

Village of Cassopolis, MI
Thursday, June 9, 2022

Chapter 370. Zoning

[HISTORY: Adopted by the Village Council of the Village of Cassopolis 5-26-2015 by Ord. No. 252.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Building regulations — See Ch. 122.

Open burning — See Ch. 138.

Land divisions — See Ch. 233.

[1] *Editor's Note: This ordinance also superseded former Ch. 370, Zoning, adopted as Ch. 62 of the 2003 Code of Ordinances, as amended.*

Article I. Authority; Title; Purpose; Definitions

§ 370-1. Enactments and authority.

The Village Council of the Village of Cassopolis in the County of Cass under the authority of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCLA § 125.3101 et seq.), hereby ordains, enacts and publishes this chapter.

§ 370-2. Short title and purpose.

- A. This chapter shall be commonly known as the "Village of Cassopolis Zoning Ordinance."
- B. The Village Zoning Ordinance is hereby established in accordance with the needs of the Village. The text, map and schedules contained herein shall constitute this chapter. This chapter is expressly adopted for the following purposes:
 - (1) To protect and promote the public health, safety, and general welfare of the Village.
 - (2) To control and guide the orderly growth and development of the Village in accordance with its comprehensive planning program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:
 - (a) To encourage a wide range of housing opportunities in an orderly manner in the Village from single-family to multiple-family and congregate housing for the elderly;
 - (b) To ensure that the residential housing environment of the Village is safe, healthful and free of visual blight;
 - (c) To preserve the character and value of certain historic areas and structures;
 - (d) To preserve and enhance the appearance and viability of the Central Business District;
 - (e) To ensure the orderly development and operation of industrial uses;
 - (f) To guard against community impacts which can adversely affect those positive qualities that make up the distinctive character of the Village, and which can adversely affect its

social and economic climate;

- (g) To promote and protect the value of land and buildings which are appropriate to the various districts established by this chapter; and
- (h) To prevent conflicts between the use of land and buildings.

§ 370-3. Definitions.

- A. For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.
- B. Unless the context clearly indicates the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this chapter; the word "regulation" means the regulations of this chapter; and the words "this chapter" shall mean "the chapter text, tables and maps included herein, as enacted or subsequently amended."
- C. A "person" includes a corporation, a partnership, a limited-liability corporation, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "lot" includes a plot or parcel; a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- D. The "Village" is the Village of Cassopolis in the County of Cass, State of Michigan; and "Village Council," "Board of Appeals," and "Planning Commission" are respectively the Village Council, Board of Appeals, and Planning Commission of the Village.
- E. Any words not defined in this chapter shall be construed as defined in the Housing Law of Michigan, Public Act No. 167 of 1917 (MCLA 125.401 et seq.).
- F. Terms and words in this chapter shall be defined as follows:

ACCESSORY BUILDING

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

ACCESSORY USE

A use subordinate and customarily incidental to the main use of a lot.

ADULT BUSINESSES

The following definitions shall apply to adult businesses as permitted in the I-2 Zoning District: [Amended 11-25-2019 by Ord. No. 259]

(1) ADULT BOOKSTORE

An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, digital content and other periodicals consisting of 75% of inventory which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.

(2) ADULT MINI MOTION-PICTURE THEATER

An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating

to specified sexual activities or specified anatomical areas, as hereinafter defined, for observation by patrons therein.

(3) ADULT MOTION-PICTURE THEATER

An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, relating to specified sexual activities or specified anatomical areas, as hereinafter defined, for observation by patrons therein.

(4) ADULT SMOKING OR SEXUAL PARAPHERNALIA STORE

An establishment having, as a substantial or significant portion of its stock-in-trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

(5) MASSAGE PARLOR

An establishment where persons conduct, or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, or other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.

(6) HOST OR HOSTESS ESTABLISHMENT

Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

(7) OPEN DANCE HALL

An establishment where open public dancing by patrons is available during at least four days per week, with or without partners furnished by the establishment.

(8) PAWNSHOP

An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

(9) SPECIFIED SEXUAL ACTIVITIES

- (a) Acts of human masturbation, sexual intercourse or sodomy;
- (b) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (c) Human genitals in a state of sexual stimulation or arousal.

(10) SPECIFIED ANATOMICAL AREAS

- (a) Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ADULT DAY-CARE SERVICE

Care of any part of a day, but less than twenty-four-hour care, for adults.

ADULT FOSTER CARE

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

ALLEY

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

ALTERATION

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

ANIMAL

Any dog, cat, bird, reptile, mammal, fish or any other nonhuman creature.

AUTOMOBILE OR TRAILER SALES AREA

An area used for the display, sale or rental of new and/or used motor vehicles, snowmobiles, motorcycles, recreational vehicles, boats or trailers in operable condition and where no repair work is done.

AUTOMOBILE REPAIR, MAJOR

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

AUTOMOBILE REPAIR, MINOR

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including the sale of accessories, greasing, oiling and minor automotive repair on the premises.

AUTOMOBILE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT or CELLAR

A portion of a building having more than 1/2 of its height below grade.

BED-AND-BREAKFAST FACILITY

A building, other than a hotel, where lodgings and light breakfasts for persons, other than the family, are regularly provided for compensation.

BOARDINGHOUSE

A building or part thereof, other than a hotel or motel, where lodgings are provided for remuneration, more or less transiently, and with or without provision for meals.

BOARD OF ZONING APPEALS

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

BUILDING

The portion of a lot remaining after required yards have been provided.

BUILDING, EXISTING

Any building actually constructed or the construction of which was started previous to the effective date of the ordinance from which this chapter is derived, provided that the construction of any such building continues uninterruptedly and is completed within six months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value of record at the time of damage shall not be considered an existing building.

BUILDING HEIGHT

The vertical distance from the average elevation of the established finished grade of a lot to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING INSPECTOR

The officer charged with the administration and enforcement of the single state construction code, or his duly authorized representative.

BUILDING LINE

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

BUILDING PERMIT

A permit signifying compliance with the provisions of this chapter as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Village.

BUILDING SITE

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

CHURCH

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

CLINIC

A building or group of buildings where human patients are treated, but not lodged overnight, for examination and treatment by more than one professional, such as a physician or dentist.

COMMERCIAL VEHICLE

Any motor vehicle other than a motorcycle or private passenger automobile designed or used primarily for the transportation of persons or property.

COMMON ELEMENTS

Portions of the condominium project other than the condominium sites.

CONDOMINIUM UNIT

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

CONSTRUCTION

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

CONVALESCENT OR NURSING HOME

A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven or more persons are cared for. This home shall conform and qualify for license as required by the state.

CONVENIENCE STORE

A commercial establishment which sells miscellaneous food and nonfood items, and may be constructed in conjunction with another principal use, such as a gasoline station.

CURB LEVEL or GRADE

The mean level of the established curb in front of the building. Where no curb has been established, the Village Engineer shall establish such curb level for the purpose of these regulations.

DAY-CARE FACILITIES**(1) COMMERCIAL CHILD-CARE CENTER**

A facility, other than a private residence, receiving one or more preschool- or school-aged children for care for periods of less than 24 hours a day. A commercial child-care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility includes commercial child-care centers, nursery schools, preschools, cooperative nurseries or preschool and drop-in centers.

(2) FAMILY DAY-CARE HOME

Family day-care homes that are licensed by the state and permitted in all residential districts.

(3) GROUP DAY-CARE HOME

Group day-care homes that are licensed by the state are permitted in all single-family residential districts subject to the requirements of § 370-367.

DOMESTIC PET

Any animal commonly kept as a household pet, including but not limited to dogs, cats, small animals and birds. "Domestic pet" shall not include any livestock, or animals which present a hazard to humans.

DWELLING

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile/vehicle, tent, or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed as part of a dwelling for area requirements.

(1) DWELLING, MULTIPLE

A building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.

(2) DWELLING, ONE-FAMILY

A building occupied by one family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one family only. Every one-family dwelling shall have a minimum width throughout the entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length.

(3) DWELLING, TWO-FAMILY (also known as a DUPLEX)

A dwelling occupied by two families, each provided with separate facilities for each family for living accommodations. Every two-family dwelling shall have a minimum width throughout the entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length.

(4) DWELLING UNIT

Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile/vehicle, tent, or other portable building be considered a dwelling. In cases of mixed occupancy where a building is

occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions of this chapter relative to dwellings.

EMERGENCY/TRANSITIONAL RESIDENCES

A facility operated by a government agency or private nonprofit organization which provides temporary accommodations and on-site management for homeless persons or families, or other individuals or families in similar or related circumstances.

ERECTED

Built, constructed, reconstructed, moved upon.

ERECTING

Includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered part of erecting.

ESSENTIAL SERVICES

All publicly or privately owned utilities, such as electrical, gas, water, sewer and communication generation, storage, distribution, collection, supply, and disposal systems; municipal police and fire; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures, including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department shall be allowed in all zoning districts.

FAMILY

(1) DOMESTIC FAMILY

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

(2) FUNCTIONAL FAMILY

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

FIRST STORY

The lowest story of a building, the ceiling of which is more than seven feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

FRONTAGE

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

GARAGE, AUTOMOTIVE COMMERCIAL

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

be serviced for operation, or repaired, rebuilt or reconstructed.

GARAGE, PRIVATE

A building or other structure designed for the housing of automobiles.

GARAGE, PUBLIC

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

GASOLINE STATION

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

GREENBELT

A planting strip or buffer strip, at least 10 feet in width, which shall consist of deciduous and/or evergreen trees spaced not more than 30 feet apart and at least one row of dense shrubs spaced not more than five feet apart and which are five feet or more in height after one full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

GROSS SITE AREA

The total area within and conforming to the legal description of the site.

HAZARDOUS MATERIALS

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

HOME OCCUPATION

Any occupation or profession carried on by one or more members of a family residing on the premises. No commodity other than those customarily associated with the business is sold upon the premises. No more than one person is employed, contracted or subcontracted, other than a member of the immediate family residing on the premises. No mechanical equipment may be installed except such as is normally used for purely domestic or household purposes. No more than 25% of the total actual floor area of any story is used for home occupation or professional purposes. Home occupation does not include a family or group day-care home licensed by the state.

HOUSING FOR THE ELDERLY

A multiple-family development having the following tenant eligibility requirements. At the time of rental application, tenants must be:

- (1) Families or two or more persons, the head of which (or the spouse of which) is 62 years of age or older, or is handicapped; or
- (2) Single persons who are 62 years of age or older or who are handicapped. A handicapped person is one whose impairment:
 - (a) Is expected to be continued and of indefinite duration;
 - (b) Substantially impedes his ability to live independently; or
 - (c) Is such that his ability to live independently could be improved by more suitable housing.

INSTITUTIONAL USES

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

JUNKYARD

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

KENNEL

Any lot or premises on which not more than five domestic pets, including more than three dogs or four cats, are kept permanently or temporarily boarded.

LABORATORY

Any place devoted to experimental, routine study or basic study, such as testing and analytical operations, in which the manufacturing of products, except prototypes for test marketing, is not performed.

LANDSCAPED AREA

A portion of land area which has been changed, rearranged, or to which plant materials or scenery have been added to produce an aesthetic effect appropriate for a zoned area.

LAND USE PLAN, OFFICIAL

The official land use plan so designated by the Planning Commission and incorporated into and made a part of this chapter.

LIMITED COMMON ELEMENTS

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

LOADING BERTH

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

LOT

A measured portion of a parcel or tract of land which is described and fixed in a recorded plat or designated on a recorded subdivision.

LOT AREA

The area of a lot bounded by lot lines.

LOT, CORNER

A lot whose lot lines form an interior angle of less than 135° at the intersection of two street lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT COVERAGE

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

LOT LINE

The boundary line of a lot.

LOT LINE, FRONT

The line which is parallel or nearly parallel to the rear lot line.

LOT LINE, REAR

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

LOT LINE, SIDE

Any lot line not a front or rear lot line.

LOT OF RECORD

A lot which actually exists in a subdivision or plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded.

LOT WIDTH

The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

MASTER DEED

The condominium document recording the condominium project as approved by the Village Council to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. "Manufactured home" does not include a recreational vehicle [Public Act No. 96 of 1987 (MCLA 125.2301 et seq.)]. All manufactured homes must conform to the U.S. Department of Housing and Urban Development's code for manufactured homes. "Manufactured home" includes a double-wide unit.

MANUFACTURED HOME PARK

A parcel or tract of land, upon which three or more manufactured homes are located on a continual nonrecreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a manufactured home, and which is not intended for use as a recreational vehicle trailer park [Public Act No. 96 of 1987 (MCLA 125.2301 et seq.)].

MODULAR DWELLING

A structure which meets the requirements of the single state construction code, and which is transported in one or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems.

MOTEL or MOTOR HOTEL

A series of attached, semidetached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT)

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

NONCONFORMING STRUCTURE

A structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived, or affecting amendment, and which fails to meet the minimum

yard setback requirements of the zoning district in which it is located.

NONCONFORMING USE

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

NUISANCE

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

OPEN AIR BUSINESS

Shall be defined to include the following:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (2) Retail sale of fruits and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreational uses.
- (4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- (5) Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, modular dwellings, farm implements, and similar products.

PARCEL

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

PAVED ROAD OR STREET

A right-of-way reserved for the use of the occupants of the abutting structures and shall have a minimum thirty-foot paved width or mandatory minimum established by emergency personnel.

PERSONAL SERVICE ESTABLISHMENT

A business providing a service to customers, including but not limited to hair salon, health spa, and similar businesses but in no case adult businesses as defined in this chapter.

PLANNING COMMISSION

The Village Planning Commission and shall have all powers granted under authority of Public Act No. 285 of 1931 (MCLA 125.31 et seq.^[1]), and as provided in this chapter.

PRIVATE STREET

A right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall not be accepted by the Village for maintenance in any form and shall have a minimum thirty-foot paved width or mandatory minimum established by emergency personnel.

PUBLIC UTILITY

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

PUTRESCIBLE WASTE

Material which is capable of undergoing the process of decomposition resulting in the formation of malodorous by-products.

RECREATIONAL VEHICLE

Any self-propelled vehicle or towed vehicle intended primarily for recreational purposes and shall be deemed to include, but not be limited to, motor homes, travel trailers, tent trailers, collapsible trailers, expandable trailers, pickup coach campers, unattached pickup covers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, boat trailers, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor-driven cycles, pontoon boats, rafts, and boats.

RECYCLING FACILITY

A facility to receive recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare nonputrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal.

REPAIRS

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

RESEARCH AND DEVELOPMENT FACILITY

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

RESTAURANT

(1) DRIVE-IN RESTAURANT

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- (a) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- (b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

(2) FAST-FOOD RESTAURANT

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

- (a) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 - (b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (3) **CARRY-OUT RESTAURANTS**
Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:
- (a) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 - (b) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (4) **DRIVE-UP RESTAURANT**
Any restaurant whose method of operation involves the delivery of a prepared food/beverage to the customer in a motor vehicle, typically through a drive-up window, for consumption off the premises.
- (5) **STANDARD RESTAURANT**
Any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
- (a) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - (b) A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.
- (6) **BAR/LOUNGE/TAVERN**
A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages in compliance with the state Liquor Control Commission. The selling of food and snacks may also be permitted as an accessory use to the bar/lounge/tavern.

ROAD OR STREET, PUBLIC

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

SETBACK

The minimum horizontal distance a building or structure or any portion thereof is required to be located from the boundaries of a lot or parcel.

SHOPPING CENTER

A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property.

SIGN

A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business,

establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

(1) **ABANDONED SIGN**

A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

(2) **ACCESSORY SIGN**

A sign which pertains solely to the use of the property on which it is located such as an established product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

(3) **ALTERATION**

Any change in a sign, including, but not limited to, any change in a sign's dimensions, shape, area, height, number or orientation of sign faces, structural support, location on the property, materials or lighting. A change solely in the wording of the copy of the sign shall not constitute an alteration, unless the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation.

(4) **BILLBOARD**

A large, flat surface or board, normally mounted on a frame, which is designed to carry outdoor advertising consisting principally of brand name or trade name advertising. When the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner or sign owner, it shall be considered to be the business of outdoor advertising. This includes signs on narrow strips of land contiguous to the advertised activity, or signs on easements on adjacent property.

(5) **CANOPY**

A suspended, permanent structure, attached to a building that extends from the building face toward the right-of-way. Canopies shall meet all setback and height requirements of the zoning district in which they are located. Encroachment of canopies over a public right-of-way shall only be as approved by the Village. The portion of the canopy containing a message shall be considered as part of the allowable wall signage.

(6) **CHANGEABLE COPY SIGN**

A sign on which the message is changed manually or electronically on a periodic basis.

(7) **COMMERCIAL MESSAGE**

Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, locates or calls attention to a business, profession, product, service or other commercial activity.

(8) **COMMUNITY SERVICE GROUP SIGN**

A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community service.

(9) **COMMUNITY SPECIAL EVENT SIGN**

A sign, either portable or nonportable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are nonprofit and whose purpose is charitable, philanthropic, religious or benevolent.

(10) **CONSTRUCTION SIGN**

A sign which identifies the owners, lenders, contractors, architects and engineers of a project under construction, as well as the project itself.

(11) **COPY**

The wording on a sign surface in either permanent or removable letter form.

(12) **DIRECTIONAL SIGN**

A sign which displays directions, instructions, corporate logo, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, but not including a commercial message.

(13) **ERECT**

To build, construct, attach, hang, place, install, suspend or affix.

(14) **FREESTANDING SIGN**

A sign not attached to a building or wall, which is supported by one or more poles or braces which rest on the ground or on a foundation resting on the ground.

(15) **GROUND SIGN**

A freestanding sign, the bottom of which is no more than 24 inches above the finished grade.

(16) **GOVERNMENTAL SIGN**

A sign erected or required by the Village, county, state or federal government.

(17) **MEMORIAL SIGN**

A nonilluminated sign, tablet, or plaque memorializing a person, event, structure or site.

(18) **NAMEPLATE SIGN**

A sign identifying the name of a person.

(19) **NONACCESSORY SIGN**

A sign that relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including billboards).

(20) **NONCOMMERCIAL SIGN**

A sign, either portable or nonportable, without any commercial message.

(21) **OFF-PREMISES SIGN**

A sign not located on the premises which it advertises.

(22) **PORTABLE SIGN**

A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as "A" frame signs or signs attached to or painted on vehicles permanently parked and visible from the public right-of-way unless the vehicle is used for travel purposes in the normal day-to-day operation of the business.

(23) **REAL ESTATE SIGN**

A nonilluminated temporary sign pertaining to the sale, rent or lease of the property on which the sign is located.

(24) **RESIDENTIAL SUBDIVISION SIGN**

A sign identifying a platted subdivision, site condominium project, multifamily development, or residential development.

(25) **ROOFLINE**

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

(26) **ROOF SIGN**

A sign erected above or which extends above the roofline of a building.

(27) **TEMPORARY SIGN**

(a) Temporary construction sign for development and construction projects in any district, provided that signs are used in accordance with the provisions of this chapter.

(b) Temporary business sign, including freestanding signs, portable signs, banner, pennant, streamer, balloon or gas-filled figures which are used for on-premises business promotional purposes. The signs shall meet the size, area and placement provisions of this chapter.

(c) Community special event signs that announce an on-premises drive, campaign, activity or event of a civic, philanthropic, educational, religious organization or nonprofit for noncommercial purposes and shall be subject to the following:

[1] Limited to freestanding signs, portable signs and items such as banners, pennants, streamers, balloons and gas-filled figures. Banners, pennants, streamers and balloons shall be securely anchored and consistent with public safety standards. Each item used shall constitute a separate sign usage, and the number of signs shall be in accordance with the provisions of this chapter. Portable signs may be used as temporary event signs upon the issuance of a sign permit; however, no movable sign used as a temporary event sign shall be located on any premises with any other movable sign.

[2] Temporary event signs may be illuminated in accordance with the provisions of this chapter and subject to the supervision and discretion of the Village.

(28) WALL SIGN

A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no more than 12 inches from the exterior face of the wall to which it is attached (except canopies as defined in this section), shall not project beyond the wall to which it is attached, and shall not extend above the roofline of the building to which it is attached.

(29) YARD SALE SIGN

A sign advertising a yard, garage, rummage or similar sale.

SITE CONDOMINIUM PROJECT

A plan or project consisting of not less than two single-family units established in conformance with the condominium act [Public Act No. 59 of 1978 (MCLA 559.61 et seq.^[2])].

SPECIAL USE PERMIT

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to the number, area, location or relation to the Village, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the review criteria provided for them in this chapter are met.

STRUCTURAL CHANGES OR ALTERATIONS

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

STRUCTURE

Any constructed object having footing on the ground, including fences, buildings, sheds and similar constructions.

SWIMMING POOL

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

TEMPORARY BUILDING OR USE

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six months. Two extension periods of six

months each are allowed.

VARIANCE

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

VEHICLE

A conveyance which includes automobiles, trucks, and other motorized forms of transportation.

VIEWSHED

That scenic area which is visible from a specific location on the ground.

YARD

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

(1) REQUIRED YARD

That portion of any lot on which the erection of a main building is prohibited.

(2) FRONT YARD

A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line. Corner lots shall have a front yard on each side that abuts a right-of-way.

(3) REAR YARD

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

(4) SIDE YARD

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

[1] *Editor's Note: MCLA 125.31 et seq, was repealed by Public Act No. 33 of 2008, effective 9-1-2008.*

[2] *Editor's Note: See now MCLA 559.101 et seq.*

§ 370-4. through § 370-30. (Reserved)

Article II. Administration and Enforcement

§ 370-31. Initiation of amendment and filing fee.

- A. The Village Council may from time to time, at its own initiative or upon recommendation from the Planning Commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Public Act No. 110 of 2006 (MCLA 125.3101 et seq.). Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by a governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.
- B. The Village Council shall establish, by resolution, a fee to be paid in full at the time of receipt of any application to amend this chapter. Said fee shall be collected by the Village and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Village.

§ 370-32. Amendment procedures.

- A. Application. A petitioner shall submit a completed and signed application for an amendment to this chapter, along with the appropriate fees, to the Village. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- B. Action of the Village. The Village shall review the application form to ensure it is complete. Any application not properly filed or completed shall be returned to the applicant. Completed applications shall be transmitted to the Planning Commission. The application shall be placed on the agenda of the next regularly scheduled Planning Commission meeting.
- C. Notice of hearing. After receiving the amendment application, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within two months of the date of application receipt by the Village. The Village shall give notice of the public hearing in the manner required by Public Act No. 110 of 2006 (MCLA 125.3101 et seq.).
- D. Planning Commission and Village Council action; hearing. Following the hearing on the proposed amendment, the Planning Commission shall make written its findings of facts along with its recommendations to the Village Council of receipt of the completed petition. The Village Council may hold additional hearings if the Council considers it necessary. The Village Council may, by majority vote of its membership:
 - (1) Adopt the proposed amendment.
 - (2) Reject the proposed amendment.
 - (3) Refer the proposed amendment back to the Planning Commission for further recommendation within a specified time period. Thereafter, the Village Council may either adopt the amendment with or without the recommended revisions, or reject it.

§ 370-33. General review standards.

The Planning Commission and Village Council shall, at a minimum, consider the following before taking action on any proposed amendment:

- A. Will the proposed amendment be in accordance with the basic intent and purpose of this chapter?
- B. Will the proposed amendment further the comprehensive planning goals of the Village?
- C. Have conditions changed since this chapter was adopted, or was there a mistake in this chapter, that justify the amendment?
- D. Will the amendment correct an inequitable situation created by this chapter, rather than merely grant special privileges?
- E. Will the amendment result in unlawful exclusionary or spot zoning?
- F. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- G. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of the surrounding land?
- H. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with in the subject parcel?

- I. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
- J. What is the impact on the ability of the Village and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- K. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding property?
 - (1) Protest. Whenever a written protest against a proposed amendment is presented, in writing, to the Village, signed by the owners of at least 20% of the area included in the proposed change, or by the owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of land included in the proposed change, excluding publicly owned land in calculating the twenty-percent requirement, such amendment shall not be passed except by the favorable vote of 3/4 of the entire Village Council.
 - (2) Reconsideration of a proposed amendment. No application for a map amendment which has been denied by the Village Council shall be reconsidered unless there have been changes in the facts, evidence, and/or conditions in the case. Determination of whether there have been such changes shall be made by the Planning Commission at the time the application is submitted for processing.
 - (3) Notice and record of amendment adoption. Following adoption of an amendment by the Village Council, notice shall be published in a newspaper of general circulation in the Village within 15 days after adoption. A record of all amendments shall be maintained by the Village. A current master Zoning Map shall be maintained by the Village and displayed for public information and viewing.

§ 370-34. Administration officials.

- A. Enforcement of chapter by Village Manager. This chapter shall be enforced by the Village Manager or his designee, who shall, in no case except under a written order of the Board or the Village Council or Board of Zoning Appeals, issue any permit for the erection or structural alteration of any building, nor grant any occupancy permit for any building or land where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this chapter. The Village Manager or his designee shall investigate any alleged violation of this chapter coming to his attention, whether by complaint or arising from his own personal knowledge, and if the violation is found to exist, he shall serve notice upon the owner, and notify the Village Council and prosecute a complaint to terminate said violation before the appropriate magistrate. The Village Manager or his designee shall make an inspection of all new construction from time to time to ascertain that the dimensions and conditions stated on the application are complied with. The Village Manager shall also make periodic inspections throughout the Village to ascertain that the requirements of this chapter are complied with.
- B. Maintenance of records. It shall be the further duty of the Village Manager or his designee to keep all records of all inspections and applications for building permits and of all such permits issued, with a notation of all special conditions involved. The Village Manager shall file and safely keep copies of all plans other than for one-family houses and fees submitted with such application, and the same shall form a part of the records of his office and shall be available to the Village Council and all other officials of the Village.

§ 370-35. Certificate of occupancy.

- A. Required. No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy

shall have been issued by the Village Manager or his designee stating that the premises or building complies with all the provisions of the approved plans and all ordinances of the Village. Such certificate of occupancy shall be granted or denied within 10 days from the date the written application therefor has been received by the Village Manager or his designee. Where any special use conditions are applicable, said conditions shall be stated on the certificate of occupancy.

- B. Records. A record of all certificates of occupancy shall be kept on file in the office of the Village Manager or his designee, and copies shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected.

§ 370-36. Violations and penalties.

- A. Any owner or agent, and any person or corporation, who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or structure or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be responsible for a municipal civil infraction.
- B. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith who knowingly assists in the commission of such violation shall each be responsible for a municipal civil infraction.

§ 370-37. through § 370-60. (Reserved)

§ 370-61. Board of Zoning Appeals created.

There is hereby created a board of zoning appeals, consisting of five members appointed by the Village Council as authorized under Article VI of Public Act No. 110 of 2006 (MCLA 125.3601 et seq.).

§ 370-62. General grant of power to Board of Zoning Appeals.

The Board of Zoning Appeals shall perform all the duties and have all the powers prescribed by the revised state statutes and the amendments thereto and herein more particularly provided. It shall adopt such rules of procedure, not inconsistent with the provisions of the revised state statutes and local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

§ 370-63. Zoning Board of Appeals employees.

The Board of Zoning Appeals may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and then available for that purpose.

§ 370-64. Appeals to Zoning Board of Appeals.

Appeals to the Board of Zoning Appeals in any matter over which it may have jurisdiction may be taken by any party aggrieved by the decision or order appealed from, or by an officer, department, board or agency of the Village affected by such decision or order. A notice of appeal, specifying the grounds thereof, shall be filed with the Village Clerk within 30 days after the date of the action appealed from.

An appeal shall stay all proceedings in furtherance of the action in respect to which the decision or order appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals that by reason of the 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 except upon a restraining order granted by the Board of Zoning Appeals or by the circuit court upon notice to the officer from whom the appeal is taken and on due cause shown.

§ 370-65. Applications for variances.

Subject to the provisions of this section, and in addition to other duties and powers specified herein, the Board of Zoning Appeals, after public hearing, shall have the power to decide applications for variances:

- A. Where it is alleged by the applicant that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property on the effective date of the ordinance from which this chapter is derived, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure, or of the use of development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Zoning Appeals shall not grant a variance on a lot of less than the requirements of its zone, even though such lot existed at the time of the passage of this chapter, if the owner or members of his immediate family owned adjacent land which could, without undue hardship, be included as part of the lot;
- B. Where it is alleged by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land, buildings or structures, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; or
- C. Where it is alleged that the condition or situation of the specific piece of property or 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 practical the formulation of a general regulation for such conditions or situation as part of this chapter.

§ 370-66. Facts and conditions for variances.

No variance in the provisions or requirements of this chapter shall be authorized by the Board of Zoning Appeals unless the Board finds from reasonable evidence that all the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning classification;
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the vicinity, provided that the possibility of increased financial return shall not be deemed sufficient to warrant a variance;
- C. That the authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this chapter or the public health, safety and welfare; and
- D. That the condition or situation of the specific piece of property or 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 practical the formulation of a general regulation for such conditions or situation as part of this chapter.

§ 370-67. (Reserved)

[1] *Editor's Note: Former § 370-67, Land use variances prohibited, was repealed 11-25-2019 by Ord. No. 259.*

§ 370-68. Board of Zoning Appeals decisions on special conditions.

The Board of Zoning Appeals shall have the power to hear and decide, in accordance with the provisions of this chapter, interpretations of this chapter, and may make decisions upon other special questions on which the Board of Zoning Appeals is authorized to pass. In considering such applications, the Board of Zoning Appeals shall review the case within the intent of this chapter, giving due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed use. Before authorizing a use, the Board of Zoning Appeals shall determine whether the proposal would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust, dirt, cinders, noxious gases, glare, heat, fire potential, sewage wastes, pollution, parking, transportation, traffic aesthetic effect, devaluation of property values and/or psychological effects, and for the purpose of making such a determination may enlist the aid of experts, technicians and consultants. The Board of Zoning Appeals shall decide the appropriateness of exceptions and conditional uses within the intent of this chapter and may impose such requirements and conditions necessary to preserve such intent. In the determination of such requirements and conditions of use, the Board of Zoning Appeals shall consider the standards enumerated herein for similar uses devising such proportionate requirements as will achieve compatibility of use and do substantial justice and serve the public interest.

§ 370-69. Zoning Board of Appeals public hearings.

Upon the filing of any appeal as hereinafter provided, or other application in any matter or proceedings over which the Board of Zoning Appeals shall have jurisdiction by law or ordinance, the Board shall hold a hearing on such appeal or application at its next meeting, to be held not less than 15 days after the date of such filing, and shall cause notice of the time and place of the hearing to be given as required by Section 604 of Public Act No. 110 of 2006 (MCLA 125.3604).

§ 370-70. Board of Zoning Appeals decisions.

The Board of Zoning Appeals shall render its decision upon such appeal or application within 60 days after the hearing thereon, and in any event within 90 days after the date of filing of the appeal or application, and upon failure to do so, such appeal or application shall thereupon be deemed to be decided adversely to the appellant or applicant in the same manner as though the Board of Zoning Appeals had rendered its decision to that effect.

§ 370-71. Board of Zoning Appeals fees.

Upon the filing of any appeal or application to the Board of Zoning Appeals by any person other than an officer, department, board or agency of the municipality, the appellant or applicant shall pay fees as determined by Village ordinance to defray the cost of publishing notice of the appeal or application and the Board of Zoning Appeal's decision thereon, of hearing and recording the matter.

§ 370-72. Board of Zoning Appeals vote necessary for decision.

The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement or decision of any administrative official or to decide in favor of that applicant on any matter they are required to pass.

§ 370-73. Board of Zoning Appeals minutes and records.

The secretary shall keep minutes of the Board of Zoning Appeal's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 370-74. through § 370-100. (Reserved)

Article III. District Regulations

§ 370-101. Districts enumerated.

The Village is hereby divided into the following districts:

R-1	Single-Family Residential District
R-2	Single-Family and Two-Family Residential District
R-3	High Density Residential/Residential Mobile Home District
C-1	Mixed Use/Office District
C-2	Commercial District
C-3	Central Business District
P	Parking District
I-1	Light Industrial District
I-2	Manufacturing District
G/P	Governmental/Public Use District

§ 370-102. Zoning Map.

- A. Adopted by reference. The areas and boundaries of such districts noted in § **370-101** are hereby established to scale on a map entitled "Zoning Map of the Village of Cassopolis," and referred to herein as the "Zoning Map." The Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. Amendment. Regardless of the existence of copies of the Zoning Map which may be made or published, the Official Zoning Map shall be located at the Village Hall and shall be the final authority as to the current zoning status in the Village. No amendment to this chapter that involves a change of a mapped zoning district shall become effective until an entry has been made on the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the President of the Village Council, and attested by the Village Clerk.

§ 370-103. Interpretation of district boundaries.

When uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed to follow Village boundaries.
- D. Boundaries indicated as approximately following property lines, section lines or other lines of a survey shall be construed to follow such chartered lines as of the effective date of the ordinance from which this chapter is derived, or affecting amendment.
- E. Boundaries indicated as following railroad lines shall be construed to follow the center line of the railroad right-of-way.
- F. For boundaries indicated as parallel to or extensions of features indicated above, the Building Inspector shall interpret the district boundaries. Upon appeal, the Board of Zoning Appeals reserves the right to override the interpretation of the Building Inspector.

§ 370-104. Annexed areas.

When property not now in the Village shall become annexed to the Village, the existing zoning shall be retained for one year or until the Planning Commission shall have reviewed and recommended rezoning to the Village Council and the Village acts upon the recommendation.

§ 370-105. through § 370-120. (Reserved)

Article IV. R-1 Single-Family Residential District

§ 370-121. Purpose.

The R-1 Single-Family Residential Zoning District is typically a single-family housing area. While most of the developed portion of the Village is served by utilities, the low density status is designed to preserve those areas which have developed strictly as single-family detached units on separate lots. The dwelling unit density in the R-1 District shall still be at a sufficient scale to support utility system operation and maintenance costs.

§ 370-122. Principal permitted uses.

The following shall be principal permitted uses in the R-1 Single-Family Residential District:

- A. Single-family detached dwellings.
- B. State-licensed residential facilities as defined and required by Section 206 of Public Act No. 110 of 2006 (MCLA 125.3206).
- C. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- D. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- E. Home occupations in accordance with § **370-368**.
- F. Off-street parking in accordance with section § **370-404**.

§ 370-123. Uses subject to special use permit.

The following uses are subject to a special use permit in the R-1 District. All uses are subject to restrictions listed in Article **XVI** of this chapter:

- A. Churches.
- B. Bed-and-breakfast facilities.
- C. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and such neighborhood.
- D. Family and group day-care homes.
- E. Private roads and streets.
- F. A handicapped ramp, either permanently or temporarily attached to the dwelling, which encroaches into required yard requirements, provided it is removed within 30 days after the documented need for such ramp has ceased.
- G. Mobile home or pre-manufactured structure to be used as living accommodations in a low density residential district must comply with the following standards. These standards shall not be applied to mobile homes located in a mobile home park.
 - (1) Lot size of residence shall conform with all other requirements of a single-family residence regarding height, area, width and yard regulations cited in § 370-145 of this article.
 - (2) A minimum living space of 1,400 square feet; minimum floor to ceiling height must be eight feet.
 - (3) At least 50% of the longest side of the dwelling must also have a depth of not less than 40 feet.
 - (4) All units shall be permanently attached to a solid foundation constructed on the site in accordance with the Village Building Code.
 - (5) No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
 - (6) The dwelling shall be connected to public sewer and water supply.
 - (7) The dwelling must contain no additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.
 - (8) The dwelling must contain permanently attached steps connected to an exterior door area or to a porch connected to said home.
 - (9) The dwelling must comply with all pertinent building and fire codes, including, in case of mobile homes, the standard for mobile home construction as contained in MCLA 125.2301, Public Act 96 of 1987, as amended, the Manufactured Housing Commission rules.
- H. Accessory buildings and uses customarily incidental to the above principal permitted uses.
 - (1) The accessory building shall be located on the premises of a single-family residential lot.
 - (2) The accessory building will serve as a separate residence to elderly or disabled relatives of the owner-occupant of the primary residence who demonstrate a need for assistance.
 - (3) No more than two persons shall reside in the accessory unit.

- (4) The accessory unit to be utilized as a residence must be constructed in such a manner to meet all building code standards for a residential unit.
- (5) The total floor area of the accessory unit shall not exceed the ground floor area of the primary residence and shall not measure in height taller than the primary residence, and in no case shall exceed 750 square feet.
- (6) The accessory unit shall blend with the surrounding architectural styles and not constitute a blighting influence.
- (7) Sufficient off-street parking on the premises must be provided to accommodate for both the primary residence and the accessory unit.

§ 370-124. Development requirements.

[Amended 11-25-2019 by Ord. No. 259]

Area, height, bulk and placement requirements for the R-1 District, unless otherwise specified, are as provided in the Schedule of Regulations in § **370-401** of this chapter.

§ 370-125. through § 370-140. (Reserved)

Article V. R-2 Single-Family and Two-Family Residential District

§ 370-141. Purpose.

The R-2 Single-Family and Two-Family Residential District is intended to provide for single-family, two-family, and low intensity multiple-family dwellings set in a medium density living environment. Nonresidential uses permitted in the R-1 Single-Family Residential District are also permitted in this district. Residential densities of not more than 10 units per acre are permitted in this district.

§ 370-142. Permitted uses.

[Amended 11-25-2019 by Ord. No. 259]

The following uses are permitted in the R-2 Medium Density Residential District:

- A. Any permitted use in the R-1 Low Density Residential District;
- B. Single-family attached dwellings, not to exceed four units per structure;
- C. Two-family dwellings;
- D. Single-family detached bungalow courts;
- E. Fourplexes;
- F. Small multiplexes that maximize at eight dwelling units per building; and
- G. All accessory uses customarily associated with the above uses.

§ 370-143. Uses subject to special use permit.

- A. All uses listed in § **370-142**, subject to the same conditions.

- B. Mobile or manufactured home park (subject to regulations established in Article **VI**).
- C. Personal service establishments, including barber/beauty shops, health salons, in conjunction with any of the uses permitted in this section.
- D. Hospitals, and convalescent and retirement homes, except those dedicated solely to the treatment of criminals, or persons with mental illness, subject to the following conditions:
 - (1) All such hospitals shall be developed on sites consisting of at least 10 acres.
 - (2) Ambulance and delivery services shall be obscured from all residential views, utilizing a method approved by the Planning Commission.
 - (3) Ingress/egress for hospital uses shall be provided from a major thoroughfare.
 - (4) Convalescent and retirement homes shall be so developed so as to create a building to land ratio not less than 1,500 square feet of space per one bed/bedroom.
 - (5) No building shall be closer than 40 feet from any property line.

§ 370-144. through § 370-160. (Reserved)

[1] *Editor's Note: Former § 370-144, Height regulations, and 370-145, Area, width, and yard setback regulations, were repealed 11-25-2019 by Ord. No. 259.*

Article VI. R-3 Multiple-Family Residential District

§ 370-161. Purpose.

The R-3 District is intended for higher density multiple-family residential uses (eight to 14 dwelling units per acre).

§ 370-162. Principal permitted uses.

In the R-3 District, no use shall be permitted unless otherwise provided in this chapter, except for the following:

- A. Single-family detached dwellings.
- B. Two-family and three-family dwellings.
- C. Multiple-family dwellings.
- D. State licensed residential facilities as defined and required by Section 206 of Public Act No. 110 of 2006 (MCLA § 125.3206).
- E. Adult foster care facilities (medium and large) as regulated by the state.

§ 370-163. Uses subject to special use permit.

The following uses are subject to a special use permit in the R-3 District. All uses are subject to restrictions listed in Article **XVI** of this chapter.

- A. All permitted uses subject to special use permit in the R-2 District.
- B. Private clubs and lodges.

- C. Convalescent and nursing homes.
- D. Housing for the elderly.
- E. Emergency/transitional residence used solely for residents.
- F. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- G. Off-street parking and loading requirements in accordance with § **370-404**.

§ 370-164. Development requirements.

Area, height, bulk and placement requirements for the R-3 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article **XVII** of this chapter. For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with § **370-402**.

§ 370-165. through § 370-180. (Reserved)

Article VII. R-3 Residential Mobile Home District; Residential Mobile Home Park District

§ 370-181. Purpose.

- A. The Residential Mobile Home District (R-3) is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses.
- B. The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission rules govern all mobile home parks. When regulations in this article exceed the state law or the Manufactured Housing Commission rules they are intended to insure that mobile home parks meet the development and preliminary plan standards established by this article for other comparable residential development and to promote the health, safety and welfare of the Village residents.

§ 370-182. Permitted uses and structures.

- A. Principal uses and structures. In all areas zoned Residential (R3), no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used, in whole or in part, except for one or more of the following principal permitted uses:
 - (1) Mobile home parks.
 - (2) Fire stations.
 - (3) Schools.
 - (4) Parks.
- B. Accessory uses and structures. The following uses and structures accessory to principal uses and structures in the R-3 District shall be permitted, subject to the provisions in § **370-123**:
 - (1) Signs, subject to the provisions in Article **XVIII**.

- (2) Off-street parking, subject to the provisions in Article **XVII**.
 - (3) Uses and structures incidental to the principal residential use.
 - (4) Small wind energy systems.
- C. Permitted uses with special standards. In all areas zoned Residential R-1, R-2, and R-3 Districts, the following uses are permitted, subject to the conditions specified for each use as set forth in § **370-123**.
- (1) Public utility facilities, subject to the provisions in § **370-123**.
- D. Conditional land uses. The following uses may be permitted by the Village Council, upon recommendation by the Village Council, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this chapter.
- (1) Places of worship.
 - (2) Wireless reception facilities, subject to the provisions in § **370-367**.

§ 370-183. Development standards.

- A. Preliminary plan review.
- (1) Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Village for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.
 - (2) In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission rules.
- B. Application filing. Any person requesting any action or review under the provisions of this chapter shall file an application on the forms provided by the Village. The information required shall be typed or legibly written on the form or on separate sheets attached to the form. The application should contain the following items:
- (1) Location and number of pads for mobile homes.
 - (2) Typical distance between mobile homes.
 - (3) Identification of typical minimum setbacks for mobile homes on each lot.
 - (4) Average and range of size of mobile home lots. A typical site size illustration will suffice.
 - (5) Density calculations (dwelling units per acre).
 - (6) Sidewalks and trail locations and widths, if provided.
 - (7) Location and names of roads and internal drives.
 - (8) Community building location, if applicable.
 - (9) Location and size of open areas.
 - (10) Indication of type of recreation facilities proposed for recreation area, if any.
- C. Optional pre-filing conference. Applicants may request to meet with Village staff, including any consultants designated by the Village Council, to preliminarily review applications prior to filing.

Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Village officials, staff or consultants at such conferences shall constitute approval of any application.

- D. Planning Commission action. The Planning Commission shall review all applications at a public meeting. The Planning Commission shall consider all recommendations of the staff and consultants. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan and/or site plan within 60 days after the Village stamps a plan meeting all of the requirements of this section as being officially received. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this chapter shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action is taken within the sixty-day review period.
- E. Filing fees.
- (1) A filing fee to cover the cost of processing and reviewing the application shall accompany all applications. The filing fee and deposit shall be paid before the approval process begins.
 - (2) A schedule of the current filing fees and deposit requirements is available at the Village Hall.
- F. Minimum requirements. Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law, including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission rules and, in addition, shall satisfy the following minimum requirements.
- G. Parcel size for overall park. The minimum parcel size for mobile homes shall be 20 acres.
- H. Minimum site size. Mobile home parks shall be developed with an average site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all mobile home park residents. This open space shall be in addition to the open space required under the Manufactured Housing Commission rules in effect at the time the proposal is submitted.
- I. Setbacks. Mobile homes shall comply with the following minimum distances and setbacks:
- (1) For a home not sited parallel to an internal road: 20 feet from any part of an adjacent mobile home that is used for living purposes for the entire year.
 - (2) For a home sited parallel to an internal road: 15 feet from any part of an adjacent mobile home that is used for living purposes.
 - (3) Seven feet from any on-site parking space of an adjacent mobile home site per Rule 125.194(2)(b) of the Manufactured Housing Commission rules.
 - (4) Ten feet from any attached or detached accessory structure of an adjacent mobile home that may not be used for living purposes for the entire year.
 - (5) Fifty feet from any permanent community-owned structure such as community buildings or maintenance or storage facilities.
 - (6) One hundred feet from any baseball, softball or similar recreational field.
 - (7) Twenty-five feet from the fence of any swimming pool.
 - (8) Ten feet from the edge of an internal road, provided that such road is not dedicated to the public. Mobile homes and other structures in the R-3 District shall be set back at least 20 feet from the right-of-way line of a dedicated public road within the mobile home park.
 - (9) Seven feet from any parking bay of a home site.

- (10) Seven feet from a common sidewalk.
 - (11) All mobile home, accessory buildings and parking shall be set back not less than 20 feet from any mobile home park boundary line, except that a minimum setback of 50 feet shall be provided from existing and future right-of-way lines of abutting streets and highways contained in the Village's adopted Master Plan.
 - (12) Fifty feet from the edge of any railroad right-of-way.
 - (13) Twenty-five feet from a natural or man-made lake or waterway.
- J. Maximum height. Buildings in the R-3 District shall not exceed two stories or 35 feet in height, whichever is less; storage sheds or service buildings shall not exceed one story or 15 feet in height, whichever is less.
- K. Roads. Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission rules, except as follows:
- (1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the Michigan Department of Consumer and Industry Services. Sole access by an alley is prohibited.
 - (2) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AAHTO). The community developer may use other suitable materials of equal quality if approved by the Michigan Department of Consumer and Industry Services.
- L. Parking.
- (1) All mobile home sites shall be provided with at least two off-street parking spaces per Manufactured Housing Commission rules.
 - (2) In addition, a minimum of one parking space for every three mobile home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a sidewalk or street.
 - (3) Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan.
 - (4) No part of any such storage area shall be located in any required yard on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six-foot fence or wall in accordance with the requirements in § **370-405**, or a landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level at maturity.
 - (5) Park owners who prohibit storage of boats, motorcycles, recreation vehicles, and similar equipment are not required to construct common areas for storage and parking. If boats, motorcycles, recreation vehicles and similar equipment are allowed in a park, park owners are required to provide storage for these vehicles.
- M. Sidewalks. Concrete sidewalks having a minimum width of four feet shall be provided on at least one side of collector streets in the mobile home park.
- N. Accessory buildings and facilities.

- (1) Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park and their guests only.
 - (2) Site-built buildings within a manufactured home park shall be constructed in compliance with the Village of Cassopolis Building Codes and shall require all applicable permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Village of Cassopolis Building Codes.
 - (3) If allowed by the management, each mobile home shall be permitted one storage shed or garage. The installation of any such shed or garage shall comply with the Michigan Residential Code.
- O. Open space. Open space shall be provided in any mobile home park containing 50 or more mobile home sites. A minimum of 2% of the park's gross acreage shall be dedicated to well drained, usable open space, provided that a minimum of 25,000 square feet of contiguous open space shall be provided.
- P. Landscaping.
- (1) Perimeter screening. Mobile home parks must also meet the requirements of Sections 11(2) (b), 11(4), and 11(6) of the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
- Q. Storm drainage. All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable requirements of Part 4 of the Michigan Department of Environmental Quality Mobile Home Parks and Seasonal Mobile Home Parks Rules.
- R. Telephone and electric service. All electric, telephone, cable TV and other lines within the park shall be underground.
- S. Sale of mobile homes. New or pre-owned manufactured homes, which are to remain on site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that the manufactured housing development management permits the sale.
- T. Planned unit development. Planned unit development may be permitted in the Residential R-3 District as a means to achieve the basic intent of this district, in accordance with Article **XVII**.

§ 370-184. through § 370-200. (Reserved)

Article VIII. C-1 Mixed Use/Office District

§ 370-201. Purpose.

The C-1 Local Business District is intended to serve the convenience needs of neighborhood residents. The C-1 District typically does not contain comparison-shopping facilities or open-air businesses.

§ 370-202. Principal permitted uses.

In the C-1 District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- A. Museums and libraries.
- B. Financial institutions.
- C. Funeral homes and mortuaries.
- D. Barber and beauty shops.
- E. Professional offices.
- F. Retail shops and service establishments.
- G. Public utilities.
- H. Mixed commercial and residential uses, where residence is on second floor.
- I. Warehousing facilities, including mini-storage.
- J. Accessory buildings and uses.
- K. Off-street parking in accordance with the requirements of § 370-404.

§ 370-203. Uses subject to special use permit.

The following uses are subject to a special use permit in the C-1 district. All uses are subject to restrictions listed in Article **XVI** of this chapter.

- A. Gasoline stations/fuel-dispensing businesses.
- B. Churches.

§ 370-204. Development requirements.

Area, height, bulk and placement requirements for the C-1 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article **XVII** of this chapter. For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with § 370-402.

§ 370-205. through § 370-220. (Reserved)

Article IX. C-2 General Commercial District

§ 370-221. Purpose.

The C-2 General Business District is intended to serve the commercial needs of the residents of the greater Village area as well as the passing motorist. It is characterized by businesses with large lot requirements, extended hours and major thoroughfare locations.

§ 370-222. Principal permitted uses.

In the C-2 Business District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- A. All principal permitted uses in the C-1 Local Business District.

- B. Combined retail-wholesale businesses, including minor assembly of merchandise or modification of articles, when conducted entirely within an enclosed building(s) and determined not to be contrary to the prevailing sense of what is decent or obscene to the surrounding commercial area.
- C. Personal service establishments, including health spas.
- D. Financial institutions, general and professional offices, not including medical and dental clinics.
- E. Restaurants and bakeries.
- F. Museums, libraries and art galleries.
- G. Dry cleaning and laundry establishments, not including central dry-cleaning or laundry plants.
- H. Wineries, fruit juices processing and private cold storage, distilleries, lumber yards/home improvement stores, open-air fruit markets.
- I. Hotels and motels.
- J. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- K. Off-street parking in accordance with the requirements in § **370-404**.
- L. A marihuana commercial business retailer as authorized by Village of Cassopolis Ordinance No. 263.^[1]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[1] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

§ 370-223. Uses subject to special use permit.

The following uses are subject to a special use permit, each limited to 14 days or at the discretion of the Planning Commission in the C-2 District. All uses are subject to restrictions listed in § **370-366** of this chapter.

- A. Drive-in restaurants.
- B. Car wash establishments.
- C. Open-air businesses, including mobile food vending trucks.
- D. Gasoline/fuel-dispensing businesses, with or without convenience store, car wash, restaurant or similar uses.
- E. Bowling alleys, skating rinks, and indoor recreation facilities, pool or billiard halls, or pinball or video game arcades or establishments.
- F. An area used for display, sale or rental of new and used motor vehicles, boats, trailers or similar equipment.
- G. Automotive repair, major or minor.
- H. Pet sales store.
- I. Veterinary hospital or clinic.
- J. Churches.
- K. A marihuana commercial business grower as authorized by Village of Cassopolis Ordinance No. 263.^[1]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[1] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

- L. A marihuana commercial business processor as authorized by Village of Cassopolis Ordinance No. 263.^[2]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[2] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- M. A marihuana commercial business secure transporter as authorized by Village of Cassopolis Ordinance No. 263.^[3]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[3] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- N. A marihuana commercial business safety compliance facility as authorized by the Village of Cassopolis Ordinance No. 263.^[4]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[4] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- O. A marihuana commercial business designated consumption lounge as authorized by the Village of Cassopolis Ordinance No. 263.^[5]
[Added 8-10-2020 by Ord. No. 264]
^[5] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

§ 370-224. Development requirements.

Area, height, bulk and placement requirements for the C-2 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article **XVII** of this chapter. For all permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with § **370-402**. This applies to new businesses who wish to operate in a permanent location and are required to seek a zoning amendment to allow the use to be included in a particular zoning district or districts, as a use permitted by right or as a special land use.

§ 370-225. through § 370-240. (Reserved)

Article X. C-3 Central Business District

§ 370-241. Purpose.

The C-3 Central Business District is intended to permit a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational uses in an effort to provide the harmonious mix of activities necessary to further enhance the Central Business District as a commercial and service center.

§ 370-242. Principal permitted uses.

The following are principal permitted uses in the C-3 District:

- A. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building, and combined retail-wholesale business when conducted entirely within a building.
- B. Personal service establishments, including health/fitness centers, beauty and barber shops and similar uses.
- C. Financial institutions and general and professional offices, including medical and dental offices.

- D. Restaurants and taverns, including sidewalk and outdoor cafes, but not including drive-in restaurants.
- E. Museums, art galleries and similar cultural uses.
- F. Publicly owned buildings, including government facilities, theaters and concert halls.
- G. Mixed use establishments, i.e., commercial and residential uses combined in one structure.
- H. Funeral homes and mortuaries.
- I. Other uses which are similar to the above and subject to the following restrictions:
 - (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - (3) Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.
 - (4) Outdoor temporary display of seasonal/outdoor products is permitted if not a nuisance or safety hazard to pedestrians or motorists. All displays/products shall be enclosed in a secure area, or otherwise secured unless stored inside at night.
- J. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- K. Off-street parking lots shall be in accordance with the requirements of § **370-404**.
- L. Pool or billiard halls, or pinball or video game arcades or establishments.
- M. Film/recording studios.
[Added 11-25-2019 by Ord. No. 259]
- N. Indoor recreation.
[Added 11-25-2019 by Ord. No. 259]
- O. Arts/crafts studios.
[Added 11-25-2019 by Ord. No. 259]

§ 370-243. Uses subject to special use permit.

The following uses are subject to a special use permit in the C-3 District. All uses are subject to restrictions listed in § **370-366** of this chapter.

- A. Housing for the elderly.
- B. Sales of new and used cars, boats, campers and other recreational vehicles.
- C. Churches.
- D. Hotels and motels.
- E. Establishments offering live entertainment not otherwise described in Article **XIV** of this chapter, including musical entertainment and similar general entertainment uses.
- F. Pet sales stores.
- G. A marihuana commercial business retailer as authorized by Village of Cassopolis Ordinance No. 263.^[1]

[Added 8-10-2020 by Ord. No. 264]

[1] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

§ 370-244. Development requirements.

Area, height, bulk and placement requirements for the C-3 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article XVII of this chapter. For permitted uses and uses subject to a special use permit that will alter the area of any structure or require a change in parking, access or drainage on the property, a site plan shall be submitted in accordance with § 370-402.

§ 370-245. through § 370-260. (Reserved)

Article XI. (Reserved)

[1] *Editor's Note: Former Article XI, P Parking District, was repealed 11-25-2019 by Ord. No. 259.*

§ 370-261. through § 370-280. (Reserved)

Article XII. PUD Planned Unit Development District

§ 370-281. Statement of purpose.

Recognizing that there is a need for flexibility in keeping abreast of new building methods, designs, and materials, and to provide for variety in dwelling types and commercial complexes, this district is limited to allow for variation in the use and area requirements of this chapter (which are designed primarily to apply to the traditional pattern of lot development and building arrangement generally prevailing within the Village) and in the regulations applying to buildings, yards, etc. This article also pertains to site condominium projects. The Village Council may amend this chapter and Zoning Map for the accomplishment of the foregoing purposes, in accordance with the following procedure.

§ 370-282. Development requirements.

- A. For the purpose of accomplishing the objectives of this article, the owner or owners of any tract of land shall submit to the Village Council a preliminary plan which the Board shall refer to the Village Planning Commission for review and public hearing. The Planning Commission shall then make its recommendation to the Village Council. If the Village Board approves the preliminary submission after report of the Planning Commission, the preliminary plan shall be signed by the Village Council and filed with the Village Planning Commission. The Board shall then amend the Zoning Map to include the zoning district change. Within a period of 12 months following such approval, a final detailed plan shall be submitted showing that specific and detailed provisions have been made for the essential conditions listed in this chapter. The detailed plan shall be submitted to the Planning Commission and, except for the requirement of recording in the Office of the County Register of Deeds, be processed in the same manner as for subdivisions in the Village.
- B. Although the preliminary plan must show the entire proposed developments, the final detailed plan may be submitted and approved in stages. No building permit shall be issued nor construction be commenced before a detailed final plan or stage thereof is approved, signed, and filed with the Village Planning Commission.

§ 370-283. Preliminary and final plans; time limits; zoning designation.

- A. Preliminary plans. The preliminary plan shall show the layout of the total area to be included in the proposed district and shall be accompanied by documentary evidence to the satisfaction of the Planning Commission showing the following:
- (1) That the plan shall be consistent with the Land Use Plan as adopted and from time to time amended for the orderly development of the Village and that it will promote the general welfare of the Village;
 - (2) That the appropriate use and value of adjacent property will be safeguarded;
 - (3) That the capacity of existing or proposed utilities, streets, and thoroughfares is adequate to absorb the additional burden created by the Planned Unit Development District when considered in conjunction with presently existing and additional proposed facilities;
 - (4) That the development will consist of a grouping of buildings or other structures deemed by the Village Planning Commission to be compatible; that adequate service, parking, and open spaces will be provided; and that this development will be a common operating and maintenance unit;
 - (5) That proper and sufficient provision is made for common open space, but not less than 15% of the total site;
 - (6) That all buildings will be served by an adequate sewage disposal system, water supply, and other utilities; and
 - (7) That any reduction in the minimum lot area per dwelling otherwise required in this chapter will result in increased open space immediately available to those residents and will be in addition to the requirement of Subsection **A(6)** above.
 - (8) Owner permission.
- B. Final plans. If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and intent of § **370-402** shall be fully complied with at the completion of each stage. The comprehensive final detailed plans shall have a scale of not less than one inch equals 100 feet, and this plan with its evidence shall show the following:
- (1) Contour lines showing two-foot changes in elevation or indicating any unusual topographical features;
 - (2) That adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site;
 - (3) That the location, dimensions, and arrangements of all open spaces (common or private), yards, accessways, entrances, exits, off pedestrian ways, widths of roads, streets, and sidewalks are adequate to provide for safe and efficient ingress and egress to and from public streets and highways serving the development;
 - (4) The size and capacity of all areas to be used for automobile access, parking, loading and unloading, with respect to parking (See Article **XVII**, § **370-404**, Off-street parking and loading.);
 - (5) The location, uses planned, elevations, major exterior treatment, dimensions, gross floor area, building coverage, signage, and height of each building or other structure;
 - (6) The location and arrangements of all areas devoted to planted lawns, trees, recreation, and similar purposes;

- (7) Provisions made for the location of existing or proposed sewage disposal, water supply, stormwater drainage, parking lot lights, and other utilities;
 - (8) Sufficient additional data as may have been required by the Planning Commission subsequent to the approval of the preliminary plan to enable the Planning Commission to judge the effectiveness of the design and character of the entire Planned Unit Development District and to consider properly such things as the relationship to surrounding area, anticipated traffic, public health, safety and general welfare.
- C. Time limit for beginning of construction and reversion to former zoning classification.
- (1) Every application, when approved by the Planning Commission either as submitted or resubmitted in modified form, shall constitute an agreement by the applicant or owner that such installation shall be made, completed, and operated as indicated by the approved plan and in accordance with the provisions of this section and that the area which has been zoned or rezoned shall lose its new classification and revert to its former zoning classification in any of the following events:
 - (a) If construction of approved buildings and improvements shall not be undertaken within 12 months after the approval of the detailed plans or within such additional time as may be authorized by the Village Planning Commission.
 - (b) If there shall be a failure to complete construction within the time period specified on the building or construction permit or to comply or to continue to comply with the specified conditions listed in § **370-403** and in this section, or with conditions imposed by the Village Council or Planning Commission hereunder in the zoning of the area.
 - (2) The change of zoning required by this section shall not be effective unless written notice has been given to the applicant by mail, providing 30 days in which to show cause to the Village Planning Commission why the change in zoning should not take place.
- D. Zoning designation binding successors in interest. Whenever a tract of land has been designated as a planned unit development, such zoning designation shall continue in effect, irrespective of subsequent changes in ownership whether all or a portion of the designated tract, and the uses and regulations of such zoning shall bind and be applicable to any successors in interest to those who were the owners of such tract at the time this zoning was imposed upon this real estate.

§ 370-284. Conditional rezoning.

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 16i of the Village Zoning Act (MCLA 125.286i^[1]) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- [1] *Editor's Note: MCLA 125.286i was repealed by § 702 of Public Act No. No. 110 of 2006, effective 7-1-2006. See now MCLA 125.3405.*
- B. Application and offer of conditions.
- (1) An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

- (3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - (4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - (5) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (6) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter.
 - (7) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (8) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. Planning Commission review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in § **370-284F** of this chapter, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. Village Council review. After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in § **370-284F** of this chapter. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 11 of the Village Zoning Act (MCLA 125.281^[2]), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- [2] Editor's Note: MCLA 125.281 was repealed by § 702 of Public Act No. No. 110 of 2006, effective 7-1-2006.*
- E. Approval. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
- (1) The statement of conditions shall:
 - (a) Be in a form recordable with the Register of Deeds of Cass County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the Village Council.

- (b) Contain a legal description of the land to which it pertains.
 - (c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - (d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - (e) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the Village with the Register of Deeds of Cass County.
 - (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
- (2) Upon the rezoning taking effect, the Official Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Village Clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 - (3) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of Cass County. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 - (4) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- F. Compliance with conditions.
- (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- G. Time period for establishing development or use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Village Council if (1) it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. Reversion of zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection **G** above, then the land shall revert to its former

zoning classification as set forth in MCLA 125.286i.^[3] The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

[3] *Editor's Note: MCLA 125.286i was repealed by § 702 of Public Act No. No. 110 of 2006, effective 7-1-2006. See now MCLA 125.3405.*

- I. Subsequent rezoning of land. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to Subsection **H** above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the statement of conditions is no longer in effect.
- J. Amendment of conditions.
 - (1) During the time period for commencement of an approved development or use specified pursuant to Subsection **G** above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the statement of conditions.
 - (2) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.
- K. Village right to rezone. Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Village Zoning Act (MCLA 125.271 et seq.^[4]).

[4] *Editor's Note: MCLA 125.271 et seq. was repealed by § 702 of Public Act No. No. 110 of 2006, effective 7-1-2006.*
- L. Failure to offer conditions. The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

§ 370-285. through § 370-300. (Reserved)

Article XIII. I-1 Light Industrial District

§ 370-301. Purpose.

The purpose of the I-1 District is to establish a zone where designated industrial and commercial businesses may locate and intermingle, which produce a minimum amount of adverse effect on adjoining premises, are compatible with one another, and do not require large land or building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities.

§ 370-302. Principal permitted uses.

In the I-1 District, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- A. Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment, alcoholic beverages, dry goods and apparel, groceries and related products, raw farm products, except livestock, electrical goods, hardware, plumbing, heating equipment and supplies,

- machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity, the manufacture of which is permitted in this district, and truck terminals.
- B. Testing, research laboratories, or research and development facilities.
 - C. Tool and die shops.
 - D. Facilities for the printing or forming of box, carton and cardboard products.
 - E. Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
 - F. Indoor tennis, paddleball, or racquetball courts.
 - G. Bakeries.
 - H. Cold storage facilities.
 - I. Bottling works, including milk bottling or distribution stations.
 - J. Manufacture of food products.
 - K. Tin shops or plumbing supply shops.
 - L. Outdoor, indoor, or screened building materials storage yards.
 - M. Kennels.
 - N. Veterinary hospitals or clinics.
 - O. Contractors' equipment storage yards.
 - P. Automobile storage and parking.
 - Q. Accessory buildings and uses customarily incidental to the above principal permitted uses.
 - R. Off-street parking in accordance with Article **XVI** of this chapter.

§ 370-303. Uses subject to special use permit.

The following uses are subject to a special use permit in the I-1 District. All uses are subject to restrictions listed in Article **XVI** of this chapter.

- A. Planned industrial parks.
- B. Public garages, motor vehicle repair shops, automobile paint and bump shops or car washing establishments.
- C. Telecommunications towers, per this chapter.
- D. Hospitals.
- E. Coal storage.

§ 370-304. Development requirements.

Area, height, bulk and placement requirements for the I-1 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article **XVII** of this chapter. Any use permitted in the I-1 District must comply with applicable county and state health and pollution laws and federal regulations.

For all permitted uses and uses permitted by special use permit, a site plan shall be submitted in accordance with § **370-402**.

§ 370-305. through § 370-320. (Reserved)

Article XIV. I-2 Manufacturing District

§ 370-321. Purpose.

The purpose of the I-2 District is to provide areas where heavier types of industry may best utilize essential public and private facilities and utilities while minimizing the negative impacts typically associated with this kind of industry.

§ 370-322. Principal permitted uses.

Principal permitted uses in the I-2 District shall be as follows:

- A. All permitted uses in the I-1 District.
- B. Establishments which assemble and manufacture automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware.
- C. Establishments that process, refine or store food and foodstuffs.
- D. Breweries, wineries, auto body repair shops, distilleries, machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, painting and sheet metal shops, undercoating and rust-proofing shops and welding shops.
- E. Municipal sewage treatment plants.
- F. Truck terminals.
- G. Bulk storage of gasoline, fuel oil, fuel gas, propane, kerosene, diesel fuel or any flammable liquid.
- H. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- I. Off-street parking in accordance with § **370-404**.
- J. A marihuana commercial business retailer as authorized by Village of Cassopolis Ordinance No. 263.^[1]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[1] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- K. A marihuana commercial business grower as authorized by Village of Cassopolis Ordinance No. 263.^[2]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[2] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- L. A marihuana commercial business processor as authorized by Village of Cassopolis Ordinance No. 263.^[3]
[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]
^[3] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*
- M. A marihuana commercial business secure transporter as authorized by Village of Cassopolis Ordinance No. 263.^[4]

[Added 11-25-2019 by Ord. No. 259; amended 8-10-2020 by Ord. No. 264]

[4] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

- N. A marihuana commercial business safety compliance facility as authorized by the Village of Cassopolis Ordinance No. 263.^[5]

[Added 8-10-2020 by Ord. No. 264]

[5] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

- O. A marihuana commercial business designated consumption lounge as authorized by the Village of Cassopolis Ordinance No. 263.^[6]

[Added 8-10-2020 by Ord. No. 264]

[6] *Editor's Note: See Article XIX, Marihuana Commercial Business Facilities.*

§ 370-323. Uses subject to special use permit.

The following uses are subject to a special use permit in the I-2 District. All uses are subject to restrictions listed in Article XVI of this chapter.

- A. Automobile disposal, junkyards, recycling facilities.
- B. Central dry cleaning plants and laundries.
- C. Adult commercial and service establishments of an adult nature as defined herein and subject to conditions:
- (1) In order to prevent an undesirable concentration of such uses and activities, such uses and activities shall not be located within 1,000 feet of two other such uses nor within 500 feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the following existing and proposed specified uses and activities and between such uses and the adjoining residentially zoned district.
- D. Adult bookstore.
- E. Adult motion-picture theater.
- F. Adult mini motion-picture theater.
- G. Adult smoking or sexual paraphernalia store.
- H. Massage parlor.
- I. Host or hostess establishments offering socialization with a host or hostess for consideration.
- J. Open dance hall.
- K. Pawnshop.
- L. Halfway/Transitional house if located farther than 1,500 feet from any residential home. Cannot be located within 1,500 feet of any school or park.
- M. Tavern or cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. The term "projected entertainment" shall not include standard television reception.
- N. Any combination of the foregoing conditions. The Village Council may waive the foregoing spacing requirements if it finds the following conditions exist:
- (1) The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing regulations will still be observed; and

- (2) The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging deterioration upon other businesses and occupants and a disruption in neighborhood development.^[1]

[1] *Editor's Note: Former Subsections O, Drug paraphernalia, and P, regarding medical marihuana provisioning centers, which immediately followed this subsection, were repealed 8-10-2020 by Ord. No. 264.*

§ 370-324. Open storage.

All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies in the I-2 District shall be located within an area not closer than 150 feet from any street right-of-way line. The storage of lumber, coal, or other combustible material in the I-2 District shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or business district, by a solid six-foot wall or fence sufficient to serve as a permanent retaining wall or fence.

§ 370-325. Performance standards.

Before the issuance of any building or occupancy permit in the I-2 district, the applicant shall sign an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant:

- A. Fire and explosion hazards. All activities in the I-2 District shall be carried on only in buildings conforming to the Single State Construction Code Act, Act 230 of 1972,^[1] and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards to a use on an adjacent property as determined by the state. Flammable liquids other than fuels used for heating shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided with proof of MDEQ permit:
- (1) Said storage building is not closer than 100 feet to any building occupied by one or more humans.
 - (2) Every factory or manufacturing building or other building permitted only in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Building Inspector and the Chief of the Fire Department as being sufficient in view of the nature and extent of the fire risk.
- [1] *Editor's Note: See MCLA 125.1501 et seq.*
- B. Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
- C. Liquid or solid waste. The discharge of untreated industrial waste into a reservoir, pond, lake or stream is prohibited. All methods of sewerage and industrial waste treatment and disposal shall be approved by the County Health Department and the State Department of Environmental Quality.
- D. Vibration. There shall be no vibration that is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- E. Noise. There shall be no noise emanating from the operation that will be more audible beyond 100 feet of the immediate site than 80 decibels.

- F. Glare. There shall be no direct or sky-reflected glare exceeding 1.5 footcandles or which would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.
- G. Entry and exit light shall be designed to direct light down onto the site and away from residential property.

§ 370-326. Development requirements.

Area, height, bulk and placement requirements for the I-2 District, unless otherwise specified, are as provided in the Schedule of Regulations in Article **XVII** of this chapter. For all permitted uses and uses permitted subject to a special use permit, a site plan shall be submitted in accordance with § **370-402**.

§ 370-327. through § 370-330. (Reserved)

Article XV. Governmental/Public Use District

§ 370-331. Purposes.

The G/P Governmental/Public Use District is intended to make provision for uses which are public services and possess unique characteristics associated with county/regional needs.

§ 370-332. Principal permitted uses.

The following uses are permitted in the G/P District:

- A. Administrative offices associated with governmental functions;
- B. Libraries;
- C. Cemeteries, if publicly owned;
- D. Criminal justice facilities, including courthouses, jails, and similar facilities;
- E. Fairgrounds;
- F. Parks and recreation facilities, if publicly owned;
- G. Animal control facilities;
- H. Public works yards, including equipment and materials storage; and
- I. Other similar governmental or public facilities, including medical/dental facilities.

§ 370-333. Uses subject to special use permit.

Private recreational facilities, including golf courses, gun ranges, and boat launches.

§ 370-334. Developmental requirements.

Maximum building height shall be as permitted by Building and Fire Code requirements.

§ 370-335. Area and setback requirements.

No minimum requirements shall be established, except as determined by the Planning Commission based on impact on adjacent uses, and public health, safety and welfare. The Planning Commission shall have the right to establish requirements on a case-by-case basis.

§ 370-336. Off-street parking.

Off-street parking shall be provided in accordance with Article **XVII** of this chapter.

§ 370-337. Signs.

Sign requirements will be in accordance with the provisions of Article **XVIII** of this chapter.

§ 370-338. through § 370-360. (Reserved)

Article XVI. Supplemental Regulations

§ 370-361. General regulations.

- A. Conformance with zoning regulations. Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this chapter, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance. If construction on a building is lawfully begun prior to adoption of this chapter, nothing in this chapter shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one year from the effective date of the ordinance from which this chapter is derived, or affecting amendment.
- B. Application of regulations.
- (1) The regulations set by this chapter throughout the Village and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use. All buildings, structures or land may hereafter be used, constructed, altered or occupied only when in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be altered:
 - (a) To accommodate or house a greater number of persons or families than permitted by the zoning district.
 - (b) To have narrower or smaller rear setbacks or yards, front setbacks or yards, or other side setbacks or yards, other than permitted.
 - (2) No yard setback, lot or parcel existing at the time of passage of the ordinance from which this chapter is derived shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards, setbacks, lots or parcels created after the effective date

of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.

- C. Building permit required; basis for eligibility. In accordance with other Village codes, ordinances and regulations duly adopted by the Village Council, and in accordance with this chapter, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this chapter, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures.
- D. Certificate of occupancy required. No new principal building or dwelling subject to the provisions of this chapter shall be occupied, inhabited or used until a certificate of occupancy is issued by the Building Inspector.

§ 370-362. Structures.

- A. Restoring unsafe buildings. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department or any other lawfully authorized entity. A building or structure condemned by the Building Official may be restored to a safe condition, provided a change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration, except that if the damage or cost of reconstruction or restoration is equal to or in excess of its state equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction for structures hereafter erected.
- B. Structure to have access. Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for fire protection and required off-street parking.
- C. One single-family structure per building site. No single-family detached residential structure shall be erected upon a building site with another single-family detached residential structure. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a building site as herein defined.

§ 370-363. Lots.

- A. New lots to be buildable. All newly created lots shall have buildable area. The net buildable area of a building site shall be a contiguous piece of land, excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of land.
- B. (Reserved)^[1]
 [1] *Editor's Note: Former Subsection B, Minimum frontage, was repealed 11-25-2019 by Ord. No. 259.*
- C. Minimum building site size. No new building sites shall be created which do not meet the minimum building site size regulations of this chapter.
- D. Corner building sites. On a corner building site, each building site line which abuts a street shall be deemed to be a front building site line, and the required setback along lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining required yards shall be required side setback and which the required rear setback.
- E. Existing platted lot. Any residential lot laid out on an approved plat or a legally recorded parcel existing at the time of adoption of the ordinance from which this chapter is derived that fails to comply with the minimum requirements of this chapter may be used for a single-family dwelling,

provided said lot or parcel is in single ownership as defined in this chapter and further provided that 90% of all yard requirements are complied with. An existing platted lot or recorded parcel which contains 90% or more of the required area and width may be utilized as a separate lot. The use of more than one lot in common ownership where the same do not comply with 90% of the minimum requirements of this chapter shall be determined by the Board of Zoning Appeals on the basis of neighborhood character. For the purpose of this section, the Board of Zoning Appeals shall use the following standards to determine neighborhood character:

- F. Two lots. If each of the two adjacent lots in question has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least 60% of the total number of developed lots within 400 feet on both sides of the same street, each of said lots in question shall be construed to be in character with the neighborhood. If not, the two lots shall be considered a single lot.
- G. Three lots. If each of the three lots in common ownership has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least 60% of the total number of developed lots within 400 feet on both sides of the same street, each of said lots shall be construed to be in character with the neighborhood. If not, the three lots shall be considered one or two lots meeting the zone district requirements.
- H. Four or more lots. If each of the four or more lots in common ownership are less than the minimum requirements, they shall be subdivided into one, two or three lots meeting the zone district requirements.

§ 370-364. Nonconforming uses, structures or combinations.

- A. Continuance of nonconforming uses and structures. Only lawful nonconforming uses or structures in existence at the time of passage of the ordinance from which this chapter is derived or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this chapter. Land now occupied by an illegal nonconforming use or structure shall not be eligible for any variance or zoning permit until the illegal nonconformity is removed.
- B. Discontinuance of nonconforming uses. If the nonconforming use of any land shall terminate for a continuous period of over six months or more, such use shall not be reestablished, and any future use of such land or structure shall be in conformity with this chapter.
- C. Restoration and repair of nonconforming uses:
 - (1) Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
 - (2) If any nonconforming use is damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored, provided the cost of restoration thereof shall not equal or exceed the state equalized value of such building or structure. Such determination shall be made by either the Building Inspector or Village Manager or their designee.
 - (3) A nonconforming building or structure may be restored, provided it does not exceed the floor area size, height, and placement of the original building or structure.
- D. Restoration of a nonconforming building or structure. In the event any nonconforming building or structure shall be damaged by fire, wind, or an act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height and placement of the original building or structure.
- E. Change of use of structure. A nonconforming use may be changed to another nonconforming use if the Board of Zoning Appeals finds that such a new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not

be construed to permit the conversion of a nonconforming use, nor to waive the other provisions of this chapter.

- F. Nonconforming due to reclassification. The foregoing provisions of this chapter shall also apply to buildings, land or uses which hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulation of this chapter.

State law reference — Nonconforming uses and structures, MCLA 125.3208.

§ 370-365. Temporary use permits.

Temporary permits may be authorized by the Board of Zoning Appeals after a public hearing, for a period not to exceed one year, for nonconforming uses incidental to construction projects on the same premises and including such uses as storage of building supplies and machinery, signs and assembly of building materials. In addition, the Board of Zoning Appeals, after a hearing, may authorize a certificate for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one year, provided all of the following requirements are complied with:

- A. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
- B. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- C. Said dwelling shall meet all other zoning restrictions of the zone in which it is located.

§ 370-366. Special use permit.

- A. When required. Special use permits are required for proposed activities which are essentially compatible with other uses, signs or activities permitted in a zoning district, but which possess characteristics or location qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this chapter. A site plan in accordance with § 370-402 is required for submission and approval of all special use permit applications. Only those uses, signs, or activities specifically identified in the use districts of this chapter require special use permits.
- B. Procedures. The following steps shall be taken when considering a proposed special use.
 - (1) Filing of application; contents. A special use permit application shall be filed by the applicant with the Village along with the required site plan, fee, statement with supporting evidence to which the proposed activity meets the criteria and any other pertinent information upon which the applicant intends to rely for approval.
 - (2) Review. The Village Manager or their designee shall review the application for completeness and forward the application, with his recommendation, to the Planning Commission for their review and consideration.
 - (3) Notice; contents. The Planning Commission shall give public summary of notice as required by Section 502 of Public Act No. 110 of 2006 (MCLA 125.3502).
 - (4) Review; decision. After review of the application and public hearing or written comments, if any, the Planning Commission shall approve, approve with conditions, or deny the permit based upon the standards of the special use as set forth in the appropriate use district. The decision on a special use permit application shall be incorporated in a statement of conclusion

relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

State law reference — Special land uses, MCLA 125.3502 et seq.

§ 370-367. Site design standards and regulations for special uses and certain new uses.

The following are specific regulations and design standards for uses listed in this article and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community. The following site facility and design standards with respect to certain new uses, herein specified, shall control:

- A. Antennas, including satellite (dish) receiving stations. Accessory antennas, including satellite receiving stations except as otherwise permitted in this chapter, shall be subject to the following regulations:
- (1) Accessory antennas shall be permitted in all districts as accessory uses, provided they are not used for commercial or profit-making activities.
 - (2) Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.
 - (3) An accessory antenna may be erected in any required yard except a front yard, shall not project forward of the rear building line, and shall not be closer than five feet to any side or rear lot line. Movable antennas shall not revolve closer than three feet to any side or rear lot line.
 - (4) An accessory antenna shall not exceed one story or 15 feet in height. The total yard area devoted to an accessory antenna use shall not exceed 100 square feet of yard area.
 - (5) A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two front yards. When an antenna is located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.
 - (6) In the case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
 - (7) In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.
- B. Automobile disposal, junkyards, and recycling facilities. For this use, the following more restrictive provisions shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.
- (1) The site shall be a minimum of three acres in size.
 - (2) There shall be a required yard setback of at least 100 feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation project or proposed use. Nothing shall be piled, stored or accumulated in any required yard area.
 - (3) A solid fence or wall at least eight feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

- (4) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area.
- (5) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- (6) Wherever a side or rear lot line of such use abuts a residential use or a residential zoning district, the required yard shall be doubled and shall contain plant material, grass, and structural screens to effectively minimize the appearance of the installation project or proposed use.
- (7) Environmental protection. All actives shall comply with all local, county, state, and federal environmental protection regulations.
- (8) Nuisance prevention. Facilities shall not perform operations or activities that result in the emission or creation of nuisances, noise, vibration, smoke, dust or particulate matter, toxic or noxious materials, odors, fumes, or explosive hazards, glare, or excessive heat.

C. Bed-and-breakfast facilities.

- (1) The minimum lot size shall be 10,000 square feet with a minimum frontage of 66 feet on a public street.
- (2) A residence shall not have or be converted to more rental rooms than the number of bedrooms which existed when the application was made.
- (3) The minimum size of a rental room shall be 125 square feet.
- (4) The minimum size for manager/owner living quarters shall be 450 square feet.
- (5) A common room or area for guest relaxation is required.
- (6) For those facilities which are not owner-occupied, a manager must reside on the premises and have an equity interest in the facility.
- (7) One off-street parking space shall be provided for each rental room, in addition to the two off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
- (8) Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
- (9) The premises (including corner lots) may be permitted one advertising sign not exceeding six square feet in area.
- (10) Approval by the Building Inspector is required prior to occupancy of the facility. Thereafter, the Building Inspector shall conduct an annual compliance inspection.
- (11) Approval by the County Health Department is required if other than a continental breakfast is served.
- (12) The maximum stay at a bed-and-breakfast facility shall be 30 continuous days.
- (13) A site plan shall be submitted in accordance with § **370-402**
- (14) The use of the facility shall not, in the judgment of the Village Planning Commission and the Village Council, be detrimental to adjacent land uses and the immediate neighborhood.

D. Bowling alley, indoor skating and similar uses.

- (1) Driveway openings to the site shall be located at least 75 feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
- (2) The main and accessory buildings shall be located a minimum of 100 feet from any residential use.

E. Car wash establishment.

- (1) Minimum lot size shall be 20,000 square feet.
- (2) All washing activities must be carried on within a building.
- (3) Vacuuming activities may be carried out only in the rear or side yard and at least 50 feet distant from any adjoining residential use.
- (4) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
- (5) All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer and cleared on a weekly basis.

F. Central dry cleaning plants and laundries.

- (1) Minimum lot area shall be one acre.
- (2) Underground storage tanks are prohibited in the Village.
- (3) The storage and transport of flammable and combustible liquids shall be in accordance with the state and federal regulations.
- (4) This use is prohibited within a wellhead delineation area as defined by the Wellhead Protection Plan adopted by the Village.

G. Child-care centers.

- (1) No dormitory facilities permitted on premises.
- (2) For each child cared for, there shall be provided, equipped and maintained on the premises a minimum of 150 square feet of usable outdoor play area with a minimum total area of 5,000 square feet per facility.
- (3) The outdoor play area shall be fenced in or screened by heavily planted greenbelt from any abutting residential uses.

H. Churches.

- (1) Minimum lot width shall be 150 feet.
- (2) Minimum lot area shall be two acres.
- (3) For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- (4) The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
- (5) Off-street parking shall be prohibited within the required front yard setback area.

I. Convalescent homes.

- (1) Minimum lot size shall be three acres.

- (2) The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for all-street parking areas for guests and patients shall be directly from said thoroughfare.
 - (3) The main and accessory building shall be set back at least 75 feet from all property lines.
 - (4) The facility shall be designed to provide a minimum of 1,500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.
- J. Drive-in restaurant.
- (1) The main and accessory buildings shall be set back a minimum of 60 feet from any adjacent right-of-way line or residential property line.
 - (2) Driveway openings to the site shall be located at least 75 feet from any intersection as measured from the intersecting right-of-way lines to the edge of said driveway.
 - (3) Screening as required in Article **XVI**, § **370-406** shall control where lot lines abut any residential district.
 - (4) Parking may be located in the front, but not within the required front yard.
- K. Emergency/transitional residences in accordance with Article **VI**, § **370-163**.
- (1) Parking shall be provided at a ratio of two spaces plus one space per bedroom/living unit.
 - (2) Minimum size of a bedroom shall be 125 square feet.
 - (3) Minimum size of living unit for manager/owner living quarters shall be 450 square feet.
 - (4) Approval by the Building Inspector is required prior to occupancy of the facility. Thereafter, the Building Inspector shall conduct an annual compliance inspection.
 - (5) The use of the facility shall not, in the judgment of the Village Planning Commission, be detrimental to adjacent land uses and the immediate neighborhood.
- L. Group day-care homes.
- (1) Must add proof of license and registration by the state with application.
 - (2) A minimum of 1,800 square feet of usable outdoor play area per facility is required.
 - (3) The outdoor play area shall be fenced in or screened per § **370-406**, subject to Planning Commission review and approval.
 - (4) The day-care home shall be maintained in a manner visibly consistent with the surrounding neighborhood. No signage advertising the day-care home is permitted.
 - (5) If the state has denied, revoked, or refused to renew a license or certificate of registration of a group day-care home, it shall be grounds for revocation of Village approval of the group day-care home.
 - (6) The day-care home shall be principally operated by the resident of the home with not more than one nonresident employee.
 - (7) The lot or parcel occupied by the group day-care home shall not be located closer than a minimum of 500 feet to another lot or parcel occupied by any of the following:
 - (a) Another licensed group day-care home.
 - (b) An adult foster care, small group home, or large group home.
 - (c) A facility offering substance abuse treatment and rehabilitation service.

- (d) A community correction center, residence home, halfway house, or similar facility administrated by the department of corrections.

M. Gasoline filling stations (with or without accessory uses).

- (1) Minimum lot area shall be 12,000 square feet for an automobile service station and 10,000 square feet for a filling station.
- (2) Minimum lot width shall be 100 feet for a public garage or automobile service station and 80 feet for a filling station.
- (3) An automobile service station and filling station shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially used property.
- (4) Ingress and egress drives shall not be more than 30 feet in width.
- (5) No more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street.
- (6) No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where they may produce a safety hazard to adjacent pedestrian or vehicular traffic as reviewed by the Chief of Police.
- (7) A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
- (8) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (9) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline-dispensing pumps shall be located not less than 15 feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way. All applicable state environmental permits must be presented with the Village application.
- (10) When adjoining residentially used or zoned property, a five-foot masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
- (11) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five-foot masonry wall and shall comply with requirements for the location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.
- (12) The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Village Council under such terms and conditions as may be imposed by said Council to ensure adequate ingress and egress from said property and to ensure adequate traffic safety.
- (13) All exterior lighting, including signs, shall be erected, hooded, and shielded downward so as to minimize the glare of such lights from view by adjacent properties.

N. Hospitals.

- (1) Minimum lot area shall be 10 acres.
 - (2) The lot location shall be such that at least one property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
 - (3) Minimum main and accessory building setback shall be 100 feet.
 - (4) Ambulance entrances, MRI or similar vehicles, helicopter pads and/or emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six feet or more in height.
 - (5) No power plant or laundry exclusively serving the medical facility shall be located nearer than 300 feet to any adjacent residential use.
- O. Hotel or motel.
- (1) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not to adversely affect traffic flow on adjacent streets. No more than two driveway openings from a major thoroughfare shall be permitted.
 - (2) Where the front yard is used to provide access, a five-foot-wide greenbelt shall be provided within the front yard, except for driveway openings.
 - (3) Each unit of commercial occupancy shall contain a minimum of 250 square feet of gross floor area.
- P. Housing for the elderly.
- (1) Minimum lot size shall be two acres.
 - (2) Accessory services in common use may include, but are not limited to, the provision of central dining facilities and outdoor recreational facilities, lounges and workshops.
 - (3) Each dwelling unit shall contain at least 250 square feet of area, not including kitchen and sanitary facilities.
 - (4) Development of site and structures shall be in accordance with U.S. Department of Housing and Urban Development Minimum Property Standards, Multifamily Housing, as it applies to housing for the elderly.
 - (5) No housing for the elderly, which includes adult foster care or nursing homes, can be located closer than 500 feet to another known adult foster care, nursing home or housing for the elderly, measured from property line to property line.
- Q. Kennels.
- (1) All kennels shall be operated in conformance with all applicable county and state regulations.
 - (2) For dog kennels, the minimum lot size shall be two acres for the first three dogs and an additional one acre for each three additional animals.
- R. Office developments (two or more structures). Site plan approval is required by the Planning Commission pursuant to Article **XVII**, § **370-402**. In order to facilitate innovative and attractive design of office uses, office developments shall be subject to the following:
- (1) Exterior walls of opposite or adjacent buildings shall be located no closer than 1.5 times the height of the higher building wall, but in no case closer than 50 feet.
 - (2) Buildings shall be so located and arranged that all structures have access to emergency vehicles.
 - (3) Maximum lot coverage shall not exceed 60%, including accessory uses and structures.

(4) The ratio of total floor area to lot area shall not exceed 1.0.

S. Pet sales store.

(1) All animals and animal products shall be located within a completely enclosed building area.

(2) All state requirements for the care and sale of live animals shall be met.

(3) Any barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities or occupants of adjacent land use shall be declared a nuisance and may be required to be vacated.

T. Planned industrial parks. In order to facilitate the growth of employment, to ensure a viable tax base for the Village and to prevent the conflicts of incompatible industrial uses, planned industrial parks are permitted with site plan approval by the Planning Commission in the I-1 and I-2 Districts. An "industrial park" is hereby defined as a tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of wholesale commercial and industrial activities; providing them with all necessary facilities and services in an attractive, park-like surrounding. Planned industrial parks shall be subject to the following:

(1) In addition to a required site plan in accordance with Article **XVII**, § **370-402**, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and development, thereof.

(2) Exterior walls of adjacent buildings shall be located no closer than 1.5 times the height of the higher building wall, but in no case closer than 50 feet.

(3) Maximum lot coverage shall not exceed 50%, including accessory buildings and structures.

(4) The ratio of total floor area to lot area shall not exceed 1.0.

(5) Preexisting special covenants shall supersede these ordinances and shall be included with the site plan application.

U. Private clubs and lodges.

(1) The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one property line.

(2) Retail sales of food and beverages may be permitted to members and guests.

V. Private open-air business (permanent and temporary).

(1) Minimum lot area shall be one acre.

(2) All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

(3) Unless specifically waived by the Planning Commission or as designated by this chapter, a building of not less than 500 square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.

(4) The Planning Commission may, to ensure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permittee to furnish a surety bond executed by a reputable surety company authorized to do business in the state, in the sole discretion of the Planning Commission, a cash bond in the amount determined by the Planning Commission to be reasonable and necessary to ensure compliance hereunder. In fixing the amount of such bond, the Planning Commission shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the

use, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- (5) In the case of indoor-outdoor garden nurseries:
 - (a) The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 - (b) All loading activity and parking areas shall be provided on the same premises (off-street).
 - (c) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties and screened with either a masonry wall or appropriate landscape as to shield from view and avoid a nuisance.

W. Private streets and roads.

- (1) The layout of private streets in respect to their location, intersections, cul-de-sac, etc., shall conform to the Village's requirements for platted streets.
- (2) The construction of the roadway shall conform to the Village's standards for a local road.
- (3) Vertical street alignments, street grades, horizontal curves, curb openings at intersection streets, etc., shall conform to the Village standards for platted streets.
- (4) A developer is responsible for the maintenance and upkeep of the road at his/her expense.

X. Telecommunications towers.

- (1) Purpose. The regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of this section is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.
- (2) Towers permitted in zoning districts. Towers are permitted in all industrial districts (I-1 and I-2), subject to the following conditions:
 - (a) In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (monopole) or guy-wired (lattice) tower shall be set back:
 - [1] From abutting residential districts, streets or public property as measured from the lower base, no less than 200 feet or 300% of the tower height, whichever is greater.
 - [2] From any property line, a distance equal to the height of the tower. Guy wire anchors shall be set back 75 feet from all property lines and shall be located on the same parcel as the tower.
 - (b) The tower base shall be enclosed by a security fence consisting of a six-foot-tall chain link fence topped with three strands of barbed or equivalent wire where necessary to ensure public safety or an eight-foot-tall chain link fence.
 - (c) A six-foot-tall landscaped screen is required to screen around the exterior perimeter of the fenced area, as established under § **370-405**, General lighting, screening requirements and fences.
- (3) Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.
- (4) Signs/color. The use of any portion of a tower for signs other than warning or equipment information is prohibited. Towers shall be neutral in color.

- (5) Application requirements. Application must be made for a building permit and the following information must be submitted to the Village Building Inspector and Village Council.
 - (a) Site plan of the proposed tower location showing all existing and proposed features of the site.
 - (b) Elevation of the proposed tower height above grade, and any other improvements.
 - (c) Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety.
 - (d) All documents submitted be certified by a Michigan licensed professional engineer.
- (6) Location/separation requirements. All commercial wireless telecommunications towers erected, constructed or located within the Village shall comply with the following requirements:
 - (a) A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius of the proposed tower, due to structural inadequacies, impact on other communications devices or services, insufficient height or other verifiable reason.
 - (b) Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users.
 - (c) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site plan, of the proposed tower, regardless of topographical differences. The separation distances are as follows:

Table 1
Existing Towers — Types

Lattice (feet)	Guyed (feet)	Monopole 75 Feet in Height or Greater (feet)	Monopole Less than 75 Feet in Height (feet)
5,000	5,000	1,500	750
5,000	5,000	1,500	750
1,500	1,500	1,500	750
750	750	750	750

- (d) Abandoned or unused towers or portions of towers. Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Village Planning Commission. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. If a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the Village and the costs of removal assessed against the real property.
- (e) Antennas or towers on property owned, leased or controlled by Village. Antennas or towers located on property owned, leased, or otherwise controlled by the Village shall be permitted, provided a license or lease authorizing such antenna or tower has been approved by the Village. An insurance policy must be obtained naming the Village as

additionally insured and that will include a benefit of \$50,000 to the Village if operations cease and the tower needs to be removed.

Y. Veterinary hospitals and clinics.

- (1) Minimum main and accessory building setback shall be 100 feet from all lot lines.
- (2) All principal use activities shall be conducted within a totally enclosed main building.

Z. Other uses.

- (1) No special use shall have an adverse impact upon the public health, safety and welfare.
- (2) The Planning Commission, in its discretion, may approve as a special use other uses similar to and not more objectionable than the above uses, subject to any requirements established by the Planning Commission.

State law reference — Site plan, MCLA 125.3501.

§ 370-368. Home occupations.

Home occupations shall be controlled as follows:

- A. None other than members of the family shall be engaged in connection with such home occupation at the same time.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation except as provided for in Article **XVIII** of this chapter, regarding signs.
- D. No home occupation shall be conducted in any accessory building.
- E. There shall be no sale of products or services except those customarily incidental to the home occupation.
- F. The home occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers on the premises or cause fluctuations in the line voltage off the premises.
- H. In particular, a home occupation includes, but is not limited to: beauty shop, barbershop, art studio, dressmaking, tailoring, teacher with musical or dancing instruction limited to four to six pupils at a time and instruction in a craft or fine art as required by Section 204 of Public Act No. 110 of 2006 (MCLA § 125.3204); author, artist, musician, accountant (one), or similar use; but shall not include animal hospital, automotive repair service, restaurant, tearoom, tavern, dog boarding, or similar use.
- I. Home occupations shall not be permissible in R-2 multifamily dwellings.

- J. A medical marihuana facility, or activities associated with the permitted and licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home occupation or accessory use.
[Amended 11-25-2019 by Ord. No. 259]
- K. Walk-in trade. Walk-in retail trade shall be prohibited.
- L. Patients. No more than two patients shall be on the premises in which a home occupation is located at any one time.
- M. Business license. All home occupations shall obtain a business license from the Village Clerk; if the occupant is not the owner of the premises, then a valid lease must be presented at the time of application from the property owner to ensure the owner's knowledge of the use.

§ 370-369. Dwelling unit conversion.

The provisions of this section allow for the possibility of converting a single-family dwelling (within an existing structure) to a two-family dwelling in the R-1 or R-2 District, provided that the conversion is in conformance with the standards and procedures set forth herein:

- A. Dwelling unit conversion defined. A "dwelling unit conversion" is defined as the process in which the owner of a single-family dwelling located in R-1 and R-2 Districts may apply for conversion of said dwelling into a greater number of dwelling units than existed in the dwelling prior to conversion. Consideration of the application shall be in accordance with the procedures and standards set forth herein.
- B. Application, filing procedure and fee. The owners of a single-family dwelling located in R-1 and R-2 Zoning Districts who wish to convert their existing single- or two-family dwelling into an additional dwelling unit shall file an application on a form prescribed by the Village Council with the Village Clerk. The application shall include a site plan with front and side elevations in conformance with the requirements of § **370-402**. A separate application shall be required for each structure petitioned for dwelling unit conversion, and each application shall be accompanied by a fee as adopted by resolution of the Village Council from time to time, no part of which shall be refunded.
- C. Application of review procedure. Upon receipt of the application and site plan, the Village Zoning Administrator shall circulate the proposed plans to the affected departments, including Utilities, Fire, Police, etc.; upon receipt of comments and recommendations of other contributing departments or individuals, the Village Manager shall submit recommendations about the proposed conversion to the Planning Commission about the proposed conversion in not less than 30 days.
- D. Conformance with standards. All applications for dwelling unit conversion, as provided in this section, shall be reviewed on the basis of whether or not the application and proposed use conform with the following standards:
 - (1) The conversion will not be detrimental to the neighborhood;
 - (2) The proposed conversion shall add no more than two apartments to the existing dwelling, and the maximum number of bedrooms per additional dwelling unit shall not exceed two and result in no more than three units maximum;
 - (3) Conversion of any dwelling unit will not result in leaving a dwelling unit whose minimum gross floor area per unit is less than 500 square feet for an efficiency unit, 600 square feet for a one-bedroom unit, and 750 square feet for a two-bedroom unit;
 - (4) The owner agrees that all construction and maintenance of the structure and grounds will be in accordance with and conform to all Village construction codes, including, but not limited to, the Single State Construction Code and the Property Maintenance Code;

- (5) Each dwelling unit shall be self-contained, consisting of complete lavatory and kitchen facilities and a separate living area;
 - (6) Each dwelling unit shall provide adequate light and ventilation pursuant to the Property Maintenance Code;
 - (7) Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street;
 - (8) Except as may be necessary for purposes of safety in accordance with Subsection **D(7)** of this section, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before the conversion; and
 - (9) There shall be provided two parking spaces per dwelling unit. The location of the off-street parking spaces shall be consistent and compatible with existing off-street parking in the neighborhood. Where possible, parking should be enclosed or screened from view from any public street. In no case shall an application be approved where parking is intended to be located in the front yard of any dwelling unit for which conversion has been applied for.
- E. Building permit and certificate of occupancy. If the application is approved, the applicant shall obtain a building permit from the Village prior to the construction associated with the conversion. After all construction or reconstruction has been completed, the applicant shall obtain a certificate of occupancy prior to the rental or use of the additional dwelling units.

§ 370-370. Accessory buildings.

- A. In the case of detached accessory buildings and structures, a building permit is required. A building permit is not required for commercially purchased storage sheds. All accessory buildings must adhere to the property line setback of not closer than eight feet to any side or rear property line. However, Village zoning approval is required prior to installation.
- B. No separate accessory building shall be erected in any required front yard, and no separate accessory building shall be erected closer than three feet to a side or rear property line. Accessory buildings are limited to not more than one story and 14 feet in height. No accessory building shall have a floor area greater than 720 square feet.
- C. For accessory buildings on lakefront lots, no accessory building, including boathouses, shall be located on any lot which interrupts the viewshed of the lake property owners within 500 feet of the subject lot. (The "viewshed" shall be defined as the customary horizontal and visual planes adjacent property owners have of the lake as viewed from dwellings, patios, porches, beaches, and similar areas). In those instances where viewshed impact is subject to interpretation, the Board of Appeals shall have the power to request any reasonable information relating to the matter and issue a ruling. This provision shall not apply to docks, rafts, or moored watercraft.

§ 370-371. Swimming pools.

- A. Defined. Swimming pools, as regulated in this chapter, include any area capable of containing water and of being used for swimming, bathing or wading, having a depth of three feet or more at any point. Spas, hot tubs and whirlpools are included in this definition unless such device is equipped with locking covers with a key or combination-type lock while not in use.
- B. Fencing requirement. Swimming pools shall be enclosed within a four-foot fence with a controlled access gate.

- C. Setback requirement. Swimming pools shall meet the property line setback requirements, except that swimming pools may be situated within a required side or rear yard not closer than eight feet to any side or rear property line.

§ 370-372. Medical marihuana facilities: all types.

[Added 11-25-2019 by Ord. No. 259]

- A. A medical marihuana grower, processor, provisioning center, secure transporter, and safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article **XVI** in the specified zones, provided that:
- (1) No medical marihuana grower, processor, provisioning center, safety compliance facility or secure transporter shall be located within 1,000 feet of real property comprising a public elementary, vocational, or secondary school.
 - (2) No medical marihuana grower, processor, provisioning center, safety compliance facility or secure transporter shall be located within 1,000 feet of real property comprising a public park with activities designed specifically for youth.
 - (3) In the consideration of granting a special use permit, the setback from residential districts shall be evaluated as it relates to the surrounding areas.
 - (4) Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Village of Cassopolis. In the event that a court with jurisdiction declares some or all of this article invalid, then the Village of Cassopolis may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
 - (5) All special use approvals for medical marihuana facilities are contingent upon the approval of the medical marihuana facility(s) application(s) by the Village of Cassopolis and the State of Michigan.
 - (6) The use or facility must be at all times in compliance with all other applicable laws and ordinances of the Village of Cassopolis.
 - (7) The Village of Cassopolis may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Village of Cassopolis Ordinance 258^[1] or the terms of the special use permit and approved site plan are not met.
 [1] *Editor's Note: See Article **XIX**, Medical Marihuana Facilities.*
 - (8) A medical marihuana facility, or activities associated with the permitted and licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home occupation or accessory use.
 - (9) Signage requirements for medical marijuana facilities are as provided in the Village of Cassopolis Sign ordinance, Article **XVII**, Signs, in the Village of Cassopolis Code of Ordinances, and in the Village of Cassopolis Medical Marihuana Facilities Ordinance 258.^[2]
 [2] *Editor's Note: See Article **XIX**, Medical Marihuana Facilities.*
 - (10) No medical marihuana facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable beyond the boundaries of the property on which the medical marihuana facility is operated.
- B. Medical marihuana growers and processors shall also be subject to the following standards:
- (1) The minimum operational standards of growers and processors found in the Village of Cassopolis Medical Marihuana Ordinance 258.^[3]

[3] *Editor's Note: See Article XIX, Medical Marihuana Facilities.*

- (2) All applicable regulations of Articles **XVI** and **XVII**, including, but not limited to, accessory buildings and structures, parking requirements, signs, visual screening requirements, building height regulations, and yard, setback and lot area requirements.
- (3) All marihuana growing and processing shall be located entirely within an enclosed, locked facility which shall include one or more completely enclosed buildings.
- (4) If only a portion of a building is used for marihuana production, a partition wall from floor to ceiling shall separate the marihuana production space from the remainder of the building. A partition wall must include a door capable of being closed and locked from both sides for ingress and egress between the marihuana production space and the remainder of the building.
- (5) Light cast by light fixtures inside any building used for marihuana production or processing shall not be visible outside the building from 9:00 p.m. to 7:00 a.m. the following day.

C. Provisioning centers (dispensaries) shall also be subject to the following standards:

- (1) All applicable regulations of Articles **XVI** and **XVII**, including, but not limited to, accessory buildings and structures, parking requirements, signs, visual screening requirements, building height regulations, and yard, setback and lot area requirements.
- (2) A provisioning center shall only sell to consumers or allow consumers to be present in the facility between the hours of 9:00 a.m. and 9:00 p.m.
- (3) All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the facility and out of public view. A provisioning center shall not have a walk-up window or a drive-through window service.
- (4) Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the facility or on the premises.
- (5) The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the zoning district.

§ 370-373. through § 370-400. (Reserved)

Article XVII. Development Regulations

§ 370-401. Schedule of District Regulations.

- A. Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in the Schedule of Regulations.
[Amended 11-25-2019 by Ord. No. 259]
- B. Schedule of Regulations.
[Amended 11-25-2019 by Ord. No. 259]

Zoning District	Minimum Lot Size Per Unit (area in square feet)	Lot Frontage (linear feet) (3)	Maximum Building Height		Minimum Yard Setback (feet)			Maximum Lot Coverage (%)	Minimum Livable Floor Area per Unit (square feet) (9)
			Stories	Height (feet)	Front	Each Side	Rear		
R-1	10,000	60	2.5	32	25	10	20	30	1,000
R-2	(1)(2)	60	2.5	32 (4)	25	8	20	30(8)	800
R-3	(1)(2)	10 0	3	40 (4)	35	20(6)	30	30(8)	600
R-3 RMHD	See Article VII: R-3 Residential Mobile Home District								
C-1	—	10 0	2.5	32	20	15	20	50	500
C-2	—	10 0	2.5	32	20	15	20	50	500
C-3	—	—	3	40	(5)	10(7)	20	—	400
P	7,200	60	—	—	—	—	—	—	—
PUD	See Article XII: PUD Planned Unit Development District								
I-1	20,000	10 0	—	40	35	25	35	50	—
I-2	20,000	10 0	—	40	45	25	35	50	—
G/P	See Article XV: Government/Public Use District								

C. Footnotes to the Schedule of Regulations.
[Amended 11-25-2019 by Ord. No. 259]

(1) _____

Type of Dwelling	Minimum Lot Area per Dwelling Unit (square feet)		Maximum Density in Units per Acre	
	R-2 District	R-3 District	R-2 District	R-3 District
Single family	7,200	7,200	6	6
All other residential types	4,356	3,120	10	14

- (2) Permitted nonresidential uses shall have a lot area of not less than 20,000 square feet and a lot width of not less than 100 feet at the front yard setback line.
- (3) Lot frontage shall be measured at the front yard setback line.
- (4) Nonresidential buildings may be increased to a maximum height of 65 feet, provided that for every foot of height in excess of 32 feet there shall be added to each yard requirement one corresponding foot of depth.
- (5) A zero-foot front yard build-to line is required within the Central Business District.

- (6) Side yards for single-family attached bungalow court developments may be reduced to eight feet for each side.
 - (7) No side yards are required along the interior side lot lines, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than 10 feet shall be provided.
 - (8) The Planning Commission may permit an increase of 10% of lot coverage if amenities are provided that offer residents opportunities for entertainment, exercise, and socializing, and/or green infrastructure is utilized to manage stormwater such as rain gardens, green roofs, vegetated swales, and bioretention basins.
 - (9) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, but shall include all types of dwelling units.
- D. Additional yard requirements.
[Amended 11-25-2019 by Ord. No. 259]
- (1) Where lots are on a river or a lake, the property shall be treated as a through lot and have required front yards on both frontages. For lots with frontage on Stone Lake, an accessory building may be built within the required front yard in accordance with § **370-370**.
 - (2) In the case of a row of double-frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
- E. Additional setback requirements.
[Amended 11-25-2019 by Ord. No. 259]
- (1) In the R-1 and R-2 Districts, the width of side setbacks, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front setback for said homes which front upon said side street.
 - (2) For every parcel on which a multiple-family dwelling is erected, the side and rear shall be increased beyond the setback indicated by one foot for each 10 feet or part thereof by which the length of the multiple-family dwelling exceeds 40 feet in overall dimension along the adjoining parcel line.
 - (3) Where any C-3 District borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet for all commercial buildings and parking and loading areas.
 - (4) Where a C-3 District borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of 10 feet from the property line.
 - (5) Where 30% or more of all of the frontage on one side of the street between two intersecting streets has been built up with permanent residences, the average front yard setback of such residence shall be a minimum front yard setback line for that side of the street between such intersecting streets.
- F. Distance between multifamily structures. Where two or more multiple-family dwelling structures (includes all residential housing types except single-family) are erected upon the same parcel, a minimum setback space of 20 feet in width shall be provided between structures.
[Amended 11-25-2019 by Ord. No. 259]
- G. For every parcel on which a multiple-family dwelling is erected, there shall be provided a side setback on each side of the parcel, as indicated in the schedule. Each side setback shall be increased beyond the setback spaces indicated by one foot for each 10 feet or part thereof by which the length of the multiple-family dwelling exceeds 40 feet in overall dimension along the adjoining parcel line.

- H. Where two or more multiple-family dwellings are erected upon the same parcel, a minimum setback space of 20 feet in width shall be provided between structures. This setback width shall be increased by two feet for each 10 feet or part thereof, by which each multiple dwelling, having common setbacks, exceeds 40 feet in length on that side of the dwelling facing the common setback.
- I. Required off-street loading berths. In all districts, every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, a group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings off-street loading spaces in relation to floor area as follows:
[Amended 11-25-2019 by Ord. No. 259]
- (1) Five thousand to 20,000 square feet: one space.
 - (2) Twenty thousand to 50,000 square feet: two spaces.
 - (3) Fifty thousand to 100,000 square feet: three spaces.
 - (4) One additional space for each additional 100,000 square feet or part thereof, provided that:
 - (a) Each loading space shall be at least 12 feet in width, 44 feet in length, and have a clearance of 14 feet above grade.
 - (b) Such space may occupy all or any part of any required yard or court space, except the front yard.
 - (5) Loading space shall be provided for the rear yard in the ratio of at least 10 square feet per front foot of the building. Where an alley or street exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley or street. The Zoning Board of Appeals may waive this requirement in cases where this section causes undue hardship.
- J. Where a C-3 District borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of 10 feet from the property line.
- K. (Reserved)^[1]
[1] *Editor's Note: Former Subsection K, regarding loading space, was repealed 11-25-2019 by Ord. No. 259.*
- L. Where 30% or more of all of the frontage on one side of the street between two intersecting streets has been built up with permanent residences, the average front yard setback of such residence shall be a minimum front yard setback line for that side of the street between such intersecting streets.

§ 370-402. Site plan review and approval.

[Amended 11-25-2019 by Ord. No. 259]

A site plan review procedure is hereby established for the Village. The purpose of a site review is to determine compliance with the provisions set forth in this chapter and to promote the orderly development of the Village, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alteration thereto without proper attention to siting and appearance. The following provisions in this section shall apply to all uses requiring site plan review by this chapter.

- A. Procedure. All site plans as required by this chapter shall be submitted to the Village in 11 copies with three copies sealed by a Michigan licensed engineer, architect or landscape architect. The Village shall adhere to the following procedures in the review of the site plan. All site plan reviews shall use the following procedures:

- (1) Preapplication meeting. As requested by applicants, the Village staff and/or Planning Commission will meet to discuss potential concerns with the project. This is an informal meeting and does not constitute any approvals or recommendations for approval by staff. These meetings are held no later than 30 days after the request has been made, in writing, to the Village Manager.
 - (2) Professional review. Professional review by an approved architect, planner or engineer may be obtained by the Village. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.
 - (3) Planning Commission review. The Planning Commission shall review the site plan at its next regularly scheduled meeting or a special meeting may be requested at the developer's expense. The Planning Commission may elect to postpone a decision on the site plan until its next regularly scheduled meeting if the site plan is determined to be incomplete or has been submitted within 14 calendar days of the meeting.
 - (4) Planning Commission approval. The Planning Commission shall approve, approve with conditions, or deny a plan using the standards described in Subsection **D** of this section.
 - (5) Conditions or changes to be recorded. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. Three copies of the recommended site plan, with or without changes, shall contain the signatures of the Chair of the Planning Commission, and the Building Inspector and the applicant.
 - (6) Submitted copies to be kept on file. Of the 11 copies submitted, two sealed copies shall be kept on file by the Village and one copy returned to the applicant.
 - (7) The Planning Commission shall have the function and power to request additional professional review from the Village Attorney, engineering consultant and/or planning consultant, and the applicant shall be responsible for any and all charges incurred therefor. A deposit/escrow payment shall be made of \$1,500 to be used for the additional review. Any unused monies will be refunded to the applicant at the time of approval.
 - (8) Revocation of approval. The site plan approval may be revoked in any case where the conditions of such approval have not been or are not being complied with, in which case the Planning Commission shall give the applicant notice of intention to revoke such approval at least 10 days prior to review of the approval by the Planning Commission. After conclusion of such review, the Planning Commission may revoke such approval if it feels that a violation in fact exists and has not been remedied; actions will follow as determined in the penalty of the ordinance.
- B. Submission requirements. The following information shall accompany all plans submitted for review:
- (1) Village application.
 - (2) A legal description of the property under consideration.
 - (3) A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 - (4) The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.
 - (5) Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.
- C. Site plan requirements. The following information shall be included on the site plan:

- (1) A scale of not less than one inch equals 40 feet, if the subject property is less than three acres, and one inch equals 100 feet if it is three acres or more.
 - (2) Date, North point and scale.
 - (3) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (4) The siting of all exterior structures or accessories to the principal use, including but not limited to trash receptacles, cooling towers, or outside mechanical equipment, on the subject property and abutting properties.
 - (5) The location of each proposed structure in the development area, the use to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and location of vehicular entrances and loading points, including details of all emergency exits.
 - (6) The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
 - (7) All pedestrian walks, malls and open areas.
 - (8) Location, height, and material of all walls, fences and screen plantings, including a general plan for the landscaping and/or screening of the development and the method by which the landscaping and/or screening is to be accomplished and maintained.
 - (9) The location and right-of-way widths of all abutting streets.
 - (10) Types of surfacing, such as paving, turf or gravel to be used at the various locations.
 - (11) A stormwater disposal plan, including a grading plan, with topographic elevations of the site and surrounding area, showing the proposed method of stormwater disposal, and providing design criteria and calculations in accordance with criteria identified in Subsection **C(17)**.
 - (12) Size and location of proposed sewer and water lines and connections, including gate valve locations.
 - (13) The number of proposed units (for multiple-family developments).
 - (14) Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees and vegetation.
 - (15) Information as may be required by the Planning Commission and Village Council to assist in the consideration of the proposed development.
 - (16) The location, type and intensity of proposed exterior lighting. (Photometric plans may be required.)
 - (17) Storm drainage controls must be provided to maintain groundwater discharge, prevent flooding and minimize the potential for pollutants to enter waterways. For the first flush calculation, if on-site retention (detention or infiltration) is proposed, stormwater (capacity) retention is required in the amount of 1,815 cubic feet per impervious acre which is equivalent to 0.5 inch of runoff per impervious acre. A minimum volume of 550 cubic feet shall be retained for sites less than 0.3 acre of impervious surface. For stormwater which is to be directed off site, detention must be provided with a twenty-five-year storm event, volume to be released at 0.15 cubic foot per second per contributing catchment acre.
- D. Standards. In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:

- (1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 - (2) Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.
 - (3) Recreation and open space areas shall be provided in all multiple-family residential developments.
 - (4) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this chapter, unless otherwise provided.
 - (5) The requirements for fencing, walks, and other protective barriers shall be complied with as provided in this [chapter] and as deemed appropriate by the Planning Commission.
 - (6) The site plan shall provide for adequate storage and loading space for the use therein.
 - (7) Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple-family residential developments.
 - (8) Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the state for the protection of residents and/or occupants of the structures.
 - (9) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.
- E. Site plan amendment. Any structure, use, or site change proposed subsequent to site plan approval must be approved through a site plan amendment by the Planning Commission after recommendation from the Village Planning Commission. Incidental and minor variations of the approved site plan may be approved pursuant to § **370-402H** and shall not invalidate prior site plan approval.
- F. Phased construction. Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
- (1) Relationship and identification of future structures, roadways, drainage, water, and sewer.
 - (2) Pedestrian and vehicular circulation.
 - (3) Time schedule for completion of the various phases of the proposed construction.
 - (4) Temporary facilities or construction of same as required to facilitate the stated development.
- G. Expiration of approved site plans. Approved site plans shall commence construction within a period of 12 consecutive months after date of approval by the Planning Commission. Site plans failing to comply with this provision shall be deemed expired. Developers/owners of this project shall be notified of the expiration, in writing, and informed of site plan approval if the project is to proceed.
- H. Site plan requirements for incidental and minor variations of the approved site plan. The Planning Commission or Building Inspector, as appointed by the Village Council to expedite the review of incidental and minor variations of the approved site plan that do not affect access, circulation, parking requirements, drainage, setback height or area, or landscaping requirements, may approve a site plan containing the following information:
- (1) A legal description of the property under consideration.
 - (2) The land uses of the area surrounding the project.
 - (3) Date, North point, and scale.

- (4) The dimensions of all lot and property lines.
- (5) The location of all structures on the subject property.
- (6) Significant environmental features such as wetlands, shorelines, streams, and trees.
- (7) The nature of the proposed project.

State law reference — Site plan, MCLA 125.3501.

§ 370-403. Planned developments.

- A. Intent and purpose. Planned developments are provided herein by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in this article, the Planning Commission shall review and recommend with conditions a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit. This section is also provided in order that the growing demand for housing by young married couples, senior citizens and existing residents may be met by a greater variety of innovative housing types, and by the planning and design of structures with the benefit of cost effective land utilization in such development.
- B. Clustered residential development (subdivision). In any R-1 and R-2 District in which single-family detached dwellings are a use permitted by right, the minimum required lot areas for such use, as set forth in the Schedule of Regulations, may be reduced by an amount not to exceed 25%, provided that a quantity of land at least equivalent to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire area shall not exceed that permitted in the applicable zoning district.
 - (1) Site eligibility. The minimum area necessary to qualify as a cluster development shall not be less than two contiguous acres of land.
 - (2) Special use permit approval. Any subdivision plan wherein the clustered residential development concept is proposed shall be subject to the provisions for special use permit approval and must be in accordance with all of the procedures and provisions set forth in the subdivision regulations of the Village.
- C. Public hearing. A public hearing by the Village Council is required for all planned developments.

§ 370-404. Off-street parking and loading.

All buildings located in the Village shall provide off-street parking adequate for the use intended. The dimension of off-street parking shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
(Parallel parking)	12	12	20	24	36
30 to 53 feet (diagonal)	15	12	20	33	53

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
54 to 74 feet (diagonal)	18	12	24	39	60
75 to 90 feet (diagonal)	25	12	24	43	61

- A. Residential off-street parking. Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.
- B. Nonresidential off-street parking. Except in parking exempt areas, provisions shall be made for off-street parking for all nonresidential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this chapter.
- C. Mixed occupancies and uses not specified. In the case of mixed uses, the total requirement for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provisions for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to ensure that the space is available for each function and a letter has been submitted by both parties affected as proof of allowance.
- D. Location of off-street parking facilities. Off-street parking facilities shall be located as hereafter specified; where a distance is specified, it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:
- (1) For all residential buildings and for all nonresidential buildings in residential zones, required parking shall be provided on the same lot with the building.
 - (2) For commercial and all nonresidential uses in commercial zones, required parking shall be provided within 300 feet.
 - (3) For industrial uses, required parking shall be provided within 300 feet.
- E. Parking areas in commercial office, parking and industrial districts. Every parcel of land hereafter established as a public or private parking area in any commercial or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:
- (1) Every such off-street parking area shall be surfaced in accordance with § **370-404**. Lighting in connection with off-street parking shall be in accordance with the lighting provisions of § **370-405**.
 - (2) The off-street parking area shall be subject to the approval of the Planning Commission to ensure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.
- F. Land uses within the C-3 Central Business District shall be exempt from providing off-street parking.
- G. Parking and storage of unlicensed vehicles. Automotive vehicles of any kind or type without current license plates shall not be stored within the required yard on any residentially zoned

property, unless within an enclosed building.

- H. Table of parking requirements. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section. Land uses within the C-3 Central Business District shall be exempt from the table of parking requirements.
[Amended 11-25-2019 by Ord. No. 259]

Use	Maximum Number of Parking Spaces Per Unit of Measure
1. Residential	
a. Bed-and-breakfast facility	1 for each sleeping room
b. Mobile home park	See Mich. Admin. Code R 125.1925 and R 125.1926
c. Residential, one-family and two-family	2 for each dwelling unit
d. Residential, multiple-family	2 for each dwelling unit for developments of 1 to 24 units 1.75 spaces for each dwelling unit for developments of 24+ units
e. Senior citizen apartments	3/4 space for each unit when mass transit is provided; 1 space for each unit when not provided
2. Institutional	
a. Adult foster care facilities	1/2 per bed plus 1 for each employee
b. Churches, temples or synagogues	1 for each 3 seats, maximum seating capacity in the main unit of worship; or 1 for each 35 square feet of gross floor area
c. Day-care, preschool and nursery schools	1 for each staff member plus 1 for every 5 children or 1 space for every 10 children if adequate dropoff facilities are provided
d. Golf course open to the general public, except miniature or "par 3" courses	6 for each golf hole and 1 for each employee
e. Hospitals	1 per 600 square feet of gross floor area
f. Jail/detention facility	1 for each staff member plus 1 for every 5 beds, in addition to off-street loading spaces for delivery and transport vehicles
g. Libraries, museums, and non-commercial art galleries	1 for each 250 square feet of gross floor area
h. Private clubs or lodge halls	1 for each 3 occupants allowed within the maximum occupancy load as established by local county, or state fire, building, or health codes
i. Private golf clubs, swimming pool clubs, tennis clubs, or racquetball clubs	1 for each 2 member families or individuals
j. Public or private elementary and junior high schools	1 for each classroom and 1 for each 5 fixed seats of any area used for auditorium purposes or for each 35 square feet of seating area where there are no fixed seats

Use	Maximum Number of Parking Spaces Per Unit of Measure
k. Sanitariums, convents, homes for the aged, convalescent homes, children's homes	1 per 600 feet of gross floor area
l. Senior high schools	1 for each classroom and each other room used by students plus 1 for each 10 full-time students in addition to requirements for auditoriums (See Subsection n.)
m. Stadium, sports arena, or similar place of outdoor assembly	1 for each 3 seats or 10 feet of bench
n. Theaters and auditoriums (indoor)	1 for each 4 seats plus 1 for each 2 employees
3. Business and Commercial	
a. Auto body shop	1 for each 500 square feet of gross floor area plus 1 for each employee
b. Automobile service stations, gasoline stations, convenience stores in conjunction with service or gas stations	2 for each lubrication stall, rack, pit or pump, plus 1 for every 200 square feet of gross floor area devoted to retail sales; plus 1 for each employee (accessory uses calculated separately)
c. Auto wash, auto reconditioning, auto cleaning (interior/exterior)	1 for each 1 employee, plus 1 for each 250 square feet of gross floor area devoted to reconditioning or cleaning
d. Bar, lounge, tavern	1 for each 75 feet of gross floor area
e. Beauty parlor or barber shop	3 for each of the first 2 beauty or barber chairs, and 1 1/2 for each additional chair
f. Bowling alleys	5 for each 1 bowling lane
g. Dance club, pool or billiard parlors, roller or ice rinks, exhibition halls and assembly halls without fixed seats	1 for each 3 seats or 1 for each 100 square feet of gross floor area
h. Drive-in restaurant	1 for each 100 feet of gross floor area and 1 per each 1 1/2 full-time equivalent employees (minimum of 15)
i. Furniture and appliance, household equipment, repair shop, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	1 for each 800 square feet of floor area, occupied in processing or manufacturing
j. Health spas, gymnasiums, and health clubs	10 for each club or spa plus 1 for each 200 square feet of gross floor area in excess of 1,000 gross square feet
k. Laundromats and coin-operated dry cleaners	1 for each 2 washing machines
l. Miniature golf courses	3 for each 1 hole plus 1 for each employee
m. Mortuary establishments	1 for each 100 square feet of gross floor area
n. Motel, hotel or other commercial lodging establishments	1 for each occupancy unit plus 1 for each employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon 1 per 3 occupants of the maximum occupancy load

Use	Maximum Number of Parking Spaces Per Unit of Measure
o. Motor vehicles sales and service establishments, trailer sales and rental, boat showrooms	1 for each 400 square feet of gross floor area of sales room
p. Open air business	1 for each 600 square feet of lot area
q. Restaurant, carry-out	1 for each 100 square feet of gross floor area
r. Restaurant for sale and consumption on the premises of beverages, food or refreshments	1 for every 6 seats or 80 square feet, whichever is greater
s. Retail stores, except as otherwise specified herein	1 for each 300 square feet of gross floor area
t. Shopping center or clustered commercial	1 for each 300 square feet of gross floor area
4. Offices	
a. Business offices or professional offices except as indicated in the following item but including courthouses and governmental offices	1 for each 400 square feet of gross floor area
b. Financial institutions, offices, credit union	1 for each 200 square feet of gross floor area
c. Medical or dental clinics, professional offices of doctors, dentists or similar professions	1 for each 175 square feet of gross floor area
5. Industrial	
a. General manufacturing establishments	1 for every 650 square feet of gross floor area, plus 1 per each 350 square feet of office space
b. Light and limited industrial manufacturing	1 for every 500 square feet of gross floor devoted to manufacturing plus 1 per each 350 square feet of office, sales or similar space
c. Research and development	1 for every 350 square feet of gross floor area plus 1 per each 350 square feet of office sales or similar space
d. Warehousing	1 for every 2,000 square feet of gross floor area
I. Required off-street loading berths. In all districts, every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relation to floor area as follows:	
(1) Five thousand to 2,000 square feet: one space.	
(2) Twenty thousand to 50,000 square feet: two spaces.	
(3) Fifty thousand to 100,000 square feet: three spaces.	
(4) One additional space for each additional 100,000 square feet or part thereof, provided that:	
(a) Each loading space shall be at least 12 feet in width, 44 feet in length, and have a clearance of 14 feet above grade.	

- (b) Such space may occupy all or any part of any required yard or court space, except the front yard.
- J. Increased parking, surfacing. When the floor area, dwelling units, or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and, if leased, the occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot with the main building or within a maximum distance of 350 feet from any such lot, whichever may have been originally required under this chapter.
- K. Surfacing. All open parking spaces required in C-1, C-2, C-3, PUD, P, I-1, 1-2, and G/P Districts only shall be paved with concrete or bituminous material in accordance with plans approved by the Planning Commission or Building Inspector. Such concrete pavement shall be of a minimum thickness of six inches and any bituminous paving shall be of a minimum thickness of two inches, or shall be a triple sealcoat and shall be placed upon a base of cinders or gravel of a minimum thickness of four inches. Paving of parking areas may be phases with the approval of the Planning Commission. All parking paving shall be complete within a period of 12 months after site plan approval. Off-street parking for one- and two-family dwellings need not be surfaced with concrete or bituminous material.
- L. Existing unpaved parking lots in the C-1, C-2, PUD, P, I-1, I-2, and G/P Districts. Unpaved parking lots in the C-1, C-2, PUD, P, I-1, I-2, and G/P Districts in existence at the adoption of the ordinance from which this chapter is derived shall be paved in accordance with this section when the building to which the parking lot is accessory:
- (1) Has been vacant for a continuous period of 12 months or more and becomes occupied by a permitted use in the respective districts;
 - (2) Increases its floor space for customer service and/or storage thereby requiring an increase in off-street parking which is 20% or more than the existing number of off-street parking spaces; or
 - (3) Changes from one permitted use to another permitted use in the respective district thereby requiring an increase in off-street parking spaces which is 20% or more than the number of existing off-street parking spaces.
- M. Existing unpaved parking lots in the C-3 District. Unpaved parking lots in the C-3 District in existence at the adoption of the ordinance from which this chapter is derived shall be paved in accordance with this section when the building to which the parking lot is accessory:
- (1) Has been vacant for a continuous period of 12 months or more and becomes occupied by a permitted use in the district; or
 - (2) Changes from one permitted use to another permitted use. Any remaining portion of the lot that remains unpaved shall be landscaped with grass or ground cover and other suitable plant materials. The landscape plan shall be subject to the approval of the Village.
- N. Parking of vehicles in residential districts shall be limited to passenger vehicles and recreational vehicles, and not more than one commercial vehicle or trailer exceeding a Class 3 classification under the US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards. This section shall not apply to buses parked on school property.
[Amended 11-25-2019 by Ord. No. 259]
- (1) Parking of any passenger vehicle or recreational vehicle in residential districts shall be prohibited within the front yard, except within an improved driveway or portion thereof.
 - (2) A recreational vehicle parked within a residential district shall not be used as dwelling, as defined by § 370-3 of this chapter.
- O. This section shall not apply to a contractor's job site trailer or storage trailer or construction vehicles or equipment during construction.

§ 370-405. General lighting, screening requirements and fences.

A. Lighting.

[Amended 5-11-2020 by Ord. No. 261]

- (1) All private lights used for the illumination of dwellings or business establishments or for the illumination of business buildings or areas surrounding them, or the illumination or display of merchandise or products of business establishments, shall be completely shielded from the view of vehicular traffic using the roads abutting such business property.
- (2) Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illumination on adjacent properties, or cause a nuisance to adjacent or nearby properties.
- (3) Lighting within the C-3 District.
 - (a) Light poles and building-mounted lighting planned along public sidewalks or pedestrian walkways shall be of a pedestrian scale and style, not exceeding 14 feet in height.
 - (b) Light poles solely intended to illuminate parking lots may be as tall as 20 feet in height.

B. Nonresidential uses abutting residentially zoned or residentially occupied property. Except as otherwise provided in this chapter, all premises used for business, parking, commercial or industrial purposes shall be screened from abutting residential districts or uses. A mixed-use development shall not be considered a residential use for purposes of this section. Screening shall consist of any one or combination of the following and shall apply alongside and rear property lines:

- (1) A natural buffer planted with evergreens or shrubberies which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained commensurate with the adjoining residential district/land use.
- (2) A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises in accordance with the requirements in § **370-405**, not less than five feet in height and maintained, commensurate with the adjoining residential district/land use. Chain link fences and chain link fences with privacy slats are not acceptable as a screen for purposes of this section.

C. No such natural buffer, wall or fence shall impair safe sight distances. Further, no solid plant materials (except deciduous trees), wall or fence shall be greater than 30 inches in height within the triangle created:

- (1) Fifteen feet from the intersection of a driveway and the roadway (edge of pavement), measured along the edge of the driveway and the curbline of the roadway from the point of intersection; and
- (2) Twenty-five feet from the intersection of street right-of-way lines, measured along both right-of-way lines from the point of intersection.

Nonresidential uses located opposite residentially zoned or residentially occupied property. Parking facilities located within the front yard of premises used for business, commercial or industrial purposes shall be screened from a residential district or use located opposite the premises. A mixed-use development shall not be considered a residential use for purposes of this section. Screening shall consist of a natural buffer planted with evergreens or shrubberies which maintain their density and screening effect throughout the calendar year, not to exceed four feet in height and maintained in a neat and attractive manner commensurate with the surrounding residential district/land use. The natural buffer shall be subject to § **370-405B(1)**.

D. Fences.

- (1) Residentially zoned property, residential land uses on nonresidential zoned property, or property within the C-1, C-2, and P Districts.
- (2) Chain link fences, chain link fences with privacy slats, and solid or privacy-style fences are permitted only in side and rear yards and may not exceed six feet in height.
- (3) Decorative or ornamental fencing (e.g., picket, post and rail, wrought iron) is permitted in side and rear yards and may not exceed six feet in height. Decorative or ornamental fencing not exceeding four feet in height or retaining walls not exceeding three feet in height are permitted in the front yard.
- (4) No wall or fence shall be greater than 30 inches in height within the triangle created:
 - (a) Fifteen feet from the intersection of a driveway and the roadway (edge of pavement), measured along the edge of the driveway and the curblineline of the roadway from the point of intersection; and
 - (b) Twenty-five feet from the intersection of street right-of-way lines, measured along both right-of-way lines from the point of intersection. See below.
- (5) The height of a fence shall be the average height of the fence elements (posts, gates, panels) as measured from the average finished lot grade to the highest point of each fence element.
- (6) Fencing that does not meet the requirements set forth above may be allowed as a special land use through a finding that the fencing does not have a material adverse impact on the occupants of adjacent properties, is compatible with the surrounding district/land use, and promotes the safety and welfare of the community.
- (7) I-1 or I-2 District must install fences that are at least six feet in height, completely solid and made of a material that is maintenance-free, concrete or stucco, or other material as approved by the Zoning Administrator.

E. Property within the C-3 Central Business District and PUD restricted office district. Fences are prohibited within the C-3 and PUD Districts, except for the following:

- (1) Fences required by Subsection **B(2)** of this section.
- (2) Fencing designed to provide security for permitted and approved operations, provided it does not impede the health, safety or welfare of vehicular or pedestrian access, is located within side and rear yards, and does not exceed six feet in height. Chain link fences and chain link fences with privacy slats are not acceptable as security fencing for purposes of this section.
- (3) Dumpster enclosures.
- (4) Decorative or ornamental fencing consisting of brick, stone, and/or maintenance-free material (e.g., wrought iron, polymer, aluminum) and used for property boundary demarcation or as landscape accents.

F. Barbed wire fences. Barbed wire fences are prohibited in all zoning districts, except where deemed necessary in this chapter and to ensure public safety.

G. Approval process. No fence shall be erected or constructed within a residential district or for a residential land use on nonresidential zoned property unless a fence permit has first been obtained from the Village.

H. Fencing to be erected or constructed for a nonresidential land use within the C-1, C-2, C-3, P, PUD, I-1, and I-2 Districts shall be subject to site plan approval pursuant to § **370-402** of this chapter. Minor modifications to existing fencing within these districts shall be subject to administrative review/approval by the Planning Commission or Village Manager and shall require a fence permit.

- I. Appeals. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret the screening and lighting provisions and determine the purpose herein sought to be accomplished.

§ 370-406. Minimum landscaping requirements.

[Amended 5-11-2020 by Ord. No. 261]

- A. General site design. All development shall be creatively designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. Land clearing shall be limited to that needed for site improvements and any grading necessary to accommodate such construction.
- B. Landscaping requirements.
 - (1) For the multiple-family residential district and all site condominium projects, 25% of the site shall be in landscaped open space. The open space shall be landscaped with one evergreen tree or shrub for every 1,000 square feet or portion thereof, plus one small or large deciduous tree for every 2,000 square feet or portion thereof. Ground cover or lawn is required in all landscaped areas.
 - (2) For permitted nonresidential uses and uses subject to a special use permit in the R-1 and R-2 Districts, 30% of the site under development shall be in landscaped open space. The open space shall be landscaped with one evergreen tree or shrub for every 1,000 square feet or portion thereof, plus one small or large deciduous tree for every 1,500 square feet or portion thereof. Twenty-five percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 40% of the required open space between the building and the street. Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner.
 - (3) For permitted uses and uses subject to a special use permit in the C-1, C-2, PUD, I-1, and I-2 Districts, 15% of the site shall be in landscaped open space with one evergreen tree or shrub for every 1,000 square feet or portion thereof, plus one small or large deciduous tree for every 2,000 square feet or portion thereof. Thirty percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 60% of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be places adjacent to the building. Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner.
- C. Landscaping standards. All areas to be landscaped shall meet the following standards:
 - (1) No synthetic plant materials, such as artificial grass, shrubs, trees, or flowers, shall be used to fulfill any landscaping requirements.
 - (2) At least 75% of required trees shall be native to Lower Michigan. At least 30% of all other required landscape material shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites: www.nativeplants.msu.edu; www.plant.native.org; and www.wildflower.org/collections/Michigan.
 - (3) All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery-derived stock shall not be used to satisfy these requirements.
 - (4) Living ground covers other than grass shall comprise not less than 50% of the required landscaped area and will provide complete coverage within two growing seasons. Vines shall not be used adjacent to pedestrian areas.

- (5) Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 50% of the required landscape area. All such ground covers shall be at least three inches deep. Loose gravel less than three inches minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
- (6) Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing and pruning. Plant materials which show signs of insects, pests, diseases and/or damage shall be appropriately treated. Dead plant material shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner shall be responsible for maintaining all on-site landscaping.
- (7) Plant materials and their minimum size requirements shall be installed as approved by the Village Planning Commission or Village Manager.
- (8) Landscaping plans shall be submitted to the Village Council for technical review within 90 days after final approval of the site plan. Plans may be submitted as an amendment to the site plan, thereby not requiring an additional review fee. On projects in excess of two acres, the developer may file a phased plan for completing the landscaping pursuant to these standards.
- (9) Outdoor trash containers or dumpsters. Outdoor trash containers or dumpsters shall be required in the R-3, C-1, C-2, C-3, I-1, I-2 and PUD Zoning Districts when, in the judgment of the Village Council and with the recommendations of the Planning Commission, the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash containers or dumpsters shall meet the following standards:
 - (a) Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of all-street parking areas or entrances to or exits from principal buildings. The placements of the container shall be subject to site plan review.
 - (b) A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fences or gates shall be sufficient to screen the containers adequately but not less than six feet. All containers shall rest on a concrete pad.
 - (c) The containers, screening walls, fences and gates shall be maintained in a neat and orderly manner, free from loose rubbish, wastepaper and other debris.

D. Tree preservation.

- (1) Tree preservation credits shall be given for deciduous and evergreen trees in healthy condition preserved as part of a new development or any renovation, alteration, or expansion of an existing development. The number of credits awarded shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

Tree Preservation Credits Diameter of Preserved Tree* (inches)	Number of Trees Credited
Over 24	4
12 to 24	3
8 to 11.9	2
2 to 7.9	1

* Diameter of the tree shall be measured at four feet above existing grade.

§ 370-407. Miscellaneous.

- A. Animals, bees, livestock and fowl use, shelter and storage. No animals, bees, livestock or fowl, or structures for same, other than domestic household pets, shall be permitted for use, shelter or storage in the Village.
- B. Noncommercial antennas and satellite receiving stations. Antennas and satellite receiving stations, when not utilized for commercial broadcasting, are permitted as accessory uses in zoning all districts, except the parking district. standards associated with their use shall be in accordance with Article **XVI** of this chapter.

§ 370-408. Pedestrian access and circulation.

[Added 5-11-2020 by Ord. No. 261]

- A. Purpose. Pedestrian access shall be required for all sites to improve the safety and welfare of the public by providing clear pedestrian pathways that reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multimodal environment that is supportive of walking and biking. These requirements are also intended to promote healthier lifestyles by encouraging walking and bicycling for many daily activities.
- B. Public sidewalks.
 - (1) New construction. All sites on which any new construction occurs shall provide sidewalks conforming to Village standards along all portions of the property which border a public street, excluding alleys.
 - (2) Minimum width for pedestrians.
 - (a) Public sidewalks shall be five feet in width, unless a larger sidewalk is required per Village standards.
 - (b) Public sidewalk width departure. Upon consultation with Public Works Department, a lesser sidewalk width may be approved by the Planning Commission during site plan review. In evaluating a request for a departure, the Planning Commission shall consider the following:
 - [1] Street classification and current or expected volume of use;
 - [2] Vehicular and pedestrian traffic volumes and related public safety;
 - [3] Availability and practicality (i.e., convenience) of alternative pedestrian routes; and
 - [4] Time of day, time of week, time of year, and duration of obstructions reducing the minimum required width (e.g., outdoor dining spaces, etc.).
- C. Internal pedestrian circulation.
 - (1) All attached single-family and multiple-family residential, nonresidential and mixed-use developments shall comply with the following requirements.
 - (a) Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.
 - (b) At least one pedestrian walkway with a minimum width of five feet shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets.

- (c) All internal pedestrian walkways shall be clearly distinguished from driving surfaces to ensure pedestrian safety.
- (2) Walkways in parking lots.
 - (a) Each surface parking area that has 50 or more parking spaces, or has any parking spaces more than 350 feet from the front facade of the main building, shall have at least one pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the main building facade to the primary building entrance.
 - (b) The required walkway must be at least five feet in width, shall not be within a driving aisle, and, where possible, shall be located within a landscaped island running perpendicular to the primary building facade.
- D. Pedestrian trail connections. Where trails exist, paths or sidewalks shall connect building entries to the trail system. Where trails are planned, appropriate easements shall be provided and the site designed to ensure future pedestrian connections to the trail.
- E. Bicycle facilities.
 - (1) Minimum required spaces. New nonresidential developments or additions to existing nonresidential developments requiring vehicle parking spaces shall also be required to provide bicycle parking. One bicycle parking space shall be required for every 50 vehicular parking spaces.
 - (2) Location.
 - (a) Bicycle parking shall be within 50 feet but no closer than two feet of the nearest publicly accessible building entrance, in well-lit areas clearly visible from the street, and on the same lot as the use being served.
 - (b) A pedestrian-accessible walkway shall be available between the outdoor bicycle parking area and the primary building entrance. Public sidewalks may be used to meet this requirement.
 - (c) An aisle width of at least five feet shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
 - (d) Bicycle parking shall not be placed within 10 feet of a fire hydrant.
 - (e) Bicycle parking placement shall not conflict with pedestrian travel.
 - (3) Facilities.
 - (a) Designs of bicycle racks, docks, posts, and lockers are encouraged to be decorative and appropriate to the surrounding area. Bicycle parking design should be incorporated whenever possible into building design and/or coordinated with the design of street furniture, if provided.
 - (b) The parking surface shall be level and easily accessible from the public right-of-way and designed and maintained to be mud and dust free, clear of ice and snow.
 - (c) Both the bicycle rack, dock, post, and/or locker, as well as parking surface must be maintained in good repair.
 - (4) Bicycle parking reduction.
 - (a) Required bicycle parking may be reduced by the Village Planning Commission when it is demonstrated by the applicant that the level of bicycle activity at that location warrants a reduction. The requirement for bicycle parking may also be reduced or eliminated if the Planning Commission determines that compliance is impractical or unnecessary.

- (b) The Village Manager may permit public bicycle parking to be counted toward meeting a portion of the minimum bicycle parking requirement for a development, if provided by the Village. To count toward the requirement, the public spaces shall be on the same block and on the same side of the street as the subject parcel or lot. Credit for public bicycle parking spaces shall apply to parking for all uses on the parcel or lot rather than any specific use.

§ 370-409. through § 370-430. (Reserved)

Article XVIII. Signs

§ 370-431. Description and purpose.

State Law reference — Highway advertising act, MCLA 252.301 et seq.

This article is intended to regulate the size, number, location and manner of display of signs in the Village in a manner consistent with the following purposes:

- A. To protect and further the health, safety and welfare of Village residents, property owners and visitors.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C. To conserve and enhance community character.
- D. To promote uniformity in the size, number and/or placement of signs within zoning districts.
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desire of business and nonbusiness uses to communicate by means of signs.
- G. To maintain and enhance the Village's aesthetic environment in a manner that is consistent with the public health, safety and welfare.

§ 370-432. Definitions.

See § **370-3** for definitions pertaining to signs.

§ 370-433. Signs prohibited.

All signs not expressly allowed under this article (unless exempted from regulation under this article) are prohibited in the Village. Further, the following signs are expressly prohibited:

- A. Portable signs, except as allowed by this article.
- B. Any sign, including window signs, which have flashing, moving, oscillating or blinking lights (excluding time and temperature and digital signs which are permitted, provided that their message does not change more frequently than once every 12 seconds).
- C. Roof signs.

- D. Signs mounted on vehicles which are not in active use by the business or activity advertised, whether located on-premises or off-premises.
- E. Nonaccessory signs.

§ 370-434. Exempt signs.

The following signs shall be exempt from the provisions of this article, except for the provisions of § 370-437:

- A. Governmental signs.
- B. Temporary memorial signs.
- C. Signs for essential services.
- D. Community service signs.
- E. Nameplate signs of 216 square inches or less when located on a gate or entrance or wall of a principal residence.
- F. Political signs supporting or opposing a political candidate, party or ballot issue.
- G. Home occupation signs, limited to four square feet flat mounted to building.

§ 370-435. Signs not needing a permit.

The following signs shall not require a permit, but shall be subject to all other applicable regulations of this article:

- A. Noncommercial signs.
- B. Directional signs not exceeding two square feet in area.
- C. Construction signs.
- D. Signs for residential yard sales and garage sales as regulated in Section 42-441 of this Code.
- E. Real estate signs as regulated in this article.
- F. Community special event signs.
- G. Up to 15 square feet of changeable copy board when attached to not more than one conforming freestanding sign per parcel/lot in commercial and industrial districts.
- H. Reserved signs.
- I. Political signs supporting or opposing a political candidate, party or ballot issue shall be posted 30 days prior to election and removed within five days after election.

§ 370-436. Sign permits and application.

- A. Permits required. No sign requiring a permit shall be erected, used, constructed or altered until a permit has first been obtained under this section. A sign permit shall not be issued for a sign unless the sign fully complies with the requirements of this article. The property owner shall at all times maintain in force a valid sign permit for any sign requiring a permit.
- B. Application. Application for a sign permit shall be made to the Village along with a fee in the amount established by resolution of the Village Council. The permit application shall be reviewed

in accordance with the following procedures:

- (1) Required drawing and information. An application for construction, creation or installation of a new sign or for alteration of an existing sign shall be accompanied by detailed drawings and accompanying narrative statements to show and describe the dimensions, design, structure, setback, and location of each sign. A single application and permit may include multiple signs on the same lot.
 - (2) Completeness. After receiving an application for a sign permit, the Village Planning Commission shall review it for completeness. If the Village determines that it is complete, the application shall then be processed. If the application is determined to be incomplete, the Village shall send the applicant a written notice specifying how the application is deficient.
 - (3) Issuance or rejection. After the submission of a complete application for sign permit, the Village shall, within 10 business days, either issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this article; or reject the sign permit application if the sign that is the subject of the application fails in any way to conform with the requirements of this article, and so notify the applicant.
- C. Electrical permits. All signs requiring electrical service will need an electric permit and shall be reviewed for compliance with the Village electrical code. Approval of electrical service shall be noted on or attached to the sign permit.

§ 370-437. Design, location and construction standards.

- A. All signs shall be properly maintained in good structural condition in compliance with the requirements of this article and shall not be permitted to deteriorate through disrepair or as a result of the effects of the weather. Under no circumstances shall the design, construction, support, or location of a sign constitute in any way a hazard to the health, safety or welfare of the public or to adjacent property.
- B. Signs located within 150 feet of a residential district may not be internally illuminated. All illumination must be focused directly on the sign surface with not greater than one footcandle of illumination emanating from the sign, measured at the property line.
- C. Signs shall not be placed in, upon or over any public right-of-way, alley or place, except as may be otherwise permitted by the County Road Commission or State Department of Transportation. Any sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this article, shall be forfeited to the public and subject to confiscation and may be immediately removed by the Village. In addition to other available remedies, the Village shall have the right to recover from the owner or person placing an unauthorized sign the full cost of removal and disposal of the sign.
- D. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, device, or constitute a nuisance.
- E. A sign shall not contain any moving or animated parts, except for time and temperature signs and digital signs as regulated herein, and highway billboards as regulated by the state.
- F. Except as otherwise expressly allowed by this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. The sign support and construction for all signs requiring permanent attachment shall be able to withstand a minimum of 30 pounds of horizontal pressure per square foot of the area of the sign.
- G. A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

§ 370-438. Sign regulations applicable to all districts.

The following regulations are applicable to signs in all zoning districts:

- A. All signs shall be stationary and, except for noncommercial signs and community special event signs, shall pertain to the business or activity conducted on the premises except as otherwise permitted in this article.
- B. Real estate signs are permitted in any zoning district but shall be removed within one week after completion of the sale or lease of the property.
- C. For parcels which have frontage on more than one street, one additional freestanding sign per street frontage may be allowed subject to the following:
 - (1) The permitted additional sign shall not be placed along the same frontage that contains another freestanding sign.
 - (2) A minimum of 40 feet of street frontage is required for the placement of an additional sign.
- D. Temporary construction signs are permitted in any district subject to the following restrictions:
 - (1) Signs shall be no larger than 32 square feet and shall be located not closer than 10 feet from the right-of-way with a maximum height of 10 feet.
 - (2) Any such temporary construction signs shall be removed not later than the placement of a permanent sign installed pursuant to this article.
- E. Community special event signs are permitted in any zoning district subject to the following restrictions:
 - (1) A community special event sign may be located either on or off premises where the event is being held. Any sign off premises must have a letter giving permission from the property owner given to the Village hall.
 - (2) The sign may be erected no earlier than three weeks prior to the event that is being advertised.
 - (3) The sign shall have a maximum size of 32 square feet in area and a maximum height of six feet and shall be set back a minimum of 10 feet from all property lines.
 - (4) All signs shall be removed within 48 hours of the conclusion of the special event that is being advertised.
- F. Directional signs are permitted in all zoning districts subject to the following restrictions:
 - (1) A directional sign shall not contain a commercial message.
 - (2) Such sign shall not exceed two square feet in area or three feet in height, and shall be set back at least five feet from any lot line and edge of any driving lane.
- G. Noncommercial signs are permitted in all zoning districts.
- H. All signs located in the Village shall be erected, altered, and maintained at the risk of the owner of the sign, who shall assume full responsibility for any consequences of any damages caused by the sign.
- I. A sign shall be removed by the owner within 24 hours of receipt of notice from the Village stating that the sign does not comply with the requirements of this article by reason of its height, size, design, condition or location. The notice shall state that if the owner does not remove the sign, or correct the unsafe or improper condition within the specified time frame, the Village may remove the sign. Upon failure to remove or correct the unsafe or improper condition within 24 hours of

receipt of the notice, the Village may take whatever action is necessary to have the sign removed or to otherwise abate the unsafe or improper condition and in addition to other remedies, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

- J. Temporary business signs are permitted in all commercial and industrial districts subject to the following requirements:
- (1) A maximum of two signs may be used to identify a special, unique or limited activity, service, project, promotion or sale of limited duration.
 - (2) A sign permit shall be obtained prior to the installation of the signs.
 - (3) All signs must be located on the same lot that is advertised.
 - (4) No more than four permits for signs shall be issued for the same premises within one calendar year. The signs shall not be used in excess of 15 calendar days and shall be removed within three days of the termination of the sign permit.
- K. Signs located within 100 feet of a residential district shall be limited to not more than 50% of the maximum allowable sign area permitted in the district.

§ 370-439. Measurement of signs.

- A. Measurement of sign area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structures necessary to support the sign.
- B. Signs with two or more faces. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except that if two such faces are placed back-to-back and are of equal size and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the face.
- C. Height. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

§ 370-440. Permitted signs in R-1 and R-2 Districts.

The following signs are permitted in R-1 and R-2 Districts:

- A. Wall signs. For permitted uses other than dwellings. Only one sign per street frontage is allowed.
- B. Freestanding signs. For uses other than dwellings. One sign per parcel is allowed except as provided by § 370-438C. Maximum height is 10 feet. Signs shall be set back a minimum of five feet from the front lot line and a minimum of 15 feet from all other lot lines.
- C. Size. Total square footage of all signs above shall not exceed 32 square feet in aggregate per parcel, and no single sign shall exceed 24 square feet.
- D. Residential subdivision signs. One sign identifying a platted subdivision, site condominium or other residential development is allowed at each entrance road to the development, except that not more than two signs shall be allowed per development. The sign shall not exceed 24 square feet

in area and shall be located a minimum of 10 feet from the street right-of-way. Maximum height shall be five feet above grade if freestanding.

- E. Real estate sign. For single-family and two-family dwellings, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height and shall be set back a minimum of 10 feet from all lot lines.
- F. Yard or garage sale sign. For residential uses, signs are permitted for the duration of the event.
- G. Nameplate signs: as identified in § 370-3, Subsection (18) of "Sign" definition.

§ 370-441. Permitted signs in RM District.

The following signs are permitted in the R-3 district:

- A. Wall signs. For permitted uses other than dwellings. Only one sign per street frontage is allowed.
- B. Freestanding sign. For uses other than dwellings. One sign per parcel is allowed except as provided by § 370-438C. Maximum height shall be 10 feet. Signs shall be set back a minimum of five feet from the front lot line.
- C. Size. Total square footage of all signs above shall not exceed 50 square feet in aggregate per parcel, and no single sign shall exceed 24 square feet.
- D. Residential subdivision signs. One sign identifying a platted subdivision, site condominium or other residential development is allowed at each entrance road to the development, except that not more than two signs shall be allowed per development. The sign shall not exceed 24 square feet in area and shall be located a minimum of 10 feet from the street right-of-way. Maximum height shall be five feet above grade if freestanding.
- E. Real estate sign. For single-family and two-family dwellings, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height; and for multifamily and nonresidential uses, a maximum area of 32 square feet, with a maximum height of 10 feet. Signs shall be set back a minimum of eight feet from all lot lines.
- F. Yard or garage sale sign. For residential uses, signs are permitted for the duration of the event.
- G. Nameplate signs: as identified in § 370-3, Subsection (18) of "Sign" definition.

§ 370-442. Permitted signs in C-1 and PUD Districts.

The following signs are permitted in the C-1 and PUD Districts:

- A. Wall signs. For permitted uses other than dwellings. Only one sign per street frontage is allowed.
- B. Freestanding sign. For uses other than dwellings. One sign per parcel is allowed except as provided by § 370-438C. Maximum height shall be 15 feet. Signs shall be set back a minimum of five feet from all lot lines.
- C. Size. Total square footage of all signs above shall not exceed 80 square feet in aggregate per parcel, and no single sign shall exceed 40 square feet.
- D. Real estate sign. For single-family and two-family dwellings, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height; and for multifamily and nonresidential uses, a maximum area of 32 square feet, with a maximum height of 10 feet. Signs shall be set back a minimum of 10 feet from all lot lines.

§ 370-443. Permitted signs in C-2 District.

The following signs are permitted in the C-2 District:

- A. Wall signs. For permitted uses other than dwellings. Only one sign per street frontage is allowed.
- B. Freestanding sign. For uses other than dwellings, one sign per parcel is allowed except as provided by § **370-438C**. Maximum height shall be 30 feet. Signs shall be set back a minimum of five feet from all lot lines.
- C. Size. Total square footage of all signs above shall not exceed 200 square feet in aggregate per parcel, and no single sign shall exceed 100 square feet.
- D. Real estate sign. For single-family and two-family dwellings, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height; and for multifamily and nonresidential uses, a maximum area of 32 square feet, with a maximum height of 10 feet, is permitted. Signs shall be set back a minimum of 10 feet from all lot lines.
- E. Highway signs. One sign is permitted if the parcel/lot is within 200 feet of the M-60/M-62 right-of-way. Maximum size is 200 square feet and maximum height is 30 feet. The sign must be located a minimum of 10 feet from the M-60/M-62 right-of-way, and one foot of setback per each foot of sign height must be provided from all residential district boundaries.
- F. Directional signs. Directional signs may be located as approved by the Village as necessary for traffic safety. No sign may exceed four square feet in area or a maximum height of four feet. Directional signs must be set back at least five feet from any property line unless placed upon a light pole or building.
- G. Billboards. Not more than one billboard may be erected within 1,500 linear feet of another billboard located on the same side of a state or interstate highway. The measurement of 1,500 linear feet shall not be limited to the boundaries of the Village where the particular highway extends beyond such boundaries. Double-faced (back-to-back) structures shall be considered as one sign. V-type billboards, electronic message or changeable message signs shall not be allowed.
 - (1) The total surface of any billboard as viewed from a single location shall not exceed 400 square feet.
 - (2) No billboard shall be located within 500 feet of a residence.
 - (3) No billboard shall be located closer than 100 feet from the property line adjoining a public right-of-way or 50 feet from the interior boundary lines of the premises on which the billboard is located.
 - (4) No billboard shall be permitted where its size, height, illumination or location would unreasonably impair visibility, light and air otherwise enjoyed by occupants of adjacent premises.
 - (5) All state permits must be obtained as required by statute.

§ 370-444. Permitted signs in C-3 District.

[Amended 5-11-2020 by Ord. No. 261]

The following signs are permitted in the C-3 District:

- A. Wall, canopy/awning, or projecting signs. For permitted uses other than dwellings. Only one sign per street frontage is allowed.
 - (1) Canopy/awning signs may be a total of 50% of the canopy/awning area and may not project beyond the canopy/awning.

- (2) Projecting signs shall be at least eight feet above the sidewalk, may not be larger than 32 square feet, or wider than eight feet.
- B. Freestanding sign. For uses other than dwellings, one sign per parcel is allowed except as provided by § **370-438C**. Maximum height shall be 30 feet. Signs shall be set back a minimum of five feet from all lot lines.
- C. Size. Total square footage of all signs above shall not exceed 120 square feet in aggregate per parcel, and no single sign shall exceed 80 square feet.
- D. Real estate sign. For single-family and two-family dwelling, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height; and for multifamily and nonresidential uses, a maximum area of 32 square feet, with a maximum height of 10 feet, is permitted. Signs shall be set back a minimum of 10 feet from all lot lines.
- E. Directional signs. Directional signs may be located as approved by the Village as necessary for traffic safety. No sign may exceed four square feet in area or a maximum height of four feet. Directional signs must be set back at least five feet from any property line unless mounted on a building.
- F. Sidewalk or sandwich board signs. Sandwich-board-type signs are permitted as follows:
- (1) Only one sandwich board sign per commercial use is permitted.
 - (2) The signs cannot be wider than three feet and not taller than five feet.
 - (3) The sign must be located within 10 feet of the primary entrance of the establishment. Any approved sign must allow a minimum unobstructed sidewalk width of four feet.
 - (4) The sign cannot be 10 feet from the intersection of street right-of-way lines, measured along both right-of-way lines from the point of intersection.
 - (5) All signs must be portable and placed indoors daily at the close of business.
 - (6) Proof of liability insurance must be provided to the Village prior to issuance of the sign permit.
- G. Definitions for the Sign Ordinance.

AWNING

A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, or doorway.

AWNING SIGN

A message painted on, printed on, or attached flat against the surface of an awning.

CANOPY

A structure, free of enclosing walls, that extends from a building for the purpose of providing shelter over a storefront or entryway.

CANOPY SIGN

A message painted on, printed on, or attached flat against the surface of a canopy.

PROJECTING SIGN

A sign which is affixed to any building or structure and projects in such a way that the message is not parallel to the wall to which it is attached.

§ 370-445. Permitted signs in I-1 and I-2 Districts.

The following signs are permitted in the I-1 and I-2 Districts:

- A. Wall signs. For permitted uses other than dwellings, no maximum number.
- B. Freestanding sign. For uses other than dwellings. One sign per parcel is permitted except as provided by § 370438C. Maximum height shall be 25 feet. Signs shall be set back a minimum of five feet from the right-of-way and 10 feet from all private drives and other lot lines.
- C. Size. Total square footage of all wall signs shall not exceed one square foot per 15 square feet of wall area with a maximum of 200 square feet. Freestanding signs shall not exceed 120 square feet per single sign with an aggregate maximum of 300 square feet.
- D. Real estate sign. For single-family and two-family dwellings, one real estate sign per parcel is allowed. The sign shall not exceed six square feet in area and four feet in height; and for multifamily and nonresidential uses, a maximum area of 32 square feet, with a maximum height of 10 feet. Signs shall be set back a minimum of 10 feet from all lot lines.
- E. Highway signs. One sign is permitted if the parcel/lot is within 200 feet of the M-60/M-62 right-of-way. Maximum size is 200 square feet and maximum height is 30 feet. The sign must be located a minimum of 10 feet from the M-60/M-62 right-of-way, and one foot of setback per each foot of sign height must be provided from all residential district boundaries.
- F. Directional signs. Directional signs may be located as approved by the Village as necessary for traffic safety. No sign may exceed four square feet in area or a maximum height of four feet. Directional signs must be set back at least five feet from any property line unless placed upon a building.
- G. Billboards. Not more than one billboard may be erected within 1,500 linear feet of another billboard located on the same side of a state or interstate highway. The measurement of 1,500 linear feet shall not be limited to the boundaries of the Village where the particular highway extends beyond such boundaries. Double-faced (back-to-back) structures shall be considered as one sign. V-type billboards, electronic message or changeable message signs shall not be allowed.
 - (1) The total surface of any billboard as viewed from a single location shall not exceed 400 square feet.
 - (2) No billboard shall be located within 500 feet of a residence.
 - (3) No billboard shall be located closer than 100 feet from the property line adjoining a public right-of-way or 50 feet from the interior boundary lines of the premises on which the billboard is located.
 - (4) No billboard shall be permitted where its size, height, illumination or location would unreasonably impair visibility, light and air otherwise enjoyed by occupants of adjacent premises.
 - (5) All state permits must be obtained as required by statute.
- H. Entranceway signs. A sign depicting the name of the development or subdivision which is located at the entranceway to such development is permitted.
 - (1) The maximum size shall be 75 square feet in display area.
 - (2) The maximum height shall be five feet except if located in a required yard, in which case the maximum height shall be three feet.
 - (3) An entranceway sign shall be located within the triangular area formed by the intersection of any two public rights-of-way lines and the line between such public rights-of-way lines at points 25 feet distant from the point of their intersection.
 - (4) An entranceway sign located within a public right-of-way shall be subject to any and all conditions established by the Village and/or the County Road Commission, pursuant to an encroachment agreement between the developer and the affected jurisdiction.

- I. Tenant locator signs. An industrial development or subdivision may erect one tenant identification or locator sign per development. The sign shall be set back not less than 10 feet from the right-of-way, shall not exceed 40 square feet in area and five feet in height, and is intended for the use of the public in identifying and/or locating individual businesses or tenants in the larger development.

§ 370-446. (Reserved)

[1] *Editor's Note: Former § 370-446, P Parking District, was repealed 11-25-2019 by Ord. No. 259.*

§ 370-447. Modifications for signs in planned unit developments and those subject to special uses.

- A. Except as provided in Subsection **B** of this section, all signs approved in connection with special land uses or planned unit developments shall meet the requirements of this article for signs as applicable to the zoning district in which the special land use or planned unit development is located.
- B. In cases where extenuating or extraordinary (not financially motivated) circumstances create practical difficulties in complying with the requirements of this article and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided in this section. If the sign is part of a planned unit development, the Planning Commission may recommend to the Village Council, and the Council may, in its discretion, modify the size, placement, number and height requirements for signs in the planned unit development. If the sign is part of a special use request, the Planning Commission alone may, in its discretion, modify the size, placement, number and height for any signs proposed. In determining whether to approve a proposed modification, the Planning Commission and the Village Council must each find, based upon the facts presented by the applicant, that the following criteria have been met:
 - (1) The modification of requirements is justified due to the nature, size, density, location or design of the proposed planned unit development, or special land use, including the design or placement of the proposed signs.
 - (2) The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use and enjoyment of nearby property, will not result in visual blight, distraction or clutter and will not otherwise result in a detriment to the public health, safety or general welfare.
 - (3) The modification will still achieve the intended purpose of the planned unit development regulations or the zoning district for special uses where the sign is to be located.

§ 370-448. Nonconforming signs; signs accessory to nonconforming uses.

- A. Continuance. Notwithstanding any other provision of this article to the contrary, a permanent sign located on the property it solely pertains to which existed prior to adoption on November 10, 1997, but which does not conform to the height, size, area or location requirements of this article is deemed to be nonconforming and may continue to be used subsequent to that time, as provided by this section.
- B. Alteration/repair. Nonconforming signs may not be altered as defined in this article, expanded, extended or repaired without being brought into full compliance with all applicable regulations under this article, except as expressly provided by this section.

- (1) A nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. As with conforming signs, a change solely in the wording of the copy of a nonconforming sign shall not constitute an alteration for the purposes of this article, unless the results of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulations.
 - (2) Routine repairs to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this article and so as to continue the useful life of the sign shall not constitute an alteration for purposes of this article, unless the estimated cost of repair exceeds 50% of the appraised replacement cost of the entire sign prior to the repair, as estimated by the Village. If the estimated cost of repair exceeds 50% of the appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this article prior to further use.
 - (3) In no event shall the alteration of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.
- C. Signs accessory to nonconforming uses. A sign related to a nonconforming use may be erected in the Village in accordance with the sign regulation for the zoning district in which the property is located.
- D. Damage or destruction. If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds 50% of the appraised replacement cost of the entire sign prior to the loss, as determined by the Village. If the estimated cost of restoration or replacement exceeds 50% of the appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this article prior to further use.

§ 370-449. Abandoned signs.

Any sign that the Village determines to be abandoned shall be removed by the owner. If the owner does not remove the sign, or if no owner can be found, the Village may remove the sign. If the sign is removed by the Village and the owner is known, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign.

§ 370-450. Violations.

- A. It is a violation of this article to install, create, erect, or maintain any sign that does not fully comply with the requirements of this article, including but not limited to any of the following:
- (1) To install, create, erect or maintain any sign that is inconsistent with any plan or permit governing the sign or the lot on which the sign is located;
 - (2) To install, create, erect or maintain any sign requiring a permit without a permit;
 - (3) To fail to remove any sign that is installed, created, erected or maintained in violation of this article; or
 - (4) To continue any violation of this article.
- B. Each sign installed, created, erected or maintained in violation of this article is considered a separate violation.

Article XIX. Marihuana Commercial Business Facilities

[Added 12-25-2019 by Ord. No. 258; amended 7-13-2020 by Ord. No. 263]

§ 370-451. Purpose and intent.

A. Purpose. The purpose of this article is to implement the provisions of Public Act 281 of 2016, being the Michigan Medical Marihuana Facilities Licensing Act (MMFLA),^[1] and 2018 Initiated Law No. 1, being the Michigan Regulation and Taxation of Marihuana Act,^[2] so as to protect the public health, safety, and welfare of residents of the Village by setting forth the manner in which marihuana commercial businesses can be operated in the Village. Further, the purpose of this article is to:

- (1) Authorize the establishment of marihuana businesses within the Village and provide standards and procedures for the review, issuance, renewal, and revocation of Village-issued permits for such businesses;
- (2) Impose fees to defray and recover the cost to the Village of the administrative and enforcement costs associated with marihuana businesses;
- (3) Coordinate with state laws and regulations addressing marihuana businesses.

[1] *Editor's Note: See MCLA 333.27101 et seq.*

[2] *Editor's Note: See MCLA 333.27951 et seq.*

B. Legislative intent. This article authorizes the establishment of marihuana businesses within the Village of Cassopolis consistent with the provisions of the Michigan Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, subject to the following:

- (1) Use, distribution, cultivation, production, possession, and transportation of marihuana, which remains illegal under federal law, and marihuana remains classified as a "controlled substance" by federal law. Nothing in this article is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this article is intended to grant immunity from any criminal prosecution under state or federal law. This article does not protect patients, caregivers, or the owners of properties on which a marihuana commercial operation is occurring from prosecution or having their property seized by federal law enforcement authorities;
- (2) This article is to be construed to protect the public health, safety and welfare over commercial marihuana business interests. The operation of a licensed marihuana business is a revocable privilege and not a right in the Village. Nothing in this article is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a Village-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the Village;
- (3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the Village without obtaining the required authorization required by this article is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this article, the Village Zoning Code, or state statutory or common law;
- (4) Nothing in this article is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act,^[3] the Michigan Regulation and Taxation of Marihuana Act, and all applicable rules promulgated by the State of Michigan regarding the commercialization of marihuana. Strict compliance with all applicable state laws and regulations is deemed a requirement for the issuance or renewal of any permit issued under this article, and noncompliance with any applicable state law or

regulation is grounds for the revocation or nonrenewal of any permit issued under the terms of this article.

[3] *Editor's Note: See MCLA 333.27901 et seq.*

C. Indemnification of Village.

- (1) By accepting a permit issued pursuant to this article, the holder waives and releases the Village, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- (2) By accepting a permit issued pursuant to this article, the holder agrees to indemnify, defend and hold harmless the Village, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marihuana business, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation of legislative prerogative.

- (1) The Village Council reserves the right to amend or repeal this article in any manner, including, but not limited to, the complete prohibition of any type of marihuana business or limiting the number and types of marihuana businesses authorized to operate in the Village.
- (2) Nothing in this article is to be construed to grant or grandfather any marihuana business a vested right, license, permit or privilege for continued operations within the Village.

§ 370-452. Definitions.

- A. Unless defined by this article, any term used in this article that is defined by the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, Michigan Regulation and Taxation of Marihuana Act, or the administrative rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marihuana shall have the definition given in those acts and rules.
- B. As used in this article, the following terms shall have the meanings indicated:

APPLICANT

A person who applies for a Village-issued permit to operate a marihuana commercial business in accordance with the terms of this article and the Village Zoning Code. With respect to disclosures in an application and for purposes of ineligibility for a permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest of more than 10% in the marihuana commercial business, and the following for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse;
- (2) For a partnership and limited-liability partnership: all partners and their spouses. For a limited partnership and limited-liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses. For a limited-liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses;

- (3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses;
- (4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses;
- (5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year;
- (6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

CULTIVATE

To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

DEPARTMENT

The Michigan Department of Licensing and Regulatory Affairs, or its successor agency.

DESIGNATED CONSUMPTION LOUNGE

A licensed marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the premises.

EQUIVALENT LICENSE

Any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the MMFLA^[1] and MRTMA.^[2]
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer license under the MRTMA.

EXCESS GROWER

The holder of five Class C grower licenses under the MRTMA and at least two Class C grower licenses under the MMFLA.

GROWER

A licensee that cultivates, dries, trims, or cures and packages marihuana for sale or transfer to a processor, provisioning center or retailer, or another grower. The term also includes a licensed excess grower.

INDUSTRIAL HEMP

Any part of the plant, whether growing or not, Cannabis sativa L or the genus cannabis with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant regardless of moisture content. Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis.

INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT

Public Act 547 of 2014,^[3] as may be amended.

LICENSEE

A person holding a state license to operate a marihuana facility or marihuana establishment.

MARIHUANA

All parts of the plant *Cannabis sativa* L. or of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this article, marihuana does not include industrial hemp.

MARIHUANA COMMERCIAL BUSINESS or MARIHUANA BUSINESS

- (1) Includes the following medical marihuana facilities, whether operated for profit or not for profit:
 - (a) A grower.
 - (b) A processor.
 - (c) A secure transporter.
 - (d) A provisioning center.
 - (e) A safety compliance facility.
- (2) Includes the following adult-use marihuana establishments, whether operated for profit or not for profit:
 - (a) A grower and excess grower.
 - (b) A processor.
 - (c) A secure transporter.
 - (d) A retailer.
 - (e) A safety compliance facility.
 - (f) A consumption lounge.
 - (g) Any other type of marihuana-related business licensed by the Department and permitted by this article.

MARIHUANA ESTABLISHMENT or ESTABLISHMENT

A location at which a licensee is licensed to operate under the MRTMA^[4] and this article.

MARIHUANA FACILITY or FACILITY

A location at which a licensee is licensed to operate under the MMFLA^[5] and this article.

MARIHUANA PLANT

Any plant of the species *Cannabis sativa* L. or genus *cannabis* but does not include industrial hemp.

MARIHUANA-INFUSED PRODUCT

A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana and other ingredients that is intended for human consumption in a manner other than smoke inhalation.

MARIHUANA-RELATED BUSINESS

An adult-use marihuana establishment operating pursuant to a special license issued by the Department and includes designated consumption lounges, excess marihuana growers,

marihuana event organizers and temporary marihuana events.

MICHIGAN MEDICAL MARIHUANA ACT or MMMA

2008 Initiated Law 1, MCLA § 333.26421 et seq., as may be amended.

MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA

Public Act 281 of 2016, MCLA § 333.27101 et seq., as may be amended.

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT or MRTMA

2018 Initiated Law 1, MCLA § 333.27951 et seq., as may be amended.

MICROBUSINESS

A marihuana establishment authorized to cultivate not more than 150 marihuana plants, process and package marihuana, and sell or transfer marihuana to individuals 21 years of age and older and to a safety compliance facility, but not to other marihuana establishments.

OPERATING PERMIT or PERMIT

The permit issued pursuant to this article authorizing the operation of a marihuana commercial business in the Village.

PERMITTEE

A person who holds a permit issued by the Village pursuant to this article to operate a marihuana business.

PERSON

An individual, corporation, limited-liability company, partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, trust, or other legal entity and includes persons within the definition of "applicant" as that term is used in this article.

PROCESS or PROCESSING

The separation or preparation of parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

PROCESSOR

A licensee that purchases or obtains marihuana from a grower and processes the marihuana and sells or transfers it in packaged form to a provisioning center, retailer, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.^[6]

PROVISIONING CENTER

A licensee that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers and includes medical cannabis dispensaries. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the Department's marihuana registration process in accordance with the Michigan Medical Marihuana Act^[7] is not a provisioning center for purposes of this article.

REGISTERED PRIMARY CAREGIVER or CAREGIVER

A primary caregiver who has been issued a current registry identification card under the MMMA.^[8]

REGISTERED QUALIFYING PATIENT or PATIENT

A qualifying patient who has been issued a current registry identification card under the MMMA or a visiting qualifying patient as that term is defined in the MMMA.^[9]

RETAILER

A licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older.

RULES

The general administrative rules promulgated and from time to time amended by the Department to implement the MMFLA^[10] and MRTMA.^[11]

SAFETY COMPLIANCE FACILITY

A licensee that receives marihuana from a marihuana business or from a registered primary caregiver, tests the marihuana and provides certification of the potency of tetrahydrocannabinol and other cannabinoids, and the presence of contaminants. A safety compliance facility may receive industrial hemp for testing pursuant to the Industrial Hemp Research and Development Act.^[12]

SECURE TRANSPORER

A licensee that stores marihuana and transports marihuana between marihuana businesses for a fee.

SOCIAL EQUITY-QUALIFIED BUSINESS

A marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the Village.

STATE OPERATING LICENSE or LICENSE

A license that is issued by the Department under the MMFLA^[13] or MRTMA^[14] that allows the licensee to operate a marihuana commercial business, as specified in the license.

[1] *Editor's Note: See MCLA 333.27101 et seq.*

[2] *Editor's Note: See MCLA 333.27951 et seq.*

[3] *Editor's Note: See MCLA 286.841 et seq.*

[4] *Editor's Note: See MCLA 333.27951 et seq.*

[5] *Editor's Note: See MCLA 333.27101 et seq.*

[6] *Editor's Note: See MCLA 286.841 et seq.*

[7] *Editor's Note: See MCLA 333.26421 et seq.*

[8] *Editor's Note: See MCLA 333.26421 et seq.*

[9] *Editor's Note: See MCLA 333.26421 et seq.*

[10] *Editor's Note: See MCLA 333.27101 et seq.*

[11] *Editor's Note: See MCLA 333.27951 et seq.*

[12] *Editor's Note: See MCLA 286.841 et seq.*

[13] *Editor's Note: See MCLA 333.27101 et seq.*

[14] *Editor's Note: See MCLA 333.27951 et seq.*

§ 370-453. Number of permitted businesses.

[Amended 5-10-2021 by Ord. No. 263]

- A. The maximum number of each type of medical marihuana facility permitted in the Village is as follows for any new facilities.

Type of Facility	Number
Grower	
Class A: 500 plants	1
Class B: 1,000 plants	1
Class C: 1,500 plants	2

Type of Facility	Number
Processor	2
Secure transporter	2
Provisioning center	3
Safety compliance facility	2

- B. If a business is already licensed in the Village and seeks additional grower or processor licenses in excess of what is allowed per ordinance for its current operating location, those may be approved via the same process as the permit renewal process outlined in § **370-461**, Permit renewal.
- C. The maximum number of each type of adult-use marihuana facility permitted in the Village is as follows for any new facilities.

Type of Establishment	Number
Grower	
Class A: 100 plants	0
Class B: 200 plants	0
Class C: 2,000 plants	3
Processor	2
Safety compliance	2
Retailer	3
Secure transporter	1
Designated consumption lounge	1
Microbusiness	Not available at this time
Temporary marihuana event	Available per approval of Council

- D. If a business is already licensed in the Village and seeks additional grower or processor licenses in excess of what is allowed per ordinance for its current operating location, those may be approved via the same process as the permit renewal process outlined in § **370-461**, Permit renewal.

§ 370-454. License and annual fee required; exception.

- A. No person shall establish or operate a marihuana commercial business in the Village without first having obtained a permit from the Village and a state operating license for each such marihuana business to be operated. Permit and license certificates shall be kept current and publicly displayed within the business. Failure to maintain or display current state and Village certificates is a violation of this article.
- B. There shall be an annual nonrefundable fee to defray the administrative and enforcement costs associated with marihuana businesses located in the Village of not more than \$5,000 per licensed business as set by resolution adopted by the Village Council.
- C. The annual nonrefundable fee required under this section is due and payable with the application for a permit and upon the application for renewal of any such permit under this article. The permit and fee requirements of this article apply to all marihuana commercial businesses, whether operated for profit or not for profit.
- D. The permit fee requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any state regulatory agency, or by Village

ordinance, including, by way of example, any applicable fees for site plan review, zoning review, inspections, or building permits.

- E. The issuance of any permit pursuant to this article does not create an exception, defense, or immunity to any person regarding any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.
- F. A separate permit is required for each marihuana business located at a premises from which a marihuana commercial business is operated. Operation of a grower and processor facility at the same location is authorized, provided that each facility is separately licensed and permitted. Operation of a provisioning center and/or retailer at the same location as a grower or processing facility is authorized when in conformance with the Village Zoning Code.
- G. This article is not applicable to a registered primary caregiver operating a medical marihuana home occupation in accordance with the Village Zoning Code.

§ 370-455. Location criteria.

- A. No marihuana business is eligible to receive a permit unless, at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the Village of Cassopolis Zoning Ordinance as required for the specific type of marihuana commercial business for which the permit is being sought.
- B. Mobile marihuana businesses and drive-through operations are prohibited.
- C. A licensee shall not operate a marihuana business at any place in the Village other than the address provided in the application on file with the Village Clerk. A permit issued under this article may be transferred to a different location upon receiving written approval from the Village Clerk. In order to request approval to transfer the location of a permit, the licensee must make a written request to the Village Clerk, indicating the current license location and the proposed license location. Upon receiving the written request, the Village Clerk will forward a copy of the request to affected service areas and departments of the Village to determine whether the proposed location complies with all applicable laws, rules and regulations. No permit transfer will be approved unless the proposed location meets the standards identified in this article and the Village Zoning Code.

§ 370-456. General permit application requirements.

- A. A person seeking a permit pursuant to the Medical Marihuana Facilities Licensing Act^[1] or the Michigan Regulation and Taxation of Marihuana Act and the provisions of this article must submit an application, in writing, to the Village Clerk on forms provided by the Village. At the time of application, the application must be accompanied by a partially nonrefundable application fee to defray the costs incurred by the Village for processing of the application. In addition, the applicant shall present a suitable copy of government-issued photographic identification to accompany the application.

[1] *Editor's Note: See MCLA 333.27101 et seq.*

- B. The applicant must also provide the following information, under the penalty of perjury, on the Village-provided form for the applicant, the proposed manager of the marihuana facility, and all persons who are true parties of interest in the marihuana business that is the subject of the application:
 - (1) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their names, addresses, dates of birth, business address, business telephone number, email address, social security numbers, and, if applicable, federal tax identification number;

- (2) If the applicant is not an individual or sole proprietorship, information regarding the business entity, including, without limitation, the name and address of the entity, website address, (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable, and the names, dates of birth, addresses, email addresses, and phone numbers of each applicant, and the federal tax identification number of the business entity;
 - (3) The identity of every person having a 10% or more ownership interest in the applicant with respect to which the license is sought; provided, however a social equity- qualified business must be able to demonstrate 51% ownership by qualifying applicants;
 - (4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana business;
 - (5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;
 - (6) A description of the type of the proposed marihuana commercial operation and its physical address;
 - (7) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, fencing at the premises, and all areas in which marihuana will be stored, grown, manufactured or dispensed;
 - (8) A lighting plan showing the lighting outside of the marihuana business for security purposes and compliance with applicable Village outdoor lighting requirements;
 - (9) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, the amount and type of compensation (including benefits) expected to be paid for such jobs;
 - (10) An explanation, with supporting factual data, of the economic benefits to the Village and the job creation for local residents to be achieved by the facility, including plans for community outreach and worker training programs, through the grant of a marihuana business permit;
 - (11) A statement that no applicant is in default to the Village for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the Village;
 - (12) A statement that the applicant has reviewed and agrees to conform its hiring and public accommodation practices to the Village's Antidiscrimination Policy provisions;
 - (13) A statement that no applicant is ineligible from holding a state license to operate a marihuana commercial business;
 - (14) Attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this article; and
 - (15) Any additional information that the Village Clerk or Chief of Police reasonably determines to be necessary in connection with the investigation and review of the application.
- C. Upon receipt of a completed application, the Village Clerk may circulate the application to all affected service areas and departments of the Village to determine whether the application is in full compliance with all applicable laws, rules and regulations.
- D. If the Village Clerk identifies or is informed of a deficiency in an application, the applicant has five business days to correct the deficiency after notification by the Village Clerk. The Village Clerk has the right to extend this timeline at their discretion, based on the deficiency.

§ 370-457. Denial of application.

- A. The Village Clerk shall reject any application that does not meet the requirements of the MMFLA, ^[1] the MRTMA^[2] the rules, or this article. The Village Clerk shall reject any application that contains any false, misleading or incomplete information.

[1] *Editor's Note: See MCLA 333.27101 et seq.*

[2] *Editor's Note: See MCLA 333.27951 et seq.*

- B. An applicant whose application is rejected or denied because of missing, incomplete, erroneous, false, or misleading information, or because of a lack of submission of the full amount of the fees due, does not have a right to appeal the decision of the Village Clerk whose decision is final.

§ 370-458. Issuance of provisional approval certificate.

- A. Beginning September 1, 2020, the Village Clerk will begin to accept permit applications for Village-issued marihuana commercial business permits. A marihuana business whose inspection, background checks, and all other information available to the Village verifies that the applicant has submitted a full and complete application, has made or has secured permits for making improvements to the business location consistent with the type of facility applied for, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, will be reviewed by the office of the Village Clerk for completeness and compliance with the requirements of this article.
- B. The Village Clerk shall issue a provisional marihuana business approval certificate to each applicant whose application is complete and if the inspection, background checks, and all other information available to the Village verify that the applicant complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, and in compliance with the Village Code of Ordinances and any other applicable law, rule, or regulation.
- C. A provisional marihuana business approval certificate only means that the applicant has submitted a valid application for a marihuana business operating permit and is eligible to receive the appropriate marihuana business license from the Department. The applicant shall not locate or operate a marihuana business in the Village without obtaining a state operating license approved by and issued by the Department. A provisional certificate issued by the Village will expire and be void after one year if state approval is not diligently pursued to completion by the applicant, or on the date that state approval is denied by a final order to the applicant, whichever first occurs.
- D. Within 30 days from the issuance of a provisional marihuana business approval certificate by the Village Clerk, the applicant must submit proof to the Village Clerk that the applicant has submitted a partial application with the Department for prequalification for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then the provisional approval will be canceled by the Village Clerk.
- E. If the Department issues a final determination either denying an applicant prequalification for a state operating license or denying a full application for a state operating license, then the provisional approval certificate will be canceled by the Village Clerk.
- F. Provisional certificates are not transferable to another person or entity without the submission of an application by the person or entity to whom the certificate is to be transferred and the approval of the Village Clerk.

§ 370-459. Issuance of Village marihuana business operating permit.

- A. An applicant holding an unexpired provisional certificate issued pursuant to this article and for which a marihuana facility or marihuana establishment state operating license has been issued shall provide proof of same to the Village Clerk.
- B. An inspection of the proposed marihuana business by the Village is required prior to issuance of the Village operating permit. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana or marihuana-infused product, and prior to the opening of the business or commencement of operations, unless the applicant holds a state operating license and is seeking a permit for an equivalent license. The inspection is to verify that the business premises are constructed and can be operated in accordance with the application submitted and the applicable requirements of this article and any other applicable law, rule, or regulation.
- C. After verification that the business premises are constructed and can be operated in accordance with the application submitted and the applicable requirements of this article and any other applicable law, rule, or regulation, and the issuance of a permanent certificate of occupancy for the building, the Village Clerk shall issue a Village marihuana business operating permit for a term of one year. The Village-issued permit must be prominently displayed within the business.
- D. Maintaining a valid state operating license is a condition for the issuance and maintenance of the Village marihuana business operating permit issued under this article and the continued operation of any marihuana business.
- E. Proof of insurance.
 - (1) Permittee shall at all times maintain full force and effect for duration of the permit, workers' compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and an aggregate limit of \$2,000,000 issued from a company licensed to do business in Michigan having an AM Best rating of at least B++. A permittee shall provide proof of insurance to the Village Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the Village of Cassopolis and its officials and employees as additional insureds to the limits required by this section. A permittee or its insurance broker shall notify the Village of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The permittee shall obtain and submit proof of substitute insurance to the Village Clerk within five business days in the event of expiration or cancellation of coverage.
 - (2) A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage, vehicle registration, and registration as a commercial motor vehicle for all vehicles used to transport marihuana or marihuana-infused product.
 - (3) Any failure to maintain or lapse in the insurance coverage required by this article is grounds for revocation of the Village-issued operating permit.
 - (4) A condition of the issuance of a marihuana business operating permit includes, at a minimum, operation of the business in compliance with all the plans and the information provided to the Village as part of the application. A permittee must update any change in the information provided to the Village as part of the application within five business days of such change during the term of the permit. The failure to timely update a change in information will be grounds for suspension or revocation of the operating permit.

§ 370-460. Permit forfeiture.

In the event that a marihuana business does not commence and maintain operations within one year of issuance of a Village operating permit, the permit will be deemed forfeited; the business may not recommence operations and the permit is not eligible for renewal.

§ 370-461. Permit renewal.

- A. A valid marihuana business operating permit may be renewed on an annual basis by submission of a renewal application upon a form provided by the Village Clerk and payment of the annual license fee set by Village Council resolution. An application to renew a marihuana business operating permit shall be filed no sooner than 90 days and at least 60 days prior to the date of its expiration. The failure to timely file for renewal is sufficient grounds to deny renewal of a permit to operate a marihuana business in the Village and is not subject to appeal.
- B. Prior to the issuance of a renewed marihuana business operating permit by the Village, the premises must be inspected to assure that it and its systems comply with the requirements of this article.
- C. In determining whether to grant a renewal of a permit, the Village Clerk, Village Manager and Village Chief of Police will evaluate the permit holder's compliance with the statements it provided with its initial application and submission with its request for renewal of the following information:
 - (1) The staffing plan for the business which describes the actual number of employees, including the number and type of jobs that the facility has created, and the amount and type of compensation (including benefits) paid for such jobs;
 - (2) An explanation, with supporting factual data, of the economic benefits to the Village and the job creation for local residents achieved by the business, results of efforts for community outreach and worker training programs;
 - (3) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents;
 - (4) A statement that the business is not in default to the Village for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the Village; and
 - (5) A statement that the hiring and public accommodation practices of the facility conforms to the Village's Antidiscrimination Ordinance provisions.
- D. If a licensee demonstrates compliance with the requirements for renewal of an operating permit, the Village Clerk shall renew the existing permit for a period of one year, on the condition that the state operating license for the facility is renewed.

§ 370-462. Transfer of permit.

- A. A marihuana business permit is valid only for the owner named thereon, the type of business disclosed on the application for the permit, and the location for which the permit is issued.
- B. Each operating permit is exclusive to the permittee, and a permittee or any other person must apply for a permit with the Village Clerk before a permit is transferred, sold, or purchased. The attempted transfer, sale, or other conveyance of an interest in a permit without prior application for a Village operating permit with the Village Clerk is grounds for suspension or revocation of the existing permit.

§ 370-463. Permit as revocable privilege.

An operating permit granted by this article is a revocable privilege granted by the Village and is not a property right. Granting a permit does not create or vest any right, title, franchise, or other property interest.

§ 370-464. Nonrenewal, suspension or revocation of permit.

- A. The Village may, after notice and hearing, suspend, revoke or refuse to renew a permit for any of the following reasons:
- (1) The permit holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions or provisions of this article or with any applicable state or local law or regulation;
 - (2) The permit holder, or its agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license;
 - (3) The Village Council determined that the permit holder did not meet or failed to comply with one or more of the requirements set forth in Article **XIX**, § **370-461**;
 - (4) The marihuana commercial business has been operated in a manner that adversely affects the local public health, safety or welfare; or
 - (5) The permit holder failed to timely submit all necessary documents and or fees to renew the Village-issued permit or state operating license.
- B. Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the marihuana business or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana business, or an ongoing nuisance condition emanating from or caused by the marihuana business. Criminal conduct is limited to the violation of a state law or regulation or Village ordinance.
- C. Except as otherwise provided in this article, the Planning Council shall hear and decide questions that arise in the administration of this article, including appeals of suspension and revocations of Village operating permits. The concurring vote of a majority of the members of the Planning Council is necessary to reverse an order, requirement, decision, or determination of an administrative official in the application of this article. The decision of the Planning Council is final. This section is not to be construed to grant the Planning Council authority to hear any matter that is within the powers and duties of the Zoning Board of Appeals.

§ 370-465. Grower classes.

A grower may hold more than one Class C grower license at a single location. A qualifying grower may hold an excess grower license with approval by Village Council.

§ 370-466. Separation of licensed premises.

A grower, processor, and retailer or an equivalent license in the same location are separate marihuana commercial businesses requiring separate licenses and separate permits. In addition to all other application requirements for separate businesses, each business, if sharing a building or structure, shall be distinctly partitioned from each other from floor to roof, have separate operations, ventilation, security and fire suppression systems, and separate entrances and exits.

§ 370-467. Location of facilities.

No grower facility, safety compliance facility, processor facility, secure transport facility, retail facility, or designated consumption facility shall be located within 1,000 feet of real property comprising a public or private elementary, vocational or secondary school.

§ 370-468. Secure transporter.

- A. A secure transporter which operates from a premises located within the Village shall secure a permit from the Village. A state-licensed secure transporter which does not have a facility located in the Village may, without securing a license from the Village, operate on public streets and highways within the Village.
- B. A driver transporting marihuana or marihuana-infused products must possess a valid chauffer's license issued by the state.
- C. Each vehicle engaged in the transportation of marihuana or marihuana-infused products must always be operated by a two-person crew with at least one individual remaining with the vehicle.
- D. A secure transporting vehicle must not bear any markings or any other indication that it is carrying marihuana or marihuana-infused products.
- E. A secure transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
- F. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five years or have been convicted of a misdemeanor involving a controlled substance within the past five years.
- G. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
- H. The marihuana shall be transported in one or more sealed containers and not be accessible while in transit.
- I. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with all state and local laws, rules, regulations and ordinances.
- J. All secure transporters shall comply with all applicable requirements of the Village of Cassopolis zoning ordinances.

§ 370-469. Provisioning centers and retailers.

- A. The licensee, manager, operator and employees of a provisioning center or retailer shall strictly comply with all rules addressing security (including, but not limited to, an operating video surveillance system), storage of marihuana and marihuana-infused products to prevent direct customer access and use of a separate room as a point of sale area.
- B. It is unlawful for the licensee, manager, operator or employees of a provisioning center or retailer to:
 - (1) Permit the sale, consumption, or use of alcohol beverages or tobacco products on the licensed premises or engage in food service on the licensed premises (As used in this subsection, "food service" means the preparation of food or drink for direct consumption by members of the public through service on the premises.);

- (2) Sell, give, dispense or otherwise distribute marihuana, marihuana-infused products, or marihuana paraphernalia from any outdoor location on the licensed premises;
 - (3) Offer or distribute samples of marihuana or marihuana-infused products to a consumer free of charge;
 - (4) Permit the use or consumption of marihuana or marihuana-infused products on the licensed premises;
 - (5) Operate a licensed provisioning center or retailer at any time other than between the hours of 7:00 a.m. and 9:00 p.m. daily;
 - (6) Keep or grow marihuana plants within the provisioning center or retailer.
- C. Registered patients and registered primary caregivers with valid registry cards and persons 21 years of age and older are permitted in a dedicated point of sale area; a separate waiting area may be created for visitors not authorized to enter the marihuana business. Provisioning centers and retailers shall be wheelchair accessible, and disability accommodations shall be provided upon request.
- D. Provisioning centers and retailers may engage in the home delivery of marihuana and marihuana-infused products in strict compliance with Department-approved procedures and rules.
- E. Provisioning centers and retailers shall prominently display a sign near the point of sale area which carries the following warning: "WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child."

§ 370-470. Safety compliance facilities.

- A. The safety compliance facility shall comply at all times and in all circumstances with the MMFLA,^[1] and any applicable state laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time. It is the responsibility of the owner to be aware of changes in the MMFLA. The Village of Cassopolis bears no responsibility for failure of the owner to be unaware of changes in the act;
- [1] *Editor's Note: See MCLA 333.27101 et seq.*
- B. Consumption and/or use of marihuana shall be prohibited at the facility;
- C. The premises shall be open, at all times, to any Michigan Marihuana Licensing Board investigators, agents, auditors, or the state police or Village of Cassopolis police, without a warrant and without notice to the licensee, to enter the premises, offices, facilities, or other places of business, if evidence of compliance or noncompliance with the Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
- (1) To inspect and examine all premises of medical marihuana facilities.
 - (2) To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored.
 - (3) To inspect the person, and inspect or examine personal effects present in a medical marihuana facility, of any holder of a state operating license while that person is present in a medical marihuana facility.

- (4) To investigate alleged violations of the Marihuana Facilities Licensing Act or applicable state laws.
- D. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty;
- E. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed;
- F. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
- G. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
- H. Marihuana that can support the rapid growth of undesirable microorganisms, including, but not limited to, mold, shall be held in a manner that prevents the growth of these microorganisms;
- I. Exterior signage or advertising identifying the facility as a safety compliance facility shall be prohibited;
- J. All safety compliance facilities shall comply with all applicable requirements of the Village of Cassopolis Zoning Ordinance.

§ 370-471. Processor facilities.

The following minimum standards for processor facilities shall apply:

- A. The processor shall comply at all times and in all circumstances with the Michigan Marihuana Facilities Licensing Act,^[1] and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;
[1] Editor's Note: See MCLA 333.27101 et seq.
- B. Consumption and/or use of marihuana shall be prohibited at the processor facility;
- C. All activity related to the processor facility shall be done indoors;
- D. The premises shall be open, at all times, to any Michigan Marihuana Licensing Board investigators, agents, auditors, or the state police or Village of Cassopolis police, without warrant and without notice to the licensee, to enter the premises, offices, facilities, or other places of business, if evidence of compliance or noncompliance with the MMFLA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - (1) To inspect and examine all premises of medical marihuana facilities;
 - (2) To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employee or employee fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
 - (3) To inspect the person and inspect or examine personal effects present in a medical marihuana facility of any holder of a state operating license while that person is present in a medical marihuana facility;
 - (4) To investigate alleged violations of the MMFLA or applicable state laws.
- E. Any processor facility shall maintain a log book and/or database which complies with the applicable state laws;

- F. All marihuana shall be tagged as required by the MMMA,^[2] the Medical Marihuana Facilities Licensing Act^[3] or applicable state laws;
- [2] *Editor's Note: See MCLA 333.26421 et seq.*
- [3] *Editor's Note: See MCLA 333.27101 et seq.*
- G. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located;
- H. That portion of the structure where any chemicals are located and/or stored shall be subject to inspections at any time and approval by the Central Cass Fire Department to ensure compliance with all applicable statues, codes and ordinances;
- I. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including, but not limited to:
- (1) Maintaining adequate personal cleanliness;
 - (2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - (3) Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- J. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed;
- K. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
- L. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;
- M. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
- N. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;
- O. Marihuana that can support the rapid growth of undesirable microorganisms, including, but not limited to, mold, shall be held in a manner that prevents the growth of these microorganisms;
- P. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind;
- Q. Processor facilities shall produce no products other than useable marihuana intended for human consumption;
- R. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited;
- S. All processor facilities shall comply with all applicable requirements of the Village of Cassopolis Zoning Ordinance.

§ 370-472. Grower facilities.

The following minimum standards for grower facilities shall apply:

- A. The grower facility shall comply at all times and in all circumstances with the Michigan Marihuana Act, the Medical Marihuana Facilities Licensing Act,^[1] and the general rules of the Department of

Licensing and Regulatory Affairs, as they may be amended from time to time;

[1] *Editor's Note: See MCLA 333.27101 et seq.*

- B. The premises shall be open for inspection upon probable cause that a violation of this article has occurred, during the stated hours of operation and at such other times as anyone is presented on the premises;
- C. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the MMMA^[2] and Medical Marihuana Facilities Licensing Act;^[3]
 - [2] *Editor's Note: See MCLA 333.26421 et seq.*
 - [3] *Editor's Note: See MCLA 333.27101 et seq.*
- D. All marihuana shall be contained within an enclosed locked facility;
- E. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located;
- F. The portion of the structure storing any chemicals, such as herbicides, pesticides, and fertilizers, shall be subject to inspections at any time and approval by the Central Cass Fire Department to ensure compliance with all applicable statute's codes and ordinances;
- G. The dispensing of marihuana at the grower facility shall be prohibited;
- H. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including, but not limited to:
 - (1) Maintaining adequate personal cleanliness;
 - (2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - (3) Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- I. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marihuana is exposed;
- J. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marihuana is exposed;
- K. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
- L. There shall be adequate screening or other protection against the entry or pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;
- M. Any building fixtures and other facilities shall be maintained in a sanitary condition;
- N. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;
- O. Marihuana that can support the rapid growth of undesirable microorganisms, including, but not limited to, mold, shall be held in a manner that prevents the growth of these microorganisms;
- P. Grower facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind;

- Q. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited;
- R. All grower facilities shall comply with all applicable requirements of the Village of Cassopolis Zoning Ordinance.

§ 370-473. Compliance with rules; inspections.

- A. A permittee shall strictly comply with the rules that may from time to time be promulgated by the Village.
- B. All marihuana commercial business shall obtain all other required permits or licenses related to the operation of the marihuana business, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.
- C. Any failure by a permittee to comply with Department rules or the provisions of this article is a violation of this article, and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of the permit issued under this article.

§ 370-474. Signage and advertising.

- A. All signage and advertising for a marihuana business shall comply with all applicable provisions of this Code and the Village Zoning Code. In addition, it shall be unlawful for any licensee to:
 - (1) Use advertising material that is misleading, deceptive or false as evidenced by the content of the advertising material or by the medium or the manner by which the advertising material is disseminated, is designed to appeal to individuals aged 20 or younger;
 - (2) No use of pictures that portray a marihuana plant, or act of using marihuana, shall be allowed;
 - (3) Signs are subject to approval by Village Manager and Village President.
- B. Only one sign per street frontage, which complies with the size restrictions set forth in the Village Zoning Code, is permitted for a provisioning center, retailer, microbusiness, or safety compliance center. Flashing signs are prohibited.

§ 370-475. Security requirements.

- A. Security measures at all licensed premises must comply with the requirements of all applicable rules and regulations of the Village of Cassopolis and state requirements.
- B. Prior to commencing operations, a description of the security plan for the business must be submitted to the Village of Cassopolis Police Department. The security plan shall include details of the video surveillance system to be employed at the business and procedures that meet or exceed applicable state rules addressing security.
- C. The security system is required to be maintained in good working order and provide continuous twenty-four-hour-per-day recorded coverage. A separate security system is required for each business.

§ 370-476. Fire suppression; hazardous materials.

- A. A marihuana business is required to install a fire suppression system and fire alarm system for the premises which meets the requirements imposed by applicable law, rule, or regulation. Unless a higher standard is required by applicable law or regulation, there must be a minimum of a one-hour fire separation between a marihuana business and any adjacent business.

- B. A description of all toxic, flammable, or other materials, including all chemical compounds and pesticides used for cultivation, processing or testing of marihuana that will be used or kept at the premises, specifying the location of such materials on the premises, and how such materials will be stored and disposed of, shall be filed with the Fire Chief prior to the marihuana business commencing operations.

§ 370-477. Waste management.

- A. A marihuana business is required to institute and employ waste management protocols and practices that comply with applicable rules and regulations that include a plan for disposal of any marihuana or marihuana-infused product that is not sold, and any portion of a plant or the residue from any grow, production or testing process that precludes any portion being disposed of from being possessed or ingested by any person or animal.
- B. If determined as being necessary by the Director of Public Works, wastewater generated from the cultivation or processing of marihuana or marihuana-infused products may require pretreatment before introduction in the Village wastewater system.

§ 370-478. Visibility of activities.

- A. All activities of marihuana commercial operations shall be conducted indoors and out of public view, except cultivation may occur in an outdoor area, provided that the area is contiguous with the building containing the marihuana business operations, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view, with no marihuana plants growing above the height of the fence or barrier, and the fences are secured and only accessible to authorized persons and emergency personnel.
- B. No marihuana, marihuana-infused product, or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

§ 370-479. Odor control.

- A. Growers, processors, and safety compliance facilities are required to install and maintain in operable condition an appropriate exhaust ventilation system which precludes the emission of detectable marihuana odor resulting from any grow or production process or operations from the premises. Exhaust and ventilation equipment must be installed, operated, and maintained in compliance with the Michigan Mechanical Code, R 408.30901 et seq.
- B. No marihuana business shall permit the emission of marihuana odor resulting in detectable odors that leave the business premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
- C. Whether a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

§ 370-480. Reports of crime.

Reports of all criminal activities or attempts of violation of any law at the marihuana business or related thereto shall be reported to the Cassopolis Police Department within 24 hours of occurrence, or its discovery, whichever is sooner. The failure to timely report criminal activity is a violation of this article and may result in sanctions up to and including the suspension, revocation or nonrenewal of the business' Village operating permit.

§ 370-481. Inspection of licensed premises.

- A. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by the Cassopolis Police Department and all other Village departments for the purpose of investigating and determining compliance with the provisions of this article and any other applicable state and local laws or regulations.
- B. Consent to inspection. Application for a marihuana business permit or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the Village Manager or the designee thereof to conduct routine examinations and inspections of the medical marihuana business to ensure compliance with this article or any other applicable law, rule, or regulation. For purposes of this article, examinations and inspections of marihuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this article for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business, and the adjoining properties and neighborhood.
- C. Application for a marihuana business permit constitutes consent to the examination and inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana business permit without a search warrant.
- D. A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a Village inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this article, the MMFLA, MRTMA, or applicable state administrative rules.

§ 370-482. Other laws remain applicable.

To the extent the state adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial business in the Village. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

§ 370-483. Violations and penalties.

- A. Any person, including, but not limited to, any licensee, manager or employee of a marihuana commercial operation, or any customer of such business, who violates any of the provisions of this article shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs and any other relief that may be imposed by the court.
- B. In addition to any civil fine imposed for a municipal civil infraction violation, a violation of this article shall also be sufficient grounds for the suspension, revocation or nonrenewal of the Village operating permit.
- C. In addition to the possible denial, suspension, revocation or nonrenewal of the permit issued under the provisions of this article, the Village Attorney is authorized to seek such other relief that may be available and provided by law or equity, including filing a public nuisance action or seeking injunctive relief against a person alleged to be in violation of this article or the Village Zoning Code.

§ 370-484. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this article.

§ 370-485. When effective.

This article shall become effective 45 days after its enactment.