

Section 3.01 - The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no excavation, use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 - Nonconformities

1. Nonconforming Lots of Record
 - A. In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, served by Village water and/or sewer; or provided a permit for construction of a well and/or septic system is granted by the District Health Department and can meet district setback regulations, (per Section 5.05 Schedule of Regulations).
 - B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.
2. Nonconforming Use of land and/or Structures
 - A. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.

- B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.
- C. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree or extent of the nonconformity of such structure.
- D. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Reconstruction of building(s) and/or structures on an existing non-conforming lot may be permitted after submission to and approval of plans by the Planning Commission with any necessary variances approved by the Zoning Board of Appeals.
- E. If a structure is partial destroyed by any means to an extent of eighty (80) percent or less of the usable cubic space or floor area of the principal structure, it shall be permitted to be reconstructed to original size (including the original footprint, height and bulk).
- F. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- G. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. A determination of "equally or more appropriate" shall be made by the Zoning Board of Appeals.
- H. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.
- I. **Abandonment of Nonconforming Use or Structure**
If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

- 1) Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- 2) Whether the property, buildings, and grounds have fallen into disrepair.
- 3) Whether signs or other indications of the existence of the nonconforming use have been removed.
- 4) Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
- 5) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

J. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

3. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

4. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5. Expansion or Enlargement

A nonconforming structure maybe enlarged or altered, provided the enlargement or alteration meets all of the following standards:

- A. It does not increase the nonconformity of such structure.
- B. It will not reduce the value or otherwise limit the lawful use of adjacent premises.
- C. It will essentially retain the character and environment of abutting premises.
- D. It will not cause, perpetuate or materially increase any nuisance aspect of the use upon adjacent uses (such as noise, glare, traffic congestion or land over-crowding).

Section 3.03 - Accessory Buildings

1. Authorized accessory buildings may be connected to principal building or may be connected to the principal building by a roofed porch, breezeway or similar structure or may be completely detached from the principal building.

2. Where any accessory buildings is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
3. A detached accessory building shall comply with all setback requirements for the district in which the accessory structure is located.
4. Mobile homes shall not be used as an accessory building.
5. The number of accessory structures used primarily for storage (garages, sheds, carports, etc.) shall be limited as follows:
 - A. For all parcels; two (2), provided that one (1) be equal to or less than two hundred (200) square feet in ground coverage.
 - B. Not more than one (1) such accessory structures may be permitted within thirty-five (35) feet of the ordinary high mark or any lake or river.
6. The number of accessory structures not used for storage, such as (but not limited to) gazebos, pergolas, play houses, and play structures shall be limited to not more than two (2) per parcel, unless parcel is equal to or exceeds two (2) acres in size.
7. The maximum height shall be as follows:
 - Accessory structures greater than two hundred (200) square feet shall have a maximum height of thirteen (13) feet.
 - Accessory structures equal to or less than two hundred (200) square feet shall have a maximum height of ten (10) feet.

Section 3.04 - Essential Services

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Village of Central Lake in any Use District.

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.05 - Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
3. Skirting shall be required around the base of the mobile home, such that no portion of the undercarriage or chassis is exposed. Wheels shall be removed prior to attaching the unit the foundation. The axles and towing assembly shall either be removed or screened from view by the required skirting.
4. Mobile homes shall not be used as an accessory building.

Section 3.06 - Accessory Dwelling

Accessory dwelling as defined in Article II, shall comply with the following regulations:

1. Residence and Incidental Use
The accessory dwelling shall be clearly incidental to the principal residence or commercial use on the site. Accordingly, the following conditions shall be met:
 - A. The property must be owner-occupied, i.e. either the principal residence, or commercial use or accessory dwelling must be owner occupied (or owner managed in the case of a commercial use).
 - B. Only one (1) such accessory dwelling shall be permitted on each parcel.
 - C. The total floor area of the accessory dwelling shall not exceed eight hundred (800) square feet.
2. Compatibility with Surrounding Land Use
The design of the accessory dwelling shall not detract from the character of the area and appearances of the principal residence or commercial structure.
3. Parking and Access
In addition to required parking for the principal residence, or commercial use, one additional parking space shall be provided for the accessory dwelling.

Section 3.07 - Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Village, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Village, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

Section 3.08 - Home Business

While The Village of Central Lake recognizes that many residents feel the necessity to work at home, the Village also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. Home Occupations

- A. Home occupations shall be permitted in all zoning districts in which single-family dwellings are permitted as a matter of right, provided the standards of this Ordinance are met.
- B. Home Occupations shall be operated in their entirety within the dwelling.
- C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than three (3) non-resident persons shall be working at the given premises to assist with the business.
- D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Village as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- H. The outdoor storage of goods and/or materials must comply with the setback requirements for the given district, and shall not pose any hazard to the adjacent property.
- I. There shall be no parking permitted within any setback areas.
- J. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

2. Cottage Industries

- A. Cottage industries may be permitted in the specified zoning district subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall

be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Exterior evidence of such industry shall be screened.
- C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed eight hundred (800) square feet, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.
- D. The outdoor storage of goods and/or materials must comply with the setback requirements for the given district, and shall not pose any hazard to the adjacent property.
- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
- F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- G. Cottage industries shall be conducted primarily by the person or persons occupying on the premises. Up to three (3) additional employees or assistants shall be allowed.
- H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
- I. Hours of operation shall be approved by the Planning Commission.

3. Termination, Extensions, Revisions, and Inspections

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
- B. Any home occupation or cottage industry may be subject to review by the Zoning Administrator., based on complaints or questions regarding compliance with regulations and approval.

Section 3.09 - Fences and Walls

Unless stricter requirements are provided in other specific provisions in this Ordinance, fences or walls may be permitted on any property in any District up to a height of six (6) feet and further provided such fence or wall shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

The finished side of the fence shall face the adjacent property and shall be constructed on the owner's property.

Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the required waterfront setback. Fences shall not exceed four (4) feet in height, where they obstruct the views of the water from neighboring properties.

Section 3.10 - Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

Section 3.11 - Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height. Exterior lighting installed after July 1, 2017 shall have the Fixture Seal of Approval (FSA) for dark sky friendly light fixtures as certified by the International Dark Sky Association. FSA complaint fixtures can be referenced at www.darksky.org/ourdoor-lighting-29, as amended.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.12 - Signs

The purpose of this section is to preserve the desirable character of the Village of Central Lake, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and

services afforded by the local business places. At the same time, the Village recognizes the right of residents to be free of advertising that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding four (4) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
 - D. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state, or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the zoning district, whichever is less.
 - E. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
 - F. Temporary real estate signs, not exceeding six (6) square feet, on individual lots advertising a premise for sale or rent.
 - G. Signs advertising sales such as garage, estate, auction, moving, and yard sales, maybe posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4) square

feet.

- H. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 2, below.
- I. All real estate signs, both on premise and off-premise, shall be removed within seven (7) days of the sale or rental of the property.

2. The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or direction to some other locale, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign</u>
R-1, C/R	Twelve (12) square feet
V	Twenty (20) square feet
M	Thirty two (32) square feet

- A. Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than thirty two (32) square feet per sign.
- B. The total square footage of the sign surface shall not exceed twenty (20) square feet per building face.
- C. The total sign(s) surface area is not to exceed ten percent (10%) maximum coverage of the building face.
- D. Individual businesses are not to exceed two (2) Outdoor Business or Information signs per building face.

3. In addition to the size limitations stated in Subsection 3.12.2 above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:

- A. Except for the signs authorized without a sign permit pursuant to section 3.12.1, no sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by the Planning Commission (PC) as part of an approved site plan. After approval, the required sign permit shall be issued by the ZA.
- B. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.

- C. Off-premises directory signs shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, except if the signs are directional signs as provided by the Michigan Department of Transportation and approved by the Zoning Administrator. No off-premises sign shall be permitted in R-1 or C/R Zoning Districts.
- D. Freestanding signs may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- E. Both sides of any freestanding or overhanging sign may be used for display.
- F. All directional signs required for the purpose of orientation, when established by the Village, County, State, or Federal governments, shall be permitted in all districts.
- G. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.
- H. Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- I. The number of signs allowed will be decided by the Planning Commission at the time of site plan review. Factors considered will include building size, location and length of street frontage and lot size, and the cumulative total sign area for on-site signs shall not exceed that allowed in the district as per 3.12.2.
- J. Advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.
- K. In the case of non-commercial special events, advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics, are permitted, for a period of not more than fourteen (14) days prior to the event and shall be removed within one (1) day of the completion of the event.

- L. Non-business related signs shall be permitted.
- M. Political signs shall be removed within five days after the election or ballot issue.
- N. The use of any lawful outdoor business or informational sign erected prior to this ordinance and in use at the date this ordinance is enacted, which does not meet these standards, may be continued. Such signs shall be designated as "Nonconforming" signs. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by Section 3.02 - Nonconformities of this ordinance.

Section 3.13 - Antenna Co-location on an Existing Tower or Structure

- 1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- 2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- 3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.14 - Non-Commercial Wind Turbine Generators

- 1. Non-commercial wind turbine generators (WTG) and anemometer towers erected prior to a non-commercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height of the WTG or anemometer tower. The minimum height for the blade clearance from the ground shall be fourteen (14) feet.
- 2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be three (3) acres.

Section 3.15 - Vehicular Parking and Access

- 1. Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection of any new main building that is adequate for parking, loading and unloading of vehicles.
- 2. For each use, or similar building hereafter erected or altered, and located on a public street or highway in the Village there shall be

provided and maintained suitable off street parking in accordance with the following schedule:

Residential: For single family dwelling - two (2) parking spaces for each one (1) dwelling unit. For multiple family dwelling - two (2) parking spaces for each one unit plus one (1) additional parking space for each five (5) dwelling units that can be used for guest parking.

Manufacturing or industrial two (2) parking spaces for each two (2) establishment, warehouse employees on maximum working shift; plus or similar establishment.

3. Every new building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of any road or highway.

Section 3.16 - Medical use of Marijuana

1. **Intent and Purpose:** With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq, the Village of Central Lake Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.
2. **Regulations of Qualifying Patients:** The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building is hereby recognized as an accessory use to the principal residence use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:
 - a) The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
 - b) All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
 - c) If a room with a window within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must

not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

3. **Regulations for Primary Caregivers:** The medical use of marijuana by a primary caregiver is hereby authorized as a use by right within a dwelling or an accessory building in any zoning district, provided that all of the following regulations are met:
- a) The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of MMMA.
 - b) The primary caregiver must obtain a zoning permit under Section 10.02 of this Ordinance.
 - c) Except when being transported as provided in subsection I below, all marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the primary caregiver.
 - d) If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways
 - e) Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or accessory building. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same dwelling or accessory building.
 - f) Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients may be present at the same time at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory building in which a

primary caregiver of medical marijuana is providing primary caregiver services for purposes unrelated to primary caregiver services.

- g) Qualifying patient visits to a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall be restricted between the hours of 8:00 a.m. and 8:00 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h) No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- i) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to qualifying patients shall be packaged so the public cannot see or smell the marijuana.
- j) No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.
- k) A dwelling or a accessory building in which a primary caregiver is providing primary caregiver services qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:

- a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parents or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- l) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have signage that would indicate the nature of the primary caregiver services being conducted in the dwelling or accessory building.
- m) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not be located within 500 feet of any other dwelling or accessory building in which primary caregiver services is being provided to qualifying patients, shall not be located within 500 feet of a lot on which any church or place of worship or library and their accessory structures are located, and shall not be within 1,000 feet of a lot on which any of the following uses are located:
- a. Any public or private school, having curriculum including kindergarten through twelve grade and its accessory structures.
 - b. Any preschool, child care or day care facility and its accessory structures.
 - c. Any public facility, such as museums, parks, playgrounds, public beaches, community centers, and other public place where children congregate.
- n) The portion of the dwelling or accessory building in which primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to

grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

4. **Relationship to Federal Law:** Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 3.17 - Planting Materials

1. **Intent:** This Section is intended to:

- a) Improve the appearance of off-street parking areas and property abutting public right-of-way, thereby reducing conditions which lead to community blight.
- b) Require buffering between conflicting land uses and conflicting Zoning Districts.
- c) Promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment.
- d) Protect and preserve the appearance, character and value of the surrounding neighborhoods and parks.
- e) Promote the use of native plant materials.
- f) Discourage the use of invasive plant materials.

2. Central Lake will use the "Recommended Planting Guidelines for Municipalities as published by the Northwest Michigan Invasive Species Network, as periodically revised, to determine what constitutes a "native species" from an "invasive species."

3. Only "native species" listed under "Recommended Plants for Ornamental Landscapes" will be used as plant materials for any type of landscaping when applying for a Land Use Permit after the effective date of this ordinance.

4. "Invasive" species are those plant materials noted in the Recommended Plant Guidelines for Municipalities under "Commercial Guidelines" as Class 1 and Class 2 Plants. The replacement or installation of these plant materials will not be permitted on properties located in any non-residential zoning district after July 1, 2017.