

I hereby certify that the attached is a true and complete copy of a Resolution adopted by the City Commission of the City of Sturgis, County of St. Joseph, State of Michigan, at a regular meeting held on **March 9, 2022**, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan 1976.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

Community Development Director Will Prichard provided information on a proposed amendment to the zoning ordinance related to the creation of a Business Neighborhood district. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Malone to consider this the second reading of and approve amendments to the City Code of Ordinances, Appendix A – Zoning related to the creation of the B-N Business Neighborhood District as presented effective March 30, 2022.

Voting yea: Six Voting nay: None Absent: Klinger, Kinsey, Littman MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO BUSINESS NEIGHBORHOOD (B-N) DISTRICT

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining Business Neighborhood District (B-N) and provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the Business Neighborhood District (B-N)

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Appendix A-Zoning Ordinances of the City is hereby modified as follows effective March 30, 2022:

1.0409.1. - B-N – Business Neighborhood

- (A) Intent. The B-N Business Neighborhood district is higher-density and moderately walkable area composed of a mix of commercial and residential buildings, typically along major corridor roads in the City. While serving automobile traffic, it is less automobile-intensive than the Business Highway districts. This is due in part to smaller lot sizes on which to accommodate parking based on conversion over time from residential to commercial use. The district is generally adjacent to the Central Business District and thus represents a transition from the density and walkability of this area.
- (B) Permitted uses.
- 1) Banks, credit unions, or similar uses.
 - 2) Business schools.

- 3) Catering facility in combination with a full service eating and drinking establishment.
- 4) Clinic, dental or medical.
- 5) Fast food restaurant.
- 6) Full service eating and drinking establishment.
- 7) Essential services.
- 8) Existing housing.
- 9) Home occupations as provided for and controlled in section 1.0401(B) (9).
- 10) Institutional or public uses.
- 11) Laundry and dry cleaning.
- 12) Mixed-use development.
- 13) Office buildings.
- 14) Personal services.
- 15) Printing or publishing.
- 16) Private school.
- 17) Professional service offices.
- 18) Recreational facility.
- 19) Social clubs.
- 20) Stores for retail sales and retail services.
- 21) Studio.
- 22) Transportation services.
- 23) Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.
- 24) Uses similar to the above uses.

(C) Special land uses. The following special land uses in the B-N district, under the conditions of article VI [of this zoning district].

- 1) Apartment building of two to 12 dwelling units including two-family dwellings (duplexes).
- 2) Automobile carwash.
- 3) Automobile repair shops, major.
- 4) Automobile repair shops, minor.
- 5) Automobile service station.
- 6) Bed and breakfast operations.
- 7) Child care center or day care center in accord with section 1.0602 and section 1.0603(M).
- 8) Condominiums.
- 9) Drive-through operations.
- 10) Funeral homes and mortuary establishments.
- 11) Hotels and motels.
- 12) Marquee signs.
- 13) Murals.
- 14) Off-street parking lots.
- 15) One-family detached dwellings.
- 16) Outdoor sales areas.
- 17) Sidewalk cafes.

- 18) Theaters.
- 19) Tourist homes.
- 20) Vehicle sales area.
- 21) Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

(D) Required conditions. The following conditions are required in the B-N district.

- 1) Use parameters. All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor storage of materials from the view of adjoining streets or properties. A chain-link or decorative fence of sufficient density (one and one-quarter inches by one and one-quarter inches) to keep discarded debris within the confines of a site for uses which are likely to have debris shall be provided.
- 2) Drive-through operations. All permitted uses with a drive-through operation must meet the off-street parking and stacking standards for a drive-through as stated under section 1.0902.
- 3) For residential uses, accessory structures shall follow 1.1105 (A) and (B).
- 4) Apartments and Mixed-Use Developments. Apartments and residential units of Mixed-Use Developments shall meet the provisions 1.0502 (e) and (f) for density and separation.
 - a. Floor Area. For purposes of this section, the floor area of all dwellings or dwelling units in a building shall meet current Michigan Building Code and shall average not less than 450 square feet per dwelling unit, excluding all exterior living space and common areas including hallways, stairways, and shared areas.
- 5) Screening of trash receptacles. All areas of trash storage, including dumpsters, shall be screened on all sides with a durable, opaque material, at a minimum height of one (1) foot above the trash receptacle. The maximum height of the screening shall not exceed eight (8) feet and shall not be located in front of the building or within the side yard setback.
- 6) Site plan review. Site plan review and approval must be obtained for all new construction in accordance with the provisions of article XII of this zoning ordinance.
- 7) Compatibility with adjacent properties. The following conditions shall apply to approved non-residential uses in the B-N district when those uses are adjacent to residential uses or residentially zoned property:
 - a. Rear and side setbacks from residential property lot lines shall be 45 feet. Where an existing non-residential use is located less than 45 feet from a residential property line, such structure shall be considered a Class A non-conforming structure as described in 1.0802-1.0804 of this zoning ordinance, and the principal building may be expanded or accessory buildings may be added under the following conditions:
 - i. The proposed expansion or addition receives required Site Plan Approval pursuant to

Article XII of this ordinance.

- ii. The degree of nonconformity is not increased.

1.0501. - Table – Schedule of Regulations.

Minimum Zoning Lot Size Per Unit (k)(l)			Max Height of Structure (k)(l)		Minimum Yard Setback (Per Lot in Feet) (k)(l)(n)(o)(p)			Percentage of Lot Area Covered (By all Buildings)
Zoning District	Area in Sq. Feet	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	
...								
B-N business neighborhood	-	60	2	30	0 (t)(u)	0	0	-

1.0502. - Schedule of regulations.

This section delineates the height, bulk, density and area limits pertaining to the zoning districts defined in this zoning ordinance. The following are notes to section 1.0501, table—schedule of regulations:

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- (t) If parking is located in the front yard, curb stops are required at a minimum distance of 5 ft. from any lot line abutting a public sidewalk or City right of way where a public sidewalk may be constructed.
- (u) In determining the front yard setback of the building, the requirements shall be calculated by averaging the depth of existing developed front yards on lots within 100 feet of the lot and within the same block. The property owner/potential owner may request consideration from the Planning Commission for front yard setbacks based directly on adjoining property front yard setbacks. The request, review, and fees by the Planning Commission shall follow the requirements of section 1.0602 of this Zoning Ordinance.

1.1001. - General requirements.

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M. *Electronic message display signs.* Electronic message display signs shall be subject to the following requirements:

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TABLE 1.1001A

Zoning District(s)	Minimum Length of Time Between Static Message Changes	Type of Message Display Modes Allowed
R-1, R-2, R-3, R-4, R-5, B-C	Once every 30 seconds	Static message
B-H 2, B-N, B-OS, M	Once every three seconds	Static message and traveling text
B-H 1	Once every three seconds for static messages and maximum display time for animation shall be ten seconds.	Static message, traveling text, and animation

1.1012. - Temporary Signs.

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- (D) Temporary signs in the B-C – Central Business, B-N – Business Neighborhood, and PDD-2 zoning districts are permitted to the following conditions:

1.1014. - Signs in the B-N business neighborhood district.

(A) In the B-N business neighborhood district no sign shall be permitted which is [that are] not accessory to the business conducted on the property. Residential uses that are not part of an apartment building or mixed-use development shall follow section 1.1002 of this zoning ordinance.

(B) Signage size, location, and number.

- (1) The combined permitted signage area shall not exceed 30 percent of the total area of the building face parallel to the site’s frontage. In addition, the total area shall not exceed 100 square feet. In the case of corner lots, the zoning administrator shall determine the street that constitutes the site’s frontage.
- (2) No commercial establishment shall have a total of more than three signs facing upon any one street or parking area.
- (3) Where a sign extends more than three inches from the face of the building, the sign shall

not be closer than eight feet to the ground.

(4) There shall be no more than one ground sign per public road frontage.

(C) Sign area computation. Calculation of the signage area shall include:

(1) The total area of the lettering and display background where the sign background is separated from the building.

(2) The total area encompassed by an imaginary line which can be drawn around all the lettering or designs, where the lettering or designs are affixed to the wall of a building and the wall constitutes the background.

(D) Signage types.

(1) Wall signs. The maximum width of any sign attached parallel to a wall shall not exceed 60 percent of the width of the wall.

(2) Awning or canopy signs. The maximum area of an awning or canopy sign is 10 square feet.

(3) Projecting Signs. The maximum area of a projecting sign is 10 square feet.

(4) Ground Sign. A freestanding ground sign is permitted, computed as part of the maximum total area permitted in subsection C of this section. The sign shall not exceed 32 square feet in display area. The freestanding ground sign shall not exceed six feet in height and must be set back 5 feet from all property lines. Corner clearances must be maintained as per section 1.1107; corner clearance requirements may be reviewed by the Zoning Board of Appeals.

(5) Multi-Tenant Ground Sign. A building with three or more distinct business or office uses shall be permitted to have a combined ground sign identifying each business or office. The area of such combined ground sign shall not exceed 64 square feet per sign face. The sign area allowed for each business or office shall be prorated by the shopping center, business or office complex; however, no one business shall exceed 50 percent of maximum area allowed.

(4) Window Signage. Window signage equal to not more than ten percent of each individual window, and up to a total of 25 square feet per tenant, is allowed. This area shall not be counted as part of the total sign area calculation in Subsection C. Window signage shall be applied to the window or mounted on the interior of the building using materials such as paint or vinyl film, wood or metal panels with applied lettering, or neon signs conforming to the other provisions of this zoning code. Illuminated tube band signs and neon surrounding an entire window are prohibited.

(5) Temporary Signs subject to section 1.1012.

(E) Nonconforming signs.

(1) Continuation and conditions for removal. Nonconforming signs shall be permitted to

continue, provided all non-conforming signs shall be removed or made to comply with zoning ordinance requirements when the business moves or vacates a premises. Building walls shall be left in good repair and properly maintained within 60 days pursuant to applicable sections of the basic building codes as adopted by the city. Upon failure of any person to comply with the provisions of this section, the city may effectuate compliance through any available public agency or by contract or arrangement by private persons; the cost thereof shall be charged against the owner of the real estate upon which the building is located, and any such cost shall be a lien upon such real estate.

- (2) Existing pylon signs. Class A nonconforming structure status as provided in sections 1.0802 and 1.0803 of this zoning ordinance is hereby granted without further action to any pylon signs located in the B-N Business Neighborhood district effective to the date of this ordinance amendment and as referenced in section 1.0711. (Ord. of X-X- 2022)

(F) Internal and external illumination. Internal and external illumination on signage is allowed as regulated in this section.

- (1) Lighting must be steady and stationary in source and intensity. Acceptable sources include incandescent, halogen, LED, and metal halide lighting.
- (2) For internally lighted signs and awnings, only numbers, numerals, and logos may be illuminated.
- (3) Acceptable forms of internally lighted signs included:
 - i. Backlit (halo) signs.
 - ii. Individually internally-illuminated letters (channel or dimensional lettering).
 - iii. Box-type signs with three-dimensional push-through or inset graphics.
 - iv. Awning or canopy signs where letters and logos are translucent.
- (4) Internally illuminated box signs shall only be permitted with metal or completely opaque material backgrounds. Letters and logos must be stencil-cut through the surface and filled with three-dimensional push-through or inset graphics that are of a translucent and not transparent material.
- (5) Internally lit, channel letter/logo signs may be lit using either exposed neon tubing within the letter/logo channel or another light source behind a translucent, not transparent material. For non-neon signs, letter forms must contain soft, diffused light sources inside each letter or logo. Regulations for distance of the letters from the building will be as follows:
 - i. Channel letters with transformers mounted inside the letters shall not extend more than 16 inches from the building wall.
 - ii. Channel letters with remote transformers shall not extend more than 12 inches from

the building wall.

iii. Channel letters mounted on a raceway shall not extend more than 16 inches from the building wall.

(6) No flashing sign, rotating or moving sign, animated sign, sign with moving lights, or sign creating the illusion of movement shall be permitted.

(7) If the building official cannot determine whether the project meets the standards, the building official shall refer the project to the design review committee for its determination and recommendation to the planning board for approval.

1.0711. - Class A nonconforming use/structure status.

(A) Class A nonconforming use status, only, is hereby granted without further action to any two family dwelling located in the R-3 residential district which is properly registered as required pursuant to the City Property Maintenance Code as of the effective date of this ordinance amendment. For the purpose of this Section, only the use, and not the structure, is granted Class A status. If a structure does not meet conforming status, it may be granted Class A status on a case by case basis by the planning board as provided in Sections 1.0802 and 1.803 of the Zoning Ordinance. (Ord. of 7-22-2015)

(B) Class A nonconforming structure status, only, as provided in sections 1.0802-1.0804 of this zoning ordinance is hereby granted without further action to any pylon signs located in the B-N Business Neighborhood district effective to the date of this ordinance amendment. (Ord. of X-X- 2022)

(C) Class A nonconforming structure status, only, as provided in section 1.0802-1.0804 of this zoning ordinance is hereby granted without further action to any non-residential use as stated in section 1.0409.1 (D) 7). This Class A designation shall expire when the use changes. After this time, the new use would be required to request a Class A designation from the Planning Commission. (Ord. of X-X-2022)

1.1106. – Walls and fences.

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TABLE 1.1106A

Use or District	Requirements*
P vehicular parking district	6-foot-high masonry wall
Off-street parking area (other than P districts)	6-foot-high masonry wall

B-N, B-OS, B-H, M districts	6-foot-high masonry wall
B-C district: screening of trash dumpsters and parking areas	6-foot-high masonry wall
B-C and B-N district: parking areas and other allowed fencing uses	36" to 60" ornamental fence. Construction of cast iron, decorative metal, or a material providing a similar aesthetic appearance. Fencing cannot contain elements which provide a hazard to the public, including but not limited to spikes and sharp points.
B-C district: temporary outdoor gathering areas	Any temporarily-installed fencing material at least 50% open to the air, including plastic or wood snow fence.
M districts open storage areas, loading or unloading areas, service areas	6-foot-high to 8-foot-high masonry wall (height shall provide the most complete obscuring possible)

* The planning board may permit wood, vinyl, composite or metal screening or landscape materials where such material provides a suitable compatibility with abutting uses. In those instances where a residential property exists in one of the above districts, materials other than masonry may be utilized by the residential property owner to screen or enclose such property from abutting nonresidential uses.

(B) Fences or walls in all nonresidential districts.

- (1) In B-OS districts (business office service), fences up to six feet in height are permitted in rear and side yards. Fences not more than 50 percent solid and not more than four feet in height are permitted in required front yards. Fences in the front yard shall not be chain-link or of wire construction.
- (2) Wire fences not more than six feet in height may be placed in any yard in M (manufacturing) or B-H (business highway) districts. All parking areas for commercial or industrial district uses shall be screened on all sides abutting or across a street or alley from a residential district.
- (3) Fences or walls in the B-C central business district and non-residential uses in the B-N business neighborhood district are permitted for the following uses, with regulations as specified in Table 1.1106A.
 - a. Screening of trash dumpsters.
 - b. Screening of parking areas.
 - c. Outdoor gathering areas.
 - d. Public facilities and public use locations.
- (4) Clear vision must be maintained on all drives, streets and sidewalks. All fences or walls must be located on the property line except as required for loading areas as specified in section 1.0903.

- (5) Fence support structures or devices must be on the permit holder's side of the fence, with the finished side of the fence facing the adjacent property (see Figure 1.1105B).
- (C) Fences or walls in all residential districts and residential uses not in residential districts.
- (1) Fences or retaining walls may be located along the property line.
 - (2) Fences on lots in all residential districts which enclose property and/or are within a side or rear yard shall not exceed six feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.
 - (3) Fences shall not contain barbed wire, electric current or charge of electricity.
 - (4) Ornamental fences within the front yard shall not exceed 36 inches in height, and clear vision must be maintained on corner lots in accord with section 1.1106. Privacy fences are not permitted in the front yard area.
 - (5) Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height, measured from the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
 - (6) Fence supports or devices must be on the permit holders side of the fence, with the finished side of the fence facing the adjacent property. (See Figure 1.1105B.)
 - (7) Clear vision must be maintained on all drives, streets and sidewalks.