensional standards established in Section 18.2 or 18.3, as appropriate, depending upon the Use and layout of the area; each space shall be definitely designated and reserved for parking, loading or unloading purposes exclusive of space requirements for adequate ingress and egress.
B. Each parking area shall be designed and marked to provide for orderly and safe movement and storage of vehicles. "Tandem" or "stacked" Parking Spaces, which are arranged so that it may be necessary to vacate one or more Parking Spaces to allow vehicular access to or from a different Parking Space or parking area, is prohibited except for residential Dwelling Units (including the Short-term Rental use of such Dwelling Units) and valet parking. In the case of residential Dwelling Units, the parking area shall be designed and marked so that each tandem Parking Space is associated with a specific Dwelling Unit and that all Parking Spaces associated with a specific Dwelling Unit may be accessed without vacating a Parking Space associated with any other Dwelling Unit or any other Use.
C. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the access requirements of Section 3.26. Except for parking areas accessory to single-family and two-family residential Lots, drives for ingress and egress to the parking area shall be not less than twenty-five (25) feet wide for two-way access and at least fifteen (15) feet wide for one-way access.
D. Each parking, loading, or unloading space shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a Street shall be prohibited, except from Driveways of single-family and two-family residences. The width of required maneuvering lanes for Parking Spaces varies, depending upon the proposed parking pattern as follows and as illustrated in Figure 18-1:
    1. For right angle parking patterns, seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
    2. For parking patterns, fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
    3. For parking patterns, thirty (30) to fifty-three (53) degrees the maneuvering lane width shall be a minimum of sixteen (16) feet.
    4. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
E. Parking areas shall be surfaced with a material that shall provide a durable and substantially smooth surface as determined by the Zoning Administrator, consisting of asphalt, concrete, pavers, aggregate stone or gravel, and shall be graded and

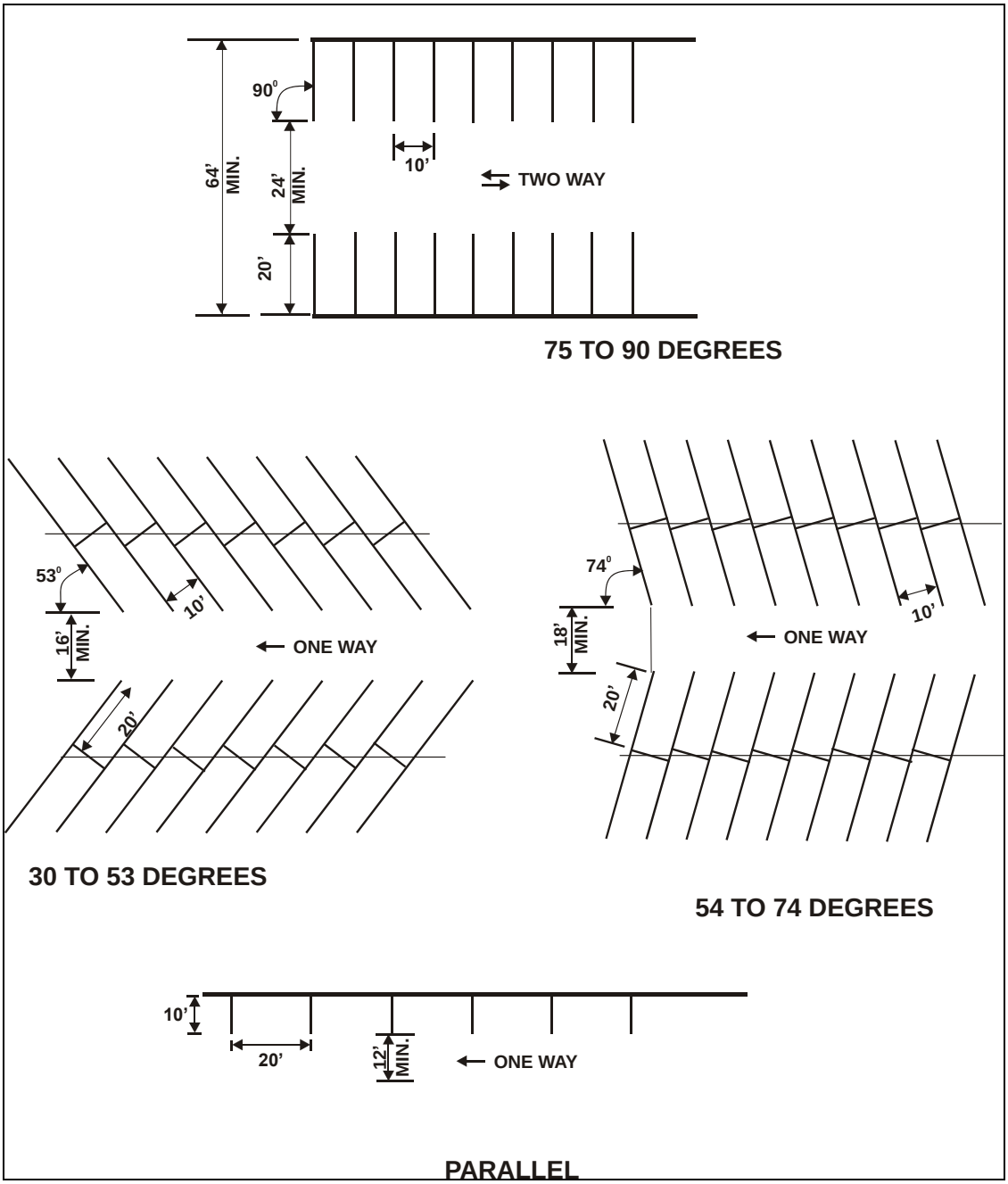
provided with adequate drainage and, if appropriate, erosion control measures. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the Building it serves is occupied or the Use is continued.

F. Except for single-family and two-family residential Lots, adequate lighting satisfying the requirements of Section 19.2.1 shall be provided for each parking area.

G. Where a parking area with a capacity of four (4) or more vehicles and serving any non-residential use, or a parking area with a capacity of eleven (11) or more vehicles and serving any residential use, adjoins a residential use, a greenbelt, Buffer Strip or Berm (see Section 19.4.1) shall be provided between the parking area and the adjoining residential property, or a Fence or wall no less than four (4) feet in height shall be erected.

H. When safe and feasible, adjoining parking areas of businesses on abutting properties in any District other than R1 or R2 may be connected so that drivers of motor vehicles do not need to enter onto a Street or road and then immediately exit in order to go from one establishment to another. The particular design of such connections shall be approved by the Zoning Administrator following consultation with the City Engineer.

Figure 18-1
PARKING SPACE DIMENSIONS



LANDSCAPING, BUFFERING & FENCING

SECTION 19.1 PURPOSE

The purpose of this Article is to provide regulations and requirements for fencing, landscaping, Berming or screening of the perimeter of certain activities in order to protect the character of the surrounding area, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration and reduce noise.

SECTION 19.2 LIGHTING REQUIREMENTS

19.2.1 Outdoor or Exterior Lighting:

A. All outdoor lighting, including illuminated Signs, shall be placed and shielded so as not to interfere with the vision of Persons on adjacent highways.
B. All freestanding outdoor lighting shall not exceed thirty (30) feet in height except to light a public athletic field and except for lighting located in public rights-of-way and used to light public Streets.
C. All off-street commercial parking areas open to the public shall be illuminated by natural or artificial light during all hours of operation, and not more than thirty (30) minutes after the business closes.

SECTION 19.3 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

19.3.1 General: The planting and maintenance of any tree, shrub, bush or other growing thing in any public Right-Of-Way, or which encroaches upon any public Right-Of-Way, shall be in accordance with Section 26-23 of the Code of Ordinances of the City of St. Joseph.

19.3.2 Clear Vision Areas:

A. In order to preserve sight distance, an unobstructed view shall be maintained within these triangular areas (see Figures 19-1 and 19-2):
   1. At the intersection of two Streets, or where a Street intersects with an Alley: a triangle defined by measuring ten (10') feet in length along each Street/Alley Right-Of-Way line from their point of intersection, the third side being a diagonal line connecting the first two.
   2. At the intersection of a Driveway and a Street: Two sides of the triangle defined by measuring five (5') feet in length along the edge of the Driveway and along the Street Right-Of-Way line and the third side being a diagonal line connecting the first two.
B. No Buildings, Structures, shrubs, ground covers, boulders, Berms, Fences, or other material constituting visual obstructions shall be allowed in these areas from a height of thirty (30) inches above grade of the lower Street, Alley or Driveway adjacent to the triangular areas, to a height of ten (10) feet above grade of the higher Street, Alley or Driveway adjacent to the triangular areas except that a single obstruction not more than eighteen (18) inches in diameter, such as a post or pillar, may be allowed on Lots in the D Downtown District.

Figure 19-1
CLEAR VISION AT CORNER LOTS

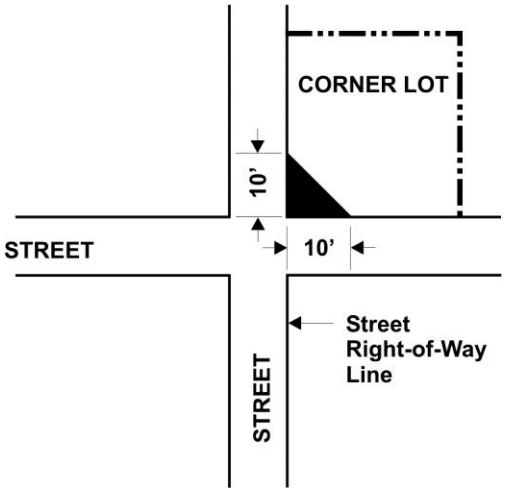
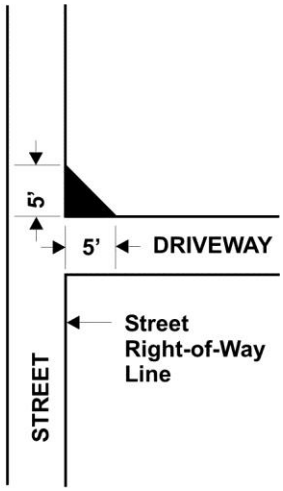


Figure 19-2
CLEAR VISION AT DRIVEWAYS

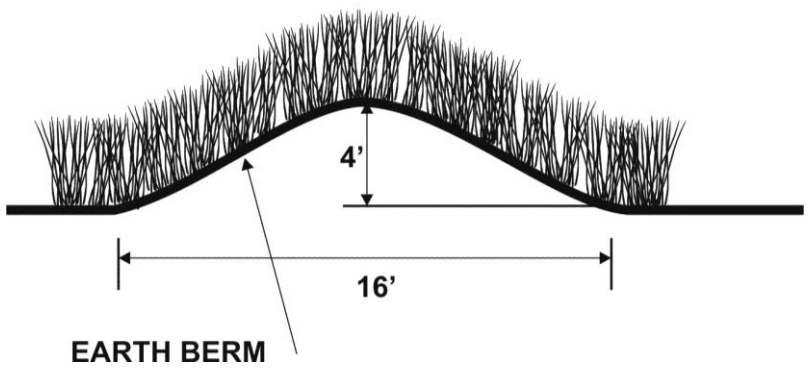


SECTION 19.4 REQUIRED VEGETATION

19.4.1 Required Vegetation: A greenbelt, Buffer Strip, or Berm as required by this Ordinance or as a condition to the approval of a Site Plan, Special Use Permit, Planned Unit Development Permit or Variance, shall be installed and maintained in a healthy living condition for the duration of the Principal Use of property in accordance with the following requirements. Necessary drives and accessways from public rights-of-way through greenbelts, Buffer Strips or Berms may be permitted.

A. A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner, subject to any applicable City Ordinances.
B. A Buffer Strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the Buffer Strip. Said trees shall be at least one and three-fourths (1¾) inches in diameter measured six (6) inches above ground level, at the time of planting. Dead trees shall be replaced within eight (8) months of notification. Landscaping, such as grass or other plant ground cover, mulch, or ornamental bark or stone, shall completely cover area not planted in trees or shrubs.
C. A Berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the Berm. A Berm shall not be higher than a permitted Fence in the location. A Fence or Living Fence may be erected on a Berm, so long as the combined height of the Berm and the Fence does not exceed the permitted Fence height in the location. The width of a Berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the Berm not facing the nearest property line. See Figure 19-2.

Figure 19-2
BERM DIMENSIONS



SECTION 19.5 SCREENING

19.5.1 Transition Zone Between Land Uses: In any R-3 district used for multiple family use or non-residential use in any district shall have screening constructed along all adjoining boundaries with residentially zoned or used property. Either a landscape buffer meeting the requirements of Section 19.4, fence or solid wall may be used.

19.5.2 Mechanical Equipment: When located outside of a Building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:

A. Roof-Mounted or Wall-Mounted Equipment: To be screened by architectural features from the view of pedestrians on abutting Streets and Parcels.
B. Other Exterior Equipment: To be screened by landscaping, a solid wall or fencing from the view of pedestrians on abutting Streets and Parcels.

This section does not apply to single-family residential or two-family residential uses, or to properties in industrial Districts.

19.5.3 Outdoor Storage in Commercial and Industrial Districts: Rubbish, dumpsters and other commercial containers are to be screened by landscaping, a solid wall or fencing to keep from the view of pedestrians on abutting Streets and Parcels.

19.5.4 Exceptions to Screening and Fencing Requirements: Required screening or fencing may be omitted along any Lot Line where a Building wall exists immediately abutting the Lot Line.

19.6 FENCES AND WALLS

All Fences are subject to the provisions of Chapter 12 of the Code of Ordinances of the City of St. Joseph.

Article XX
(RESERVED FOR FUTURE USE)

Article XXI
NONCONFORMING USES

SECTION 21.1 PURPOSE

The purpose of this Article is to provide for the regulation of legally Nonconforming Structures, Lots of record, and uses, and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. The zoning regulations established by this Ordinance are designed to guide the future Use of land located in the City of St. Joseph by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with these purposes; therefore, the gradual elimination of nonconformities is generally desirable. The regulations of this Article permit nonconformities to continue, but are intended to restrict further investments which would make them more permanent.

SECTION 21.2 RESERVED FOR FUTURE USE

SECTION 21.3 NONCONFORMITIES

Except as otherwise provided in this Article, any Nonconforming Lot, use, or Structure lawfully existing on the effective date of this Ordinance or subsequent amendment may be continued so long as it remains otherwise lawful. All Nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article. A Nonconformity shall not be enlarged, expanded, or extended, including extension of hours of operation, unless the change is in compliance with all requirements of this Ordinance. Normal maintenance and incidental Repair of a Nonconformity shall be permitted, provided that this does not violate any other section of this Article.

A. Nothing in this Article shall be deemed to prevent the strengthening or Restoration to a safe condition of a Structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the Structure to be unsafe and orders its Restoration to a safe condition, provided that the Restoration is not otherwise in violation of the various provisions of this Section prohibiting the Repair or Restoration of partially damaged or destroyed Structures.
B. Nothing in this Article shall be deemed to prevent the addition of required off-Street parking or loading spaces, so long as there is no expansion of the Nonconformity, and subject to the restrictions of Article XVIII Off-Street Parking and Loading.
C. A Nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on any other Lot unless the net effect of the change shall be to reduce the Nonconformity on the current Lot; and the entire relocated Structure and/or Use shall thereafter conform to the regulations of the zoning District in which it is relocated. Any Nonconformity reduced or eliminated as a result of the move shall not be re-established in its nonconforming condition.
D. A Nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same Lot, unless the net effect of the change shall be to reduce the Nonconformity.
E. No Use, Structure, or sign which is accessory to a principal Nonconforming Use or Structure shall continue after the Principal Use or Structure has ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

F. The burden of establishing that any Nonconformity was legally established shall, in all cases, be upon the Owner of such Nonconformity and not upon the City of St. Joseph.
G. A Nonconforming Use shall not be changed to any Use other than a Use allowed in the zoning District in which it is located. For the purposes of this section, reducing the number of residential units on a Lot shall not be considered a change of Use. For example, a three-unit apartment is in the Multiple-family Dwellings Use Class and therefore is a Nonconformity in the R1 Single-family Residence zoning District. Eliminating one residential unit would change the structure to a duplex, which is in the Two-family Dwellings Use Class, which is also a Nonconformity in the R1 zoning District. This change would be allowed.
H. Nonconforming Structures shall not be re-established in their nonconforming conditions in any zoning District after damage, destruction or Demolition if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the Structure. For the purposes of this Section, “damage or destruction” does not include Dismantlement.
I. If a Nonconforming Use ceases for any reason for a period of more than twelve (12) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon the Nonconforming Use. At the end of the twelve (12) month period, the Nonconforming Use shall not be re-established and any future Use shall be in conformity with the provisions of this Ordinance.

SECTION 21.4 EXCEPTIONS

The following exceptions to Section 21.3 apply:
A. A Nonconforming residential Use, Building or Structure in the C Commercial or CO Commercial Office zoning Districts is exempt from the provisions of Sections 21.3.H and 21.3.I.
B. Any Nonconforming Building or Structure in the OS Open Space District is exempt from the provisions of 21.3.H, unless the Structure is prohibited under Areas of Special Flood Hazard, high risk erosion area, sand dune area, or other state or federal laws or regulations.
C. A Limited Neighborhood Business shall be exempt from Section 21.3 with regard to the Nonconforming Use; it shall remain subject to Section 21.3 for the purpose of dimensional nonconformities.
D. A Nonconforming Building or Nonconforming Structure located in the DH-OD Downtown Height Overlay District and which is of such height that special approval under Section 9.4 of this Ordinance would be required to construct a new Building or Structure of that height in that location is partially exempt from Section 21.3.H with respect to that height in that it may be restored following damage or destruction; it may not be restored following Demolition. To benefit from the exemption under this Section, the Building or Structure must be restored to an exterior appearance and design as similar as possible to its previous configuration and shall not increase in height or volume as a result of restoration; this Section is intended only to preserve the appearance of existing Nonconformities in the DH-OD Overlay District and shall not be used to allow the substitution of a new, dissimilar Nonconformity.

SECTION 21.5 RESERVED FOR FUTURE USE

SECTION 21.6 NONCONFORMING LOTS

A Nonconforming Lot may be used for any Principal Use permitted in the zoning District in which the Lot is located. A Nonconforming Lot may not be divided, combined with another Lot, or otherwise altered unless the result is to lessen the Nonconformity of the Lot(s) involved.

SECTION 21.7 REPAIRS AND MAINTENANCE

A. Nonconforming Uses. Repairs, maintenance and replacement may be performed on any Building or Structure devoted in whole or in part to a Nonconforming Use, including Repair or replacement of roofs, doors, windows, interior and exterior walls, foundations, fixtures, wiring, plumbing and similar appurtenances and features. However, the dimensions or volume of the Building or Structure as it existed on the effective date of this Ordinance or subsequent amendment shall not be increased in any way. Except that a Building or Structure occupied by a Limited Neighborhood Business may be repaired, replaced, or expanded so long as no dimensional Nonconformity is created or increased. If the Building or Structure is itself Nonconforming, Section 21.7.B also applies.

B. Nonconforming Structures. Repairs and maintenance may be performed on any Nonconforming Building or Structure, including Repair or replacement of interior walls, roofs, doors, windows, fixtures, wiring or plumbing and similar appurtenances and features, or Repair of exterior walls and foundations. No dimensional Nonconformity shall be increased in any way. Portions of the Structure necessary to allow the reasonable use of the Structure, such as an exterior stairway or steps, may be removed and replaced in their previous location, or with such minor modifications as may be needed to meet current standards. The intention of this Section is to allow the maintenance and rehabilitation of existing Nonconforming Structures but not to allow the replacement of foundations and exterior walls in such a way as to effectively allow a new Structure to be constructed in a nonconforming location under the guise of rehabilitation.

SECTION 21.8 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any Nonconformity provided there is no change in the nature of character of the Nonconformity, unless such change is allowed under this Ordinance.

SECTION 21.9 ELIMINATION OF NONCONFORMITIES – USES, BUILDINGS OR STRUCTURES

For the purpose of removing any Nonconforming Use, Building or Structure, the City Commission may acquire private property or an interest in private property by purchase, condemnation, or other means. The cost, expense, or a portion thereof may be paid from general funds or assessed to a special district in accordance with applicable statutory provisions and relevant provisions of the City Charter.

Article XXII
AMENDMENTS

SECTION 22.1 PURPOSE

The purpose of this Article is to establish the procedures to amend the zoning text and/or Zoning Map of the City of St. Joseph when a change in circumstances or conditions or the need to correct an error warrant such an amendment and when the proposed change would be consistent with the goals and policies of the Comprehensive Plan and the intent of this Ordinance.

SECTION 22.2 AMENDMENT PROCEDURE

22.2.1 Amendment Procedure: The Planning Commission, City Commission, an Owner of property in the City of St. Joseph, or any other interested Person may make a written request to the Planning Commission to initiate a Zoning Map change or text amendment to this Ordinance. The following procedures shall be followed:

A. An Applicant, other than the Planning Commission or City Commission, shall submit to the Zoning Administrator a formal application to amend the Zoning Ordinance on a form established for that purpose, along with the fee authorized under Section 14.7.1. The Zoning Administrator shall review the application form to ensure it is complete, and any incomplete application shall be returned to the Applicant along with the fee. Complete applications shall be transmitted to the Planning Commission. The application shall include the Applicant's name and address, the desired change and the reasons for such change, and shall address all the factors in Section 22.3. If a zoning map change is proposed, the application shall also include the Applicant's legal interest in the property, if any; if the Applicant is not the Owner, the name and address of the Owner; and a description adequate to accurately identify the subject property.
B. The Planning Commission or City Commission may initiate the preparation of a proposed amendment.
C. A public hearing shall be scheduled and noticed pursuant to the requirements of Section 14.14.
D. The Planning Commission shall conduct the public hearing, noting all comments and reports received. Any interested party may appear and be heard at such hearing in person or by agent or attorney. The Planning Commission may adjourn the hearing in order to obtain additional information, to direct the Zoning Administrator to revise the proposal, or to cause service of such further notice as it deems proper. If an Applicant fails to appear at the hearing, in person or through an agent or attorney, the Board shall conduct the hearing and issue its decision based on the information available at the hearing. The Planning Commission shall use the factors in Section 22.3 when considering a proposed amendment.
E. The Planning Commission shall recommend that the City Commission approve, approve with conditions, or deny the proposed amendment. The concurring vote of a majority of the Planning Commission members present and qualified to vote shall be required to take any formal action.
F. After the hearing, the Planning Commission shall submit to the City Commission its recommendations on the proposed amendment, a summary of the comments received at the public hearing, and the proposed amendment.

G. The Planning Commission shall report in full its findings and recommendations for action on the proposal to the City Commission. That report shall be available for review for no less than ten (10) days before the City Commission acts upon the recommendation.
H. The City Commission may adopt or deny the proposed amendment with a concurring vote of a majority of its members present and qualified to vote, with or without any changes, recommendations, or conditions that have been previously considered by the Planning Commission.
I. If the City Commission wishes to consider additional changes, recommendations, or conditions not previously considered by the Planning Commission, it shall return the proposal to the Planning Commission for reconsideration, in accordance with the procedures set forth above. The City Commission shall indicate why it is returning the matter for reconsideration to the Planning Commission with clear direction as to what should be examined. Once the Planning Commission forwards its reconsideration, the City Commission may take any action it deems appropriate under the circumstances.

SECTION 22.3 FACTORS TO CONSIDER ON REZONINGS

In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:
A. What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?
B. What are the possible precedential effects which might result from the approval or denial of the application?
C. What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?
D. Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?
E. Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)
F. If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?
G. Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

SECTION 22.4 PUBLICATION AND EFFECTIVE DATE

The City Clerk shall publish a notice of adoption in a newspaper of general circulation in the City within seven (7) days after adoption of an Ordinance amendment. The notice shall include the following information:
A. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
B. The effective date of the amended Ordinance, which shall be ten (10) days after adoption, unless otherwise specified in the amendment.

C. The place and time where a copy of the amended Ordinance may be purchased or inspected.

SECTION 22.5 OPTIONS UPON DENIAL OF AMENDMENT REQUEST

A property Owner whose proposed amendment is denied and who alleges that the denial of the amendment has the result of leaving the property Owner with no reasonable or economically viable Use of the property, must first request a Hardship PUD pursuant to the requirements of Article XIII before filing any action with the Circuit Court.

SECTION 22.6 RE-APPLICATION

A. No application for a proposed amendment which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the City which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator.
B. The following circumstances are exceptions to the one (1) year time limit in A, above:
   1. In the event that an application for a proposed amendment receives a tied vote from the Planning Commission and is therefore recommended for neither approval nor disapproval, or if the application is recommended for disapproval but it would be mathematically possible by addition of votes from members who were absent from that meeting to have resulted in a recommendation of approval, the application may be withdrawn before the City Commission acts upon it and a reapplication may be submitted.
   2. In the event that an application for a proposed amendment receives a tied vote from the City Commission, and therefore is not approved, or if the application is denied but it would be mathematically possible by addition of votes from Commissioners who were absent from that meeting to have resulted in approval, a reapplication may be submitted at any time.
C. A reapplication shall be processed as a new application.

SECTION 22.7 PROTEST PETITION

An amendment to the zoning text or Zoning Map is subject to a protest petition as required by State law. The protest petition must be presented to the City Commission before the final approval of the amendment, and must be signed by 1) the owners of at least twenty (20) percent of the area of land included in the proposed change, or 2) owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

In the event a valid protest petition is presented, the amendment must be approved by not less than a two-thirds (2/3) majority of the City Commission.

SECTION 22.8 PERIODIC REVIEW OF ZONING ORDINANCE

The Planning Commission shall in the year 2010, and at intervals of not more than five (5) years thereafter, examine all the provisions of this Ordinance and the location of zoning District boundary lines and shall submit a report to the City Commission suggesting any amendments which may be in the interest of public health, safety and general welfare.

Article XXIII
VIOLATIONS AND PENALTIES

SECTION 23.1 PURPOSE

The purpose of this Article is to identify and provide the mechanisms available to the City in the enforcement of this Ordinance and the penalties for violations of this Ordinance.

SECTION 23.2 ENFORCEMENT

The Zoning Administrator and his or her designees shall be primarily responsible for enforcement of the provisions of this Ordinance. The Zoning Administrator, Building Official, officers of the City of St. Joseph Police Department, or any other City official authorized in writing by the City Manager are authorized to issue civil infraction notices under this Ordinance.

SECTION 23.3 VIOLATIONS AND PENALTIES

23.3.1 Violations are a Nuisance Per Se: Violations of any provisions of this Ordinance are declared to be Nuisance per se and may be prosecuted and/or abated as set forth in this Ordinance or as allowed by State law.

23.3.2 Violations and Penalties: A violation of this Ordinance is a civil infraction, punishable by a fine of not less than one hundred dollars ($100.00) or more than five-hundred dollars ($500.00), plus court costs, for each offense. The City shall also have the right to pursue any other legal remedies to enforce the provisions of this Ordinance, including but not limited to injunctive relief. Each day that a violation exists shall constitute a separate punishable offense.

23.3.3 No Permit to Violators: The Zoning Administrator shall not issue a new Zoning Permit to a Person who is in violation of this Ordinance, the then-current City Property Maintenance Code, or the Land Division Act, Public Act 288 of 1967, as amended, until the violation has been corrected or the Person has been found not responsible, unless the permit is necessary to correct the violation.

23.3.4 Cumulative Rights and Remedies: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Adjudication of responsibility for a civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate the violation.

Article XXIV
(RESERVED FOR FUTURE USE)

ARTICLE XXV
TRANSITIONAL PROVISIONS, VESTED RIGHTS, SEVERABILITY, REPEAL AND EFFECTIVE DATE

SECTION 25.1 TRANSITIONAL PROVISIONS

25.1.1 Violations Continue: This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired; or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance and all prosecution, or other proceedings, instituted after the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense. Any violation occurring under the previous Zoning Ordinance (the City's Zoning Ordinance adopted on July 6, 1987 and repealed by Section 25.4 of this Ordinance) will continue to be a violation under this Ordinance and be subject to penalties and enforcement pursuant to Article XIV: Administration and Enforcement, unless the violation is brought into compliance with the provisions of this Ordinance.

25.1.2 Nonconformities Under Prior Ordinance: Any Nonconformity under the previous Zoning Ordinance (the City's Zoning Ordinance adopted on July 6, 1987 and repealed by Section 25.4 of this Ordinance) which is not otherwise permitted under this Ordinance will also be a legal Nonconformity under this Ordinance.

25.1.3 Approved Projects:

A. Validity: Permits and approvals that are valid on the effective date of this Ordinance shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval.
B. Extensions: The decision-making body that granted original approval may renew or extend the time of a previous approval if the required findings or standards for approval remain valid.
C. Re-Application: Any re-application for an expired approval or permit shall meet the standards of this Ordinance in effect at the time of re-application.

25.1.4 Planned Unit Developments (PUDs) Approved Prior to Effective Date of this Ordinance: Any Planned Unit Development (PUD), or phase of a PUD, which received final Site Plan approval prior to the effective date of this Ordinance shall remain valid. Any PUD or phase of a PUD which received Preliminary Plan approval prior to the effective date of this Ordinance but has not received final Site Plan approval within twelve (12) months of the effective date of this Ordinance shall expire.

25.1.5 Applications in Progress: Applications for permits and other approvals, submitted, accepted as complete and pending approval as of the effective date of this Ordinance may, at the Applicant's option, be reviewed wholly under the terms of the

previous Ordinance. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

25.1.6 Prior Construction Approval: The completion of construction and Use of a Nonconforming Building for which a Building permit has been issued and footings poured prior to the effective date of this Ordinance is allowed, provided that construction is commenced within ninety (90) days after the date of issuance of the permit; that construction is carried on diligently without interruption, as weather permits, for a continuous period; and that the entire Building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the Building permit. To avoid unnecessary hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated Use of any Building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except where demolition or removal of an existing Building has been substantially begun preparatory to rebuilding. The demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the Building involved.

SECTION 25.2 VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give vested rights in the continuance of any particular Use or zoning District, and all lands and uses subject to this Ordinance are subject to subsequent amendment, as may be necessary to preserve or protect the public health, safety, and welfare.

SECTION 25.3 SEVERABILITY

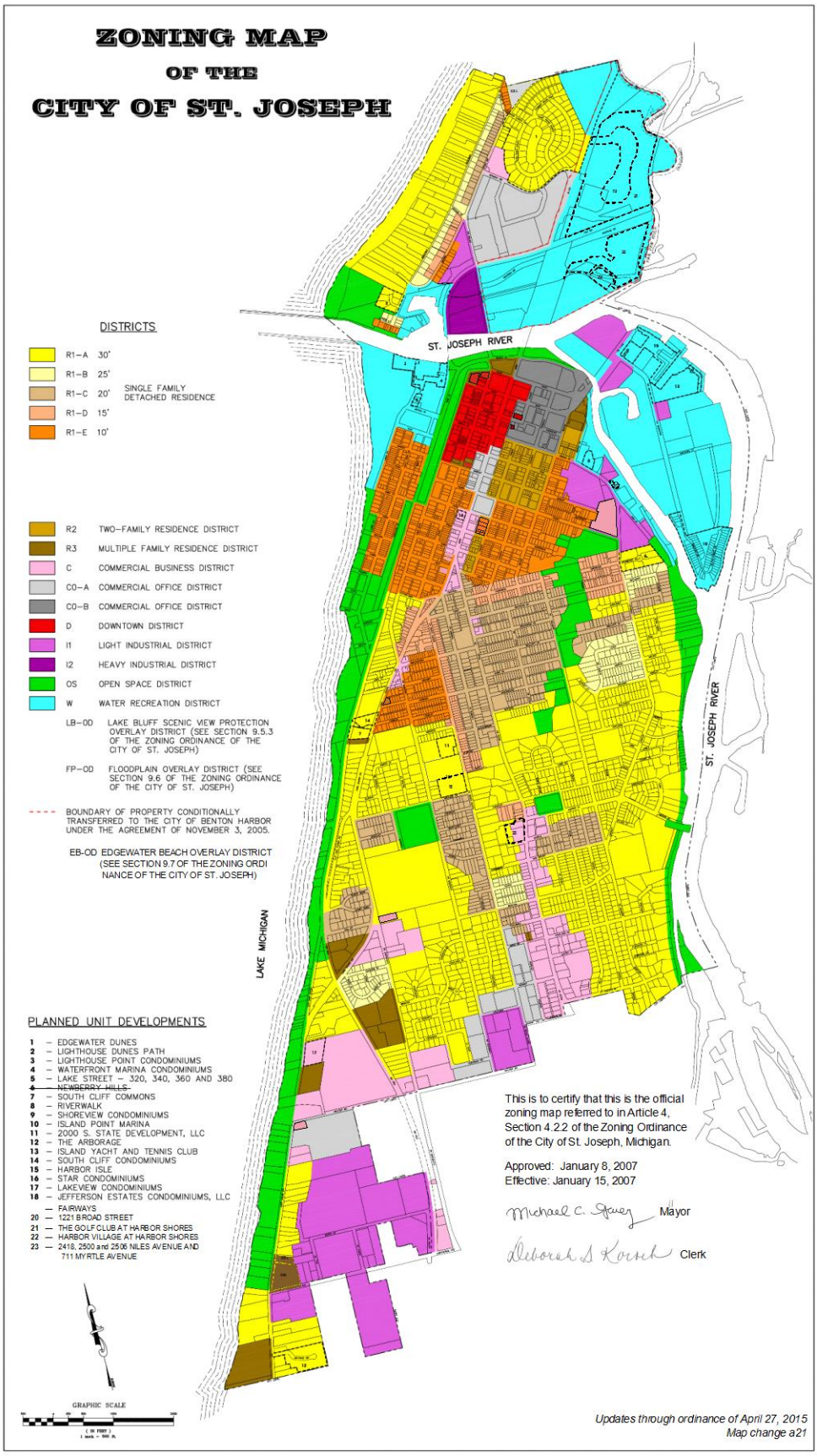
This Ordinance and its various parts, Articles, Sections, and clauses thereof are severable. If any such part sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court, the remainder of the Ordinance shall not be affected. If any such part is adjudged unconstitutional or invalid as applied to a particular property, Structure or use, the application of that part of the Ordinance to other properties, Structures or uses shall not be affected. Where there is a conflict between the provisions of this Ordinance and another Ordinance, or within this Ordinance, the more restrictive provisions shall apply. Whenever any condition or limitation is included in an approval or permit, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation to be lawful and necessary to carry out the spirit and intent of this Ordinance.

SECTION 25.4 REPEAL

The existing zoning regulations of the City of St. Joseph, being Chapter 33 of the Code of Ordinances of the City of St. Joseph, Michigan, as amended, are hereby repealed.

SECTION 25.5 EFFECTIVE DATE

This Ordinance shall become effective on January 18, 2007.


ZONING MAP
OF THE
CITY OF ST. JOSEPH
DISTRICTS
R1-A 30'
R1-B 25'
R1-C 20'
SINGLE FAMILY DETACHED RESIDENCE
R1-D 15'
R1-E 10'
R2 TWO-FAMILY RESIDENCE DISTRICT
R3 MULTIPLE FAMILY RESIDENCE DISTRICT
C COMMERCIAL BUSINESS DISTRICT
CO-A COMMERCIAL OFFICE DISTRICT
CO-B COMMERCIAL OFFICE DISTRICT
D DOWNTOWN DISTRICT
I1 LIGHT INDUSTRIAL DISTRICT
I2 HEAVY INDUSTRIAL DISTRICT
OS OPEN SPACE DISTRICT
W WATER RECREATION DISTRICT
LB-OD LAKE BLUFF SCENIC VIEW PROTECTION OVERLAY DISTRICT (SEE SECTION 9.5.3 OF THE ZONING ORDINANCE OF THE CITY OF ST. JOSEPH)
FP-OD FLOODPLAIN OVERLAY DISTRICT (SEE SECTION 9.6 OF THE ZONING ORDINANCE OF THE CITY OF ST. JOSEPH)
BOUNDARY OF PROPERTY CONDITIONALLY TRANSFERRED TO THE CITY OF BENTON HARBOR UNDER THE AGREEMENT OF NOVEMBER 3, 2005.
EB-OD EDGEWATER BEACH OVERLAY DISTRICT (SEE SECTION 9.7 OF THE ZONING ORDINANCE OF THE CITY OF ST. JOSEPH)
PLANNED UNIT DEVELOPMENTS
1 – EDGEWATER DUNES
2 – LIGHTHOUSE DUNES PATH
3 – LIGHTHOUSE POINT CONDOMINIUMS
4 – WATERFRONT MARINA CONDOMINIUMS
5 – LAKE STREET – 320, 340, 360 AND 380
6 – NEWBERRY HILLS
7 – SOUTH CLIFF COMMONS
8 – RIVERWALK
9 – SHOREVIEW CONDOMINIUMS
10 – ISLAND POINT MARINA
11 – 2000 S. STATE DEVELOPMENT, LLC
12 – THE ARBORAGE
13 – ISLAND YACHT AND TENNIS CLUB
14 – SOUTH CLIFF CONDOMINIUMS
15 – HARBOR ISLE
16 – STAR CONDOMINIUMS
17 – LAKEVIEW CONDOMINIUMS
18 – JEFFERSON ESTATES CONDOMINIUMS, LLC
– FAIRWAYS
20 – 1221 BROAD STREET
21 – THE GOLF CLUB AT HARBOR SHORES
22 – HARBOR VILLAGE AT HARBOR SHORES
23 – 2418, 2500 and 2506 NILES AVENUE AND 711 MYRTLE AVENUE
ST. JOSEPH RIVER
ST. JOSEPH RIVER
LAKE MICHIGAN
This is to certify that this is the official zoning map referred to in Article 4, Section 4.2.2 of the Zoning Ordinance of the City of St. Joseph, Michigan.
Approved: January 8, 2007
Effective: January 15, 2007
Mayor
Clerk
GRAPHIC SCALE
Updates through ordinance of April 27, 2015
Map change a21

The following Table of Updates, Summary of Zoning Map Updates, and Components of Current Ordinance are not parts of the Ordinance, but are provided as informal aids to assist in tracking the history of the Ordinance and to ensure that a particular copy of the Ordinance is up-to-date. The date of City Commission approval of an amendment is used for reference, rather than the effective date of an amendment.

Zoning map changes, such as rezonings and Planned Unit Development approvals, are not necessarily immediately reflected on the map published with the ordinance. These changes are indicated on the date of approval with a small letter (such as “a”, “b”, “c”, etc.) to indicate that a change has taken place, along with a number to identify the specific change, therefore the first change after the adoption of the map is change “a1”. A capital letter (“A”, “B”, “C”, etc.) is used to show when the change is reflected on the published map. For example, changes a1 and a2 would both be included in published map change A; the first change after published map change A would be change b1, which would be included in published map change B, and so forth. Map changes that have been approved but are not yet reflected on the published map are reflected on the official zoning map, which is available for review in the Inspection Department. The effective changes, whether or not incorporated into the published zoning map, are described in the Summary of Zoning Map Updates table.

The Cover of the Ordinance, and the tables in this section are updated with every amendment, and are therefore not included in the Table of Updates.

Abbreviations:

Ack = Acknowledgements
refs = change references to renumbered sections
Pre = Preamble
TOC = Table of Contents

Table U-1

St. Joseph Zoning Ordinance
Table of Updates

Amendment of:	Article Number																											
	Ack, TOC, Pre	I	II	III	IV	V	VI	VII	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	XVII	XVIII	XIX	XX	XXI	XXII	XXIII	XXIV	XXV	Zoning Map
Original, 1/8/07	- - -

Table U-1 *(continued from page Updates-2)*

St. Joseph Zoning Ordinance
Table of Updates

Amendment of:	Article Number																											
	Ack, TOC, Pre	I	II	III	IV	V	VI	VII	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	XVII	XVIII	XIX	XX	XXI	XXII	XXIII	XXIV	XXV	Zoning Map
9/8/2008			2.3	3.26.1		5.2																	21.3, 21.7					
11/3/2008											9.4		11.4.2	12.2, 12.4, 12.5.2 – 12.5.5, 12.11									21.4					
2/2/2009					4.6.3, 4.6.4															18.2.7								
5/4/2009			2.3										11.12.25															
8/3/2009																												a10
9/28/2009			2.3	3.9.7.B, 3.10.B		5.2							11.12.8.B							18.2.7, 18.2.12.A, 18.4.2.B, 18.3.1								
12/7/2009																												a11
2/22/2010																					19.3.2							
3/8/2010																												a12

Table U-1 *(continued from page Updates-3)*

St. Joseph Zoning Ordinance
Table of Updates

Amendment of:	Article Number																											
	Ack, TOC, Pre	I	II	III	IV	V	VI	VII	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	XVII	XVIII	XIX	XX	XXI	XXII	XXIII	XXIV	XXV	Zoning Map
5/10/2010			2.3	3.9.6	4.6.4																							
8/9/2010			2.3	3.5.1.B.1, 3.9.3.A, 3.9.6, 3.16									11.12.25.A.5, 11.12.25.B.5								19.6							
11/22/2010																												a13
4/11/2011																												a14, a15
10/10/2011			2.3		4.6.3, 4.6.5								18.2.7.C, 18.2.11.C.3															
5/7/2012			2.3	3.26.1.A, H & F; 3.29																								
8/20/2012																												a16
9/24/2012																												a17
11/5/2012											9.7																	

Table U-1 *(continued from page Updates-4)*

St. Joseph Zoning Ordinance
Table of Updates

Amendment of:	Article Number																											
	Ack, TOC, Pre	I	II	III	IV	V	VI	VII	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	XVII	XVIII	XIX	XX	XXI	XXII	XXIII	XXIV	XXV	Zoning Map
2/11/2013						5.2																						
7/8/2013					4.6.3, 4.6.4								11.12 .11.B															
8/19/13																												a18
4/14/2014													11.12.4															
7/14/2014																												a19
9/22/2014																												a20
10/27/2014				3.29.A																								
1/12/2015																				18.2.7 .C								
2/9/2015													11.8.6, 11.10	12.7, 12.8	13.4, 13.7.7													
4/27/2015																												a21
10/12/2015					4.6.3, 4.6.4	5.2	6.4.1						11.12.11.B, C, D								19.5.1							

Table U-2

St. Joseph Zoning Ordinance Summary of Zoning Map Updates		
Date of Map Change: Ordinance Approved ___	**Table Reference**	**Brief Description**
January 8, 2007	--	Original zoning map
June 11, 2007	a1	Rezone 721 Pleasant Street from CO-B to D.
July 9, 2007	a2	Amend Harbor Isle PUD; create new "Harbor Isle Project A" PUD.
September 10, 2007	a3	Rezone 800, 808, 810, 820, and 822 Court Street and 715 Price Street from R2 to R1-E.
September 10, 2007	a4	Rezone 3101 Lakeshore Drive from CO-A to C.
November 26, 2007	a5	Create new "Harbor Shores Parcel 4" PUD.
December 3, 2007	a6	Rezone 1721 Lakeshore Drive from R1-E to R2.
December 3, 2007	a7	Create new "1221 Broad Street" PUD.
February 11, 2008	a8	Rezone 2629 Cleveland Avenue from R1-A to C.
May 19, 2008	a9	Rezone 509 Ship Street & 100 State Street from R3 to D; amend previous "Harbor Shores Parcel 4" PUD to "Harbor Shores Parcel 4 – Golf" PUD; create new "Harbor Shores Parcel 4 – Residential" PUD.
August 3, 2009	a10	Amend and rename Harbor Shores Parcel 4 residential and Golf PUDs to "Fairways" and "The Golf Club at Harbor Shores", respectively.
December 7, 2009	a11	Rezone 622 Langley Avenue from I1 to C.
March 8, 2010	a12	Rezone portions of 230 Upton Drive and 300 Upton Drive from I1 to W.
November 22, 2010	a13	Create new "The River Club at Harbor Shores" PUD.
April 11, 2011	a14	Rezone 521 State Street from R3 to D.
April 11, 2011	a15	Rezone 1010 Main Street, 1014 Main Street, and 1100 Main Street from R1-E to C.
August 20, 2012	a16	Amend and rename The River Club at Harbor Shores PUD to Harbor Village at Harbor Shores
September 24, 2012	a17	Amend 2000 South State Street PUD
August 19, 2013	a18	Rezone 526 Upton Drive from R1-A to CO-A, subject to Conditional Zoning Agreement
July 14, 2014	a19	Rezone 715 Broad Street from CO-B to D
September 22, 2014	a20	Create new 2418, 2500 and 2506 Niles Avenue and 711 Myrtle Avenue PUD
April 27, 2015	a21	Rezone 3409 & 3425 Lakeshore Drive from R1-A to R3, subject to Conditional Zoning Agreement

Table U-3

St. Joseph Zoning Ordinance Components of Current Ordinance	
Section or Article	**Current Version: Ordinance Approved _____**
Cover	October 12, 2015
Acknowledgements	January 8, 2007
Table of Contents	January 8, 2007
Preamble	January 8, 2007
I	January 8, 2007
II	May 7, 2012
III	October 27, 2014
IV	October 12, 2015
V	October 12, 2015
VI	October 12, 2015
VII	January 8, 2007
VIII	January 8, 2007
IX	November 5, 2012
X	January 8, 2007
XI	October 12, 2015
XII	February 9, 2015
XIII	February 9, 2015
XIV	June 9, 2008
XV	January 8, 2007
XVI	January 8, 2007
XVII	January 8, 2007
XVIII	January 12, 2015
XIX	October 12, 2015
XX	January 8, 2007
XXI	November 3, 2008
XXII	January 8, 2007
XXIII	January 8, 2007
XXIV	January 8, 2007
XXV	January 8, 2007
Map	April 27, 2015
Updates and Components	October 12, 2015