

CHAPTER 115: MEDICAL MARIHUANA FACILITIES.

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§ 115.01 GENERAL.

The City finds that it is in the public interest to allow the licensing and operation of Facilities within its boundaries as permitted by law pursuant to PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.

§ 115.02 PURPOSE.

The purpose of this chapter is to establish standards for the licensing of Facilities. It is the City's intent, subject to conditions, to allow the licensing and operation of Facilities within its boundaries in order to:

1. Promote the safe and regulated manufacturing, production, and sale of medical Marihuana;
2. Provide safe access to medical marihuana for licensed medical marihuana patients;
3. Discourage the sale of unsafe or unlicensed marihuana products;
4. Preserve and protect the health, safety, and welfare of the residents of the City and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
5. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of Facilities within the City shall be governed.

§ 115.03 DEFINITIONS.

1. Terms not defined herein shall be defined pursuant to PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
2. Terms not defined herein or in the Act shall be defined pursuant to the Medical Marihuana Facility Rules, as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.

3. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires otherwise:
 - a. “Act” means PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
 - b. “Applicant” means a person or entity who applies for a License under this chapter. If an entity applies for a License the term includes an officer, director, or other agent of the entity when appropriate.
 - c. “City” means the City of White Cloud.
 - d. “City License” or “License” means a license granted under this chapter.
 - e. “Clerk” means the City Clerk.
 - f. “Council” means the City Council.
 - g. “Facility” means medical marihuana facility as defined in the Act.
 - h. “Marihuana Licensing Board” means the board created pursuant to Chapter 117.
 - i. “Premises” means the Facility and its property to include attached buildings, outbuildings, parking lots etc.
 - j. “State” means the State of Michigan and its agencies.
 - k. “State of licensed medical marihuana facility” means any Facility fully licensed by the State of Michigan under the Act.
 - l. “State operating license” means a license granted by the State of Michigan pursuant to the Act.

§ 115.04 CONFLICT.

1. Nothing in this chapter shall be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
2. Nothing in the chapter shall be construed in such a manner so as to conflict with the Act or any other State law.

§ 115.05 APPLICABILITY AND ENABLING PROVISION.

1. Operation of a Facility requires a valid State operating license, City License, compliance with all City ordinances, and compliance all terms of City and State of Michigan Licenses.
2. City Licenses for the following types of Facilities may be granted for operation within the City at any one time:
 - a. Growers of any class: unlimited such Licenses;
 - b. Processors: unlimited such Licenses;

- c. Provisioning Centers: unlimited such Licenses;
 - d. Secure Transporters: unlimited such Licenses; and
 - e. Safety Compliance Facilities: unlimited such Licenses.
3. This chapter does not apply to or regulate any protected patient or caregiver conduct pursuant to PA 1 of 2008, the Michigan Medical Marihuana Act, MCLA 333.26421, *et seq.*, as amended.
 4. A City License is a revocable privilege granted by the City and is not a property right. The application for or granting of a License under this chapter does not create or vest any right, title, franchise, or other property interest.
 5. A licensee or any other person shall not lease, pledge, borrow, or loan money against a License.

§ 115.06 LICENSING REQUIREMENTS.

1. No Applicant that has done business or purported to do business under this chapter or the Act without first obtaining the necessary City and State licenses, approvals, and permits shall be eligible for licensing under this chapter.
2. All Facilities shall be subject to inspection, with or without notice, at any time, by the City Fire Chief, the City Police Chief, or their designees.
3. Facilities shall comply with all applicable rules, standards, law, ordinances, regulations, etc. promulgated by the City, State, or any entity thereof.
4. Each License is issued exclusively to the licensee. Any attempt to transfer, sell, purchase, or otherwise convey any interest in a License is grounds for revocation of the License. Any License that has been transferred, sold, purchased, or otherwise had any interest in it conveyed is void.
5. An Applicant that receives a License shall display such License at the Facility in a manner clearly visible to the public.
6. The issuance of a License under this chapter shall be in addition to, and not in lieu of, any other licensing and permitting required by the State, City, or any entity thereof.

§ 115.07 APPLICATION PROCEDURE.

1. All applications for a License under this Chapter shall be filed with the Clerk utilizing and complying with the City's application form and process.
2. The application shall be signed by the Applicant: by the individual if an individual, by all partners if a partnership, by a managing member if a limited liability company, or by the president if a corporation.

3. No application for a License or the granting of a License shall be made until State licensing “pre-qualification” has first been obtained.
4. The Applicant shall provide any information required by the Act and any other information reasonably deemed by the City to be required for the consideration of a License.
5. Upon verification by the Clerk that the application complies with the requirements of the Act, this chapter, and the City application, the Clerk shall submit the application for consideration to the City Marihuana Licensing Board.
6. The issuing of a License under this chapter shall be at the discretion of the City Marihuana Licensing Board.
7. No City License shall be issued if the number of active Licenses allowed under this chapter have been previously met.
8. All Licenses (including those previously issued) shall expire 365 days from the date of issue.
9. All Licenses are subject to annual renewal by the Clerk.
10. License renewal applications must be submitted to the Clerk no later than 60 days before the License expires. Late applications will be subject to a late fee pursuant to the City of White Cloud’s Fee schedule adopted by City Council as amended from time to time.
11. The City may assess an initial non-refundable License application fee not to exceed \$400.
12. Upon the granting of a License, the City may assess a nonrefundable fee not to exceed \$4,600 to cover the costs of oversight, administration, and enforcement associated with the operation of a Facility for the first year of licensure.
13. The City may assess a non-refundable License renewal fee not to exceed \$400.

14. Upon the granting of a License renewal, the City may assess a non-refundable fee not to exceed \$4,600 cover the cost of renewal, oversight, administration, and enforcement associated with the operation of a marihuana facility for the next year of licensure.

§ 115.08 CLERK DUTIES.

1. The Clerk shall establish written policies, criteria, processes, and forms for the application and reapplication for a License under this chapter.
 - a. Such written policies, criteria, processes, and forms for the application and reapplication of a License shall be established no later than one year from the adoption of this chapter.
 - b. No applications shall be made, and no Licenses granted under this chapter until such written policies, criteria, processes, and forms for the application and reapplication of a License have been established.
2. Consistent with this Chapter and Chapter 117, the Clerk shall have broad authority to implement policies and procedures for the application and reapplication of a License under this Chapter.
3. The Clerk shall renew a License, if after a due diligence investigation, the Clerk concludes that the Applicant-licensee complies with the requirements of the Act, this Chapter, and City ordinances and policies; and that a License renewal would not constitute a menace to the health, safety, or general welfare of the public. Prior violations of the Act, this Chapter, and City ordinances and policies are ground to deny the renewal of a License.
4. No License shall be renewed unless the Applicant-licensee has a valid State operating license for the Facility seeking License renewal.
5. The Clerk shall transmit a copy of this chapter and any future amendments to the State of Michigan Department of Licensing and Regulatory Affairs.

§ 115.09 LICENSEE OBLIGATIONS.

No licensee shall do or permit any person to do the following in or on the Premises:

1. Smoke, vape, ingest, or otherwise consume marihuana or marihuana products.
2. Conduct any activity involving marihuana to include processing, loading and unloading, and manufacturing outside the Facility in a manner visible to the general public.
3. Reside in any capacity or for any length of time.

§ 115.10 REVOCATION.

1. A License granted under this chapter may be revoked at any time by the Marihuana Licensing Board for any of the following reasons:
 - a. Fraud or misrepresentation contained in the State license, City License, or other City applications;
 - b. Violation of the Act, this Chapter, any City Ordinances or policy, State law, or term of licensure;
 - c. Violation of applicable laws, rules, standards, laws, ordinances, regulations, etc. promulgated by the City, State, or any entity thereof;
 - d. Loss of or failure to maintain a valid State operating license;
 - e. Failure to secure zoning approvals as required by the City Zoning Ordinance within 120 days of being issued a License under this Chapter.
 - f. Failure to comply with the City Zoning Ordinance;
 - g. The expiration or violation of any zoning approval.
 - h. Conducting business in an unlawful manner or
 - i. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.
2. Prior to revocation, the Marihuana Licensing Board shall hold a hearing at which the licensee may be heard, and all relevant evidence may be admissible.

§ 115.11 APPEALS PROCESS.

1. Any Applicant who is denied a License, licensee whose License is not renewed by the Clerk, or licensee whose License is revoked by the City Marihuana Licensing Board may appeal to the City Council. The appeal must be submitted within 30 days of the denial, denial of renewal, or revocation; be in writing; and clearly state the legal and factual basis for the appeal.
2. The Council shall appoint a hearing officer who will conduct a hearing on the matter. All relevant evidence may be admissible. The hearing officer shall submit his recommendation in writing to the Council.
3. The Council shall review the recommendation of the hearing officer prior to rendering its decision. The Council has the final review authority over any appeal brought before it.
4. No Facility whose License has been denied or revoked is permitted to operate while an appeal is pending.

§ 115.12 VIOLATIONS AND PENALTIES.

1. Any Applicant or licensee who violates this Chapter shall be responsible for

a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.

2. Each day that a violation continues shall constitute a different violation.
3. Nothing in this Section precludes the City from pursuing any other remedies available at law or equity.

CHAPTER 116: Recreational Marihuana Establishments

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§ 116.01 GENERAL.

The City finds that it is in the public interest to allow the licensing and operation of Establishments within its boundaries as permitted by law pursuant to IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*

§ 116.02 PURPOSE.

The purpose of this chapter is to establish standards for the licensing of Establishments. It is the City's intent, subject to conditions, to allow the licensing and operation of Establishments within its boundaries in order to:

1. Promote the safe and regulated manufacturing, production, and sale of recreational marihuana;
2. Provide safe access to recreational marihuana for eligible consumers;
3. Discourage the sale of unsafe or unlicensed marihuana products;
4. Preserve and protect the health, safety, and welfare of the residents of the City and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
5. Establish standards and procedures by which the licensing, permitting,

operating, and maintaining of Establishments within the City shall be governed.

§ 116.03 DEFINITIONS.

1. Terms not defined herein shall be defined pursuant to IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*, as amended.

2. Terms not defined herein or in the Act shall be defined pursuant to the Adult-Use Marihuana Establishment Rule, as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency

3. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires otherwise.

a. “Act” means IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*, as amended.

b. “Applicant” means a person or entity who applies for a License under this chapter. If an entity applies for a License the term includes an officer, director, or other agent of the entity when appropriate.

c. “City” means the City of White Cloud.

d. “City License” or “License” means a license granted under this chapter.

e. “Clerk” means the City Clerk.

f. “Council” means the City Council.

g. “Establishment” means recreational marihuana establishment as defined in the Act.

h. “Marihuana Licensing Board” means the board created pursuant to Chapter 117.

i. “Premises” means the Establishment and its property to include attached buildings, outbuildings, parking lots etc.

j. “State” means the State of Michigan and its agencies.

k. “State licensed recreational marihuana establishment” means any establishment licensed by the State under the Act.

1. "State of operating license" means a license granted by the State pursuant to the Act.

§ 116.04 CONFLICT

1. Nothing in this chapter shall be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
2. Nothing in this chapter shall be construed in such a manner so as to conflict with the Act or any other State law.

§ 116.05 APPLICABILITY AND ENABLING PROVISION

1. Operation of an Establishment requires a valid State operating license, City License, compliance with all City ordinances, and compliance all terms of City and State license.
2. City Licenses for the following types of Establishments may be granted for operation within the City at any one time:
 - a. Growers of any class: unlimited such Licenses;
 - b. Processors: unlimited such Licenses;
 - c. Retailers: up to unlimited such Licenses;
 - d. Secure Transporters: unlimited such Licenses;
 - e. Safety Compliance Facilities: unlimited such Licenses; and
 - f. Microbusinesses: unlimited such Licenses.
3. A City License is a revocable privilege granted by the City and is not a property right. The application for or granting of a License under this chapter does not create or vest any right, title, franchise, or other property interest.
4. A licensee or any other person shall not lease, pledge, borrow, or loan money against a License.

§ 116.06 LICENSING REQUIREMENTS.

1. No Applicant that has done business or purported to do business under this chapter or the Act without first obtaining the necessary licenses, approvals, and permits shall be eligible for licensing under this chapter.
2. All Establishments shall be subject to inspection, with or without notice,

at any time, by the City Fire Chief, the City Police Chief, or their designees.

3. All Establishments shall comply with all applicable rules, standards, regulations, etc. promulgated by the City, State, or any entity thereof.

4. Each License issued under this chapter is issued exclusively to the licensee. Any attempt to transfer, sell, purchase, or otherwise convey any interest in a License is grounds for revocation of the License. Any License that has been transferred, sold, purchased, or otherwise had any interest in it conveyed is void.

5. An Applicant that receives a License shall display such License at the Establishment in a manner clearly visible to the public.

6. The issuance of a License under this chapter shall be in addition to, and not in lieu of, any other licensing and permitting required by the State, City, or entity thereof.

§ 116.07 APPLICATION PROCEDURE.

1. All applications for a License under this Chapter shall be filed with the Clerk utilizing and complying with the City's application form and process.

2. The application shall be signed by the Applicant: by the individual if an individual, by all partners if a partnership, by a managing member if a limited liability company, or by the president if a corporation.

3. No application for a License or the granting of a License shall be made until State licensing "pre-qualification" has first been obtained.

4. The Applicant shall provide any information required by the Act and any other information reasonably deemed by the City to be required for the consideration of a License.

5. Upon verification by the Clerk that the application complies with the requirements of the Act, this chapter, and the City application, the Clerk shall submit the application for consideration to the City Marihuana Licensing Board.

6. The issuing of an initial License under this chapter shall be at the discretion of the City Marihuana Licensing Board.

7. No License shall be issued if the numbers of active Licenses allowed under this chapter have been previously met.

8. All Licenses (including those previously issued) shall expire 365 days from the date of issue.

9. All Licenses are subject to annual renewal by the Clerk.

10. License renewal applications must be submitted to the Clerk no later than 60 days before the License expires. Late applications will be subject to a late fee pursuant to the City of White Cloud's Fee schedule adopted by City Council as amended from time to time.

11. The City may assess an initial non-refundable License application fee not to exceed \$400.

12. Upon the granting of a License, the City may assess a non-refundable fee not to exceed \$4,600 to cover the costs of oversight, administration, and enforcement associated with the operation of an Establishment for the first year of licensure.

13. The City may assess a non-refundable License renewal fee not to exceed \$400.

14. Upon the granting of a License renewal, the City may assess a non-refundable fee not to exceed \$4,600 cover the cost of renewal, oversight, administration, and enforcement associated with the operation of an Establishment for the next year of licensure.

§ 116.08 CLERK DUTIES.

1. The Clerk shall establish written policies, criteria, processes, and forms for the application and reapplication of a License under this chapter.

a. Such written policies, criteria, processes, and forms for the application and reapplication of a License shall be established no later than one year from the adoption of this chapter.

b. No applications shall be made, and no Licenses granted under this chapter until such written policies, criteria, processes, and forms for the application and reapplication of a License have been established.

2. Consistent with this chapter and Chapter 117, the Clerk shall have broad authority to implement policies and procedures for the application and reapplication of a License under this Chapter.

3. The Clerk shall renew a License, if after a due diligence investigation, the Clerk concludes that the Applicant-licensee complies with the requirements of the Act, this Chapter, and City ordinances and policies; and that a License renewal would not constitute a menace to the health, safety, or general welfare of the public. Prior violations of the Act, this Chapter, and City ordinances and policies are grounds to deny the renewal of a License.

4. No License shall be renewed unless the Applicant-licensee has a valid State operating license for the Establishment seeking License renewal.

5. The Clerk shall transmit a copy of this chapter and any future amendments to the State of Michigan Department of Licensing and Regulatory Affairs.

§ 116.09 LICENSEE OBLIGATIONS.

No licensee shall do or permit any person to do the following in or on the Premises:

1. Smoke, vape, ingest, or otherwise consume marihuana or marihuana products.
2. Conduct any activity involving marihuana to include processing, loading and unloading, and manufacturing outside the Establishment in a manner visible to the general public.
3. Reside in any capacity or for any length of time.

§ 116.10 REVOCATION.

1. A License granted under this chapter may be revoked at any time by the Marihuana Licensing Board for any of the following reasons:

- a. Fraud or misrepresentation contained in the State license, City License, or other City applications;
- b. Violation of the Act or this Chapter; any City Ordinances or policy, State law, or term of licensure
- c. Violation of applicable laws, rules, standards, regulations, etc. promulgated by the City, State, or entity thereof;
- d. Loss of or failure to maintain a valid State operating license;
- e. Failure to secure zoning approvals as required by the City Zoning Ordinance within 120 days of being issued a License under this Chapter.
- f. Failure to Comply with the City Zoning Ordinance.

- g. The expiration or violation of any zoning approval.
 - h. Conducting business in an unlawful manner; or
 - i. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.
2. Prior to revocation, the Marihuana Licensing Board shall hold a hearing at which the licensee may be heard, and all relevant evidence may be admissible.

§ 116.11 APPEALS PROCESS.

1. Any Applicant who is denied a License, licensee whose License is not renewed by the Clerk, or licensee whose License is revoked by the City Marihuana Licensing Board may appeal to the City Council. The appeal must be submitted within 30 days of the denial, denial of renewal, or revocation; be in writing; and clearly state the legal and factual basis for the appeal.
2. The Council shall appoint a hearing officer who will conduct a hearing on the matter. All relevant evidence may be admitted. The hearing officer shall submit his recommendation in writing to the Council.
3. The Council shall review the recommendation of the hearing officer prior to rendering its decision. The Council has the final review authority over any appeal brought before it.
4. No Establishment whose License has been denied or revoked is permitted to operate while an appeal is pending.

§ 116.12 VIOLATIONS AND PENALTIES.

1. Any Applicant or licensee who violates this Chapter shall be responsible for a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
2. Each day that a violation continues shall constitute a different violation.
3. Nothing in this Section precludes the City from pursuing any other remedies available at law or equity.

CHAPTER 117: Marihuana Licensing Board

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- 117.02 Purpose

- 117.03 Definitions
- 117.04 Conflict
- 117.05 Board Composition and Eligibility
- 117.06 Removal from Office and Vacancy
- 117.07 Powers, Duties, and Procedures

§ 117.01 GENERAL.

1. The City finds that it is in the public interest to create a licensing board by which Establishments and Facilities may be licensed to operate within its boundaries as permitted by law pursuant to IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*, as amended and PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
2. The Marihuana Licensing Board is hereby created.

§ 117.02 PURPOSE.

The purpose of this chapter is to establish a Marihuana Licensing Board which shall have the authority to issue and revoke Licenses for Establishments and Facilities.

§ 117.03 DEFINITIONS.

1. Terms not defined herein shall be defined pursuant to IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*, as amended or PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
2. Terms not defined herein or in the Act shall be defined pursuant to the Medical Marihuana Facility Rules, as amended or the Adult-Use Marihuana Establishment Rule, as amended as promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
3. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires otherwise.
 - a. “Applicant” means a person or entity who applies for a License. If an entity applies for a License, the term includes an officer, director, or other agent of the entity when appropriate.
 - b. “Application” means an application for a City License.
 - c. “Board” means the Marihuana Licensing Board established in this chapter.
 - d. “Board Member” or “Member” means a member of the Marihuana Licensing Board

- e. “City” means the City of White Cloud.
- f. “City License” or “License” means a license granted by the City pursuant to Title XI chapter 115 entitled “Medical Marihuana Facilities” and chapter 116 entitled “Recreational Marihuana Establishments” of the Code of Ordinances for the City of White Cloud.
- g. “Clerk” means the City Clerk.
- h. “Establishment” means recreational Marihuana establishment as defined in IL 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, *et seq.*, as amended
- i. “Facility” means a medical marihuana facility as defined in the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended

§ 117.04 CONFLICT.

1. Nothing in this chapter shall be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
2. Nothing in this chapter shall be construed in such a manner so as to conflict with the Act or any other State law.

§ 117.05 BOARD COMPOSITION AND ELIGIBILITY.

1. The Board shall be comprised of seven members, each of whom shall be appointed by the Mayor and confirmed by the City Council.
2. The term for each Board Member shall be two years.
3. No Board Member may be sitting member of the City Council.
4. The Board shall elect from among its members a Chair, Vice Chair, and any other officer deemed necessary. The term of office for such officers shall be one year.
5. The City Clerk shall serve as the clerk for the Board.
6. There shall be no limit to the number of terms a Board Member may serve.

§ 117.06 REMOVAL FROM OFFICE AND VACANCY.

1. A Board member may be removed by vote of the City Council.
2. The office of a Board Member shall be considered vacant upon the Member's death, removal from office, or submission of a letter of resignation to the Mayor.
3. Any vacancy shall be filled in the same manner as the original appointment except that the term shall be limited to the duration of the original term.

§ 117.07 POWERS, DUTIES, AND PROCEDURES.

1. The Board shall meet at a minimum once a quarter.
2. The Board shall establish its own practices, rules, and procedures. Formalized rules and procedures shall be in writing and filed with the City Clerk.
3. Approval or Denial of Licenses:
 - a. Subject to law, the Board shall have the authority to approve or deny Licenses for Establishments and Facilities.
 - b. The approval or denial of a License shall be at the Board's discretion upon consideration of the following:
 - i. The Applicant's ability to ensure safe and regulated manufacturing, production, or sale of marihuana;
 - ii. The Applicant's ability to ensure safe access to marihuana for eligible consumers;
 - iii. The Applicant's ability to discourage the sale of unsafe or unlicensed marihuana products; and
 - iv. The health, safety, and welfare of the residents of the City.
 - c. The Board shall hold a public hearing prior to rendering a license decision.

d. The Applicant shall be given an opportunity to respond to questions from the Board regarding the Application.

4. Revocation of Licenses.

a. Subject to law, the Board shall have the authority to revoke Licenses for Establishments and Facilities.

b. The Board shall hold a public hearing prior the revocation of a License.

c. Prior to a revocation hearing, the Licensee shall be reasonably informed of the basis upon which the revocation is being pursued.

d. The Licensee shall have the opportunity to dispute the allegations upon which the revocation is being pursued.

5. The granting or revocation of a License shall require a majority vote of the Board.

6. Conflict of Interest.

a. No Member may vote on a matter in which he has a financial, fiduciary, or other conflict of interest.

b. Should a member abstain from a vote due to a conflict of interest, the reasons shall be stated on the record.

c. Following an abstention, the granting or revocation of a License shall require a majority vote of the remaining Members.

d. An abstaining Member is not prohibited from engaging in discussion regarding the matter before the Board upon which he is abstaining.

7. The Board may request the assistance of City Officials and employees in the execution of its duties.

8. The Board may recommend to the City Council amendments to Ordinances relevant to the licensing or operation of Establishments and Facilities

9. The Board shall comply with the Open Meetings Act, PA 267 of 1976, as

MARINA

A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

MASTER PLAN

The Master Plan as adopted by City of White Cloud, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the city, and includes any unit or part of the plan and any amendment to the plan.

MARIHUANA ESTABLISHMENT

A marihuana establishment as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

MARIHUANA FACILITY

A marihuana facility as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Marihuana facility” means a location at which a licensee is licensed to operate under this act.

MEDICAL MARIHUANA

Marihuana as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

MEDICAL MARIHUANA GROWER

A grower as defined in the Medical Marihuana Facilities Licensing act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

MEDICAL MARIHUANA PROCESSOR

A processor as defined in the Medical Marihuana Facilities Licensing act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Processor” means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

MEDICAL MARIHUANA PROVISIONING CENTER

A provisioning center as defined in the Medical Marihuana Facilities Licensing act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Provisioning Center” means a licensee that is a commercial entity located in this state 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.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY

A safety compliance facility as defined in the Medical Marihuana Facilities Licensing act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Safety compliance facility” means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

MEDICAL MARIHUANA SECURE TRANSPORTER

A secure transporter as defined in the Medical Marihuana Facilities Licensing act, PA 281 of 2016 (MCL 333.27101 *et seq.*) as amended.

“Secure transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

RECREATIONAL MARIHUANA

Marihuana as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

RECREATIONAL MARIHUANA GROWER

A marihuana grower as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana grower” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

RECREATIONAL MARIHUANA MICROBUSINESS

A marihuana microbusiness as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana microbusiness” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

RECREATIONAL MARIHUANA PROCESSOR

A marihuana processor as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana processor” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

RECREATIONAL MARIHUANA RETAILER

A marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana retailer” means a person licensed to obtain marihuana from marihuana establishments to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

RECREATIONAL MARIHUANA SAFETY COMPLIANCE FACILITY

A marihuana safety compliance facility as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana safety compliance facility” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

RECREATIONAL MARIHUANA SECURE TRANSPORTER

A marihuana secure transporter as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.

“Marihuana secure transporter” means a person licensed to obtain marihuana from marihuana establishments to transport marihuana to marihuana establishments.

MUNICIPAL CIVIL INFRACTION

An act or omission that is prohibited by a provision of the ordinances of the City of White Cloud for which the penalty has been designated as a Municipal Civil Infraction. A municipal civil infraction is not a crime and is punishable by all of the civil remedies provided for in Act 12 of the Public Acts of 1994, as amended.

SECTION 2.15 DEFINITIONS - N

NATURAL FEATURE

Including but not limited to soils, wetlands, woodlots, landmark and specimen trees, floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

NATURAL VEGETATIVE COVER

Significant natural vegetation, including bushes, shrubs, groundcover, and trees, on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

NONCONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of this Ordinance or the District in which it is located. Also referred to as a lawful nonconforming building.

NONCONFORMING LOT OF RECORD

A platted lot that conformed with all City zoning and other requirements at the time of recording of the plat, that no longer conforms to the zoning regulations and requirements for lot area or dimension, lot width, or both; or a lot outside a recorded plat that conformed with all City zoning and other requirements at one time, and that has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, that no longer conforms with the zoning requirements for lot area or dimension, lot width, or other matters. Also referred to as a lawful nonconforming lot.

NONCONFORMING STRUCTURE

A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of this Ordinance or the District in which it is located. Also referred to as a lawful nonconforming structure.

**CHAPTER 8
COMMERCIAL DISTRICTS**

SECTION 8.01 INTENT AND PURPOSE

The C-1 Central Business District is intended to support a traditional downtown main-street atmosphere and is characterized by smaller lot sizes, mixed land uses and higher percentages of lot coverage. The District is further intended to promote the consolidation of commercial activities in the existing City center by providing for a variety of retail, office, restaurant and entertainment activities that are not automotive dependent. The purpose of this District is to encourage and promote the business use of the first floor of existing structures and to permit residential uses on upper stories. Screening, landscaping and site design will be strongly considered when sites are developed to ensure they mesh well with adjacent residential uses.

The C-2, General Business Commercial District, is intended primarily for uses emphasizing higher intensity, auto dependency and highway activity that are not well suited for a traditional downtown setting.

SECTION 8.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be allowed by obtaining Special Land Use approval when all applicable standards contained in Chapter 16 and elsewhere in this Ordinance are met.

NP: Not Permitted: The use is not permitted in the District.

(Amended 12/4/2018)

Table of Uses	C-1	C-2	C-3
Accessory apartments on the ground floor/upper floor/behind commercial uses	P	NP	P
Accessory structures subject to Section 3.14	P	P	P
Outdoor or rooftop seating (see requirements below)	P	NP	P
Outdoor display (see requirements below)	P	P	P
Arcade (computer or video)	P	NP	P
Art studio/craft shop	P	NP	P
Bank or other financial institution without drive through facility	P	P	P

Table of Uses	C-1	C-2	C-3
Bank or other financial institution with drive through facility	SLU	SLU	SLU
Banquet hall and/or conference center	SLU	SLU	SLU
Bed and Breakfast	P	NP	P
Bus passenger or other transit station	SLU	SLU	SLU
Catering establishment	P	P	P
Clinics	P	P	P
Commercial day care center	SLU	P	SLU
Commercial mini storage	NP	P	NP
Contractor's office	SLU	P	SLU
Convenience store, with gasoline	NP	SLU	SLU
Convenience store, without gasoline	P	P	P
Cottage Industry	P	NP	P
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner)	SLU	SLU	SLU
Fraternal or social club or lodge	SLU	P	SLU
Health or exercise club	P	P	P
Hotel/motel	SLU	P	P
Indoor theater	P	P	P
Kennel, commercial	NP	SLU	NP
Laundromat	P	P	P
Medical Office	P	P	P
Medical Marihuana Provisionary Center	NP	P	P
Medical Marihuana Safety Compliance Facility	NP	P	P
Medical Marihuana Secure Transporter	NP	P	P
Recreational Marihuana Retailer	NP	P	P
Recreational Marihuana Safety Compliance Facility	NP	P	P
Recreational Marihuana Secure Transporter	NP	P	P
Mortuary or funeral home	NP	SLU	NP
Open air business	NP	SLU	NP
Pawn Shop	NP	P	NP

Table of Uses	C-1	C-2	C-3
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P	NP	P
Places of religious worship	NP	NP	NP
Professional offices (e.g., attorneys, accountants and dentists)	P	P	P
Recreation facility, indoor(e.g., bowling, billiards)	P	P	P
Recreation facility, outdoor(e.g., mini-golf, batting cages)	NP	SLU	NP
Restaurant with drive-through facility	NP	SLU	SLU
Restaurant without drive-through facility	P	P	P
Retail building supplies and equipment stores with outdoor display and storage	NP	P	P
Retail establishments of 20,000 square feet GFA and over	NP	P	NP
Retail establishments under 20,000 square feet GFA	P	P	P
Tattoo Parlor (amended 9/19/2016)	P	P	P
Tavern or pub	P	P	P
Vehicle repair, major	NP	P	SLU
Vehicle repair, minor	NP	P	P
Vehicle sales	NP	P	NP
Vehicle wash establishment	NP	P	P
Veterinary clinic (amended 5/5/2014)	SLU	P	SLU
Video rental and sales (except that video rentals are permitted as an accessory use when accessory to another retail use)	P	P	P
Wind Energy Conversion systems, commercial	NP	NP	NP
Wireless communication tower	NP	SLU	NP
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure, subject to overall height restrictions	P	P	P

SECTION 8.03

LOT, YARD AND BUILDING REQUIREMENTS (Amended 12/4/2018)

Requirement	C-1	C-2	C-3
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Requirement	C-1	C-2	C-3
Minimum Lot Area	6,000 sq. ft.	20,000 sq. ft.	To follow criteria of C1
Minimum Lot Width	40 ft.	100 ft.	To follow criteria of C1
Minimum Lot Depth	60 ft.	120 ft.	To follow criteria of C1
Lot Width to Depth Ratio	No more than 3 times deeper than the width	No more than 3 times deeper than the width	To follow criteria of C1
Maximum Lot Coverage	100%	75%	To follow criteria of C1
Minimum Front Setback	The "build-to" line shall be within 5 feet of the public sidewalk.	50 ft., the first 15 feet of which shall be landscaped	To follow criteria of C1
Maximum Front Setback	NA	60 ft.	To follow criteria of C1
Side Setback	May be zero on one side (if approved by the Zoning Administrator) and may be zero on both sides	May be zero on one side (if approved by the Zoning Administrator), the other side shall be a minimum of 50 ft.	May be zero on one side (if approved by the Zoning Administrator), the other side shall be a minimum of 50 ft.

Requirement	C-1	C-2	C-3
Minimum Rear Setback	10 feet from an alley. Otherwise, may be zero (if approved by the Zoning Administrator)	40 ft.	40 ft.
Maximum Height	60 ft.	35 ft.	35 ft.
Minimum Height	18 ft. must include a parapet wall	NA	NA
Minimum green space	5%	10%	10%

SECTION 8.04

PARKING REQUIREMENTS

Use	Minimum Parking Requirements Spaces per Unit of Measurement GFA = gross floor area UFA = usable floor area
Residential	
Accessory apartments as part of a commercial use	1 per dwelling unit
Art studio/craft shop or cottage industry	1 space per 800 sq. ft. of GFA
Bank or other financial institution without drive-through facility	1 space per each 400 sq. ft. of GFA
Banquet hall and/or conference center and Catering establishment	1 space for every 4 persons by occupancy permitted in the structure by fire code
Bed and Breakfast	2 plus one per guest room
Boarding House	1 plus an addition space per 2 rooms
Bus passenger or other transit station	1 space per 200 sq. ft. of GFA
Commercial day care center	1 space per each 3 clients computed on the basis of the greatest number of clients on site at a given time
Commercial mini storage	1 space for every storage unit (adjacent to the units) plus 1 for each employee

Use		Minimum Parking Requirements Spaces per Unit of Measurement GFA = gross floor area UFA = usable floor area
Convalescent or nursing home		1 space per each 3 beds or 2 rooms, whichever is less, plus 10 spaces marked for visitors
Convenience stores		One space per 50 sq. ft. of GFA plus one per gas pump as applicable
Schools (private)	Elementary and middle	4 per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup shall be provided
	High	1 for each teacher, employee or administrator plus 1 for each 10 students, plus those required for an auditorium or place of assembly; separate areas for student drop off and pickup shall be provided
Fraternal or social club or lodge		1 space for every 4 persons by occupancy permitted in the structure by fire code
Health or exercise club		1 space for every 6 persons by occupancy permitted in the structure by fire code
Hotel/motel		2 spaces for employees, plus 1 for each guest room
Indoor theater		1 space per each 3 seats, plus 1 for each 2 employees
Kennel, commercial		1 space for each 400 sq. ft. of UFA
Laundromat		1 space for each 2 machines
Medical office and Clinics		1 space per each 400 sq. ft. of GFA
Mortuary or funeral home		1 space per each 100 sq. ft. of UFA
Open air business		1 space per each 800 sq. ft. of lot area used of the open air business, plus parking for any main building and associated accessory uses
Personal service establishments and Tattoo parlors		2 spaces per service provider
Places of religious worship		2 per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
Professional office		1 space per each 400 sq. ft. of GFA

Use	Minimum Parking Requirements Spaces per Unit of Measurement GFA = gross floor area UFA = usable floor area
Indoor recreation facility and Arcades	1 space for every 3 persons by occupancy permitted in the structure by fire code
Recreation facility, outdoor	1 space per each 2 miniature golf holes, plus 2 per each batting cage, plus 1 per each 100 sq. ft. of GFA of arcade space
Restaurant without drive through facility	1 per 100 sq. ft. of floor space not used for seating area plus 1 for each employee area plus 1 space for each 3 persons allowed within the maximum occupancy load as established by applicable building or health codes for the area devoted to indoor seating
Retail building supplies and equipment storage	1 space per each 300 sq. ft. of UFA
Retail establishments and Pawn Shops	1 space per each 300 sq. ft. of GFA
Tavern, with or without dancing, live entertainment or consumption of alcoholic beverages on premises	1 space for every 3 persons by occupancy permitted in the structure by fire code
Vehicle repair, minor and major	1 space per service bay plus 1 space per employee
Vehicle sales	1 per each 300 sq. ft. of GFA in the showroom/ office, plus required spaces for accessory repair areas
Vehicle wash establishment	1 space per each 3 wash bays plus stacking as required by Chapter 16
Veterinary clinic	1 space for each 400 sq. ft. of UFA
Video rental and sales	1 for each 800 sq. ft. UFA plus 1 for each 2 employees
Wind Energy Conversion, commercial	1 space for service vehicles

****Veterinary Clinic**** this use in the C-1 Zoning District shall be directly adjacent to M-37 and shall be subject to compliance with any development standards applicable in Chapter 14 of the City of Whit Cloud Zoning Ordinance. (amended 5/5/2014)

SECTION 8.05 PARKING LOCATION

- A. Off-street parking facilities in the C-1 District shall not be located in any front yard.

**CHAPTER 12
I-1 INDUSTRIAL DISTRICT**

SECTION 12.01 INTENT AND PURPOSE

The regulations of this District are intended primarily for light industrial uses which do not generate hazardous materials. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials.

SECTION 12.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be allowed by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.

NP: Not Permitted: The use is not permitted in the District.

Table of Uses	I-1
Adult-Oriented Businesses	SLU
Assembly of paperboard containers, building paper, building board, and bookbinding	P
Billboards	SLU
Laboratories including experimental, film, and testing	P
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	P
Manufacturing facilities, including tool and die	P
Medical Marihuana Growers	P
Medical Marihuana Processors	P
Medical Marihuana Safety Compliance Facility	P
Medical Marihuana Secure Transporter	P
Recreational Marihuana Grower	P
Recreational Marihuana Microbusiness	P
Recreational Marihuana Processor	P
Recreational Marihuana Safety Compliance Facility	P
Recreational Marihuana Secure Transporter	P
Motor freight transportation/trucking terminal	P

Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	P
Public Safety Facilities (amended 5/6/13)	P
Saw mills	P
Sales as part of an industrial operation	P
Sexually-oriented businesses	SLU
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products and warehousing	P

SECTION 12.03 LOT, YARD, AND BUILDING REQUIREMENTS

Requirement		I-1	
Minimum Lot Requirements	Area	2 acres	
	Width	200 ft.	
	Maximum width-to-depth ratio	1:3	
	Maximum Lot Coverage	75%	
Minimum Setback Requirements	Front*	0 ft. (if approved by the Zoning Administrator)	
	Side	One side	0 ft. (if approved by the Zoning Administrator)
		Total 2 sides	0 ft. (if approved by the Zoning Administrator)
		Adjacent to Residential District	50 ft.
	Rear	Adjacent to Residential District	50 ft.
		In all other cases	25 feet

Requirement		I-1
Building Requirements	Maximum Height	In the Industrial District, the Planning Commission shall have the authority to deviate from any height restriction listed in this ordinance based upon sufficient findings that there will not be an adverse impact on the Health, Safety, or Welfare of the community.
Design Requirements	See Industrial Park Restrictive Covenants adopted by the City Design Requirements	

SECTION 12.04 PARKING REQUIREMENTS

Parking areas adjacent to a residential use or zone shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 14.04 of the ordinance.

Use	Minimum Parking Requirements Spaces per unit of measurement GFA = gross floor area UFA = Usable Floor area
Accessory office areas related to main uses	1 space per each 300 sq. ft. of UFA
Sexually oriented businesses	1 space per each 2 persons permitted under fire code.
All other industrial uses	1 space for each 1,000 sq. ft. or one space for every employee on the largest shift All other industrial uses(whichever is greater) <u>plus</u> those spaces required for offices located on the premises

SECTION 12.05 SIGNS

- A. The following signs are permitted in the Industrial District:
1. Signs shall pertain exclusively to the business carried on the property.

2. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
 3. One monument sign is permitted per lot of up to fifty (50) square feet.
 4. Signs shall not exceed six (6) feet in height.
 5. Signs shall be setback from the street right-of-way a minimum of fifteen (15) feet and from side property lines a minimum of ten (10) feet.
 6. A sign attached to a mansard shall be considered a wall sign.
 7. Signs shall not project above a roof line or cornice.
- B. Signs not requiring a zoning permit.
1. On-site political campaign signs, up to sixteen (16) square feet provided they are removed within ten (10) days after the election to which they pertain.
 2. Unlit real estate signs, of up to sixteen (16) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 3. Unlit trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area.
 4. Name plates less than two (2) square feet.
 5. Signs that have been approved in conjunction with a valid zoning compliance permit for any main use as detailed in an approved site plan.
- C. See 14.13 for prohibited signs.

CHAPTER 15
SITE PLAN REVIEW

SECTION 15.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the City in order that the applicant may realize planned objectives in the use of land, as described in the Master Plan, and within the regulations of this Zoning Ordinance. It is also intended to ensure that the development or use be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 15.02 APPLICABILITY

- A. Subject to Paragraph C, Planning Commission approval of a site plan is required for the following:
1. Special land uses in any district.
 2. Planned unit developments in any district.
 3. Manufactured home communities in any district.
 4. Multi-family residential developments in any district.
 5. Condominiums, site condominiums, or subdivisions (plats) in any district.
 6. Private streets in any district.
 7. Essential services in any district.
 8. Marihuana establishments in any district.
 9. Marihuana facilities in any district.
 10. A plat or residential development.
 11. New construction or the expansion of existing buildings or structures in any district.
 12. Subject to paragraph B, new uses or the expansion of existing uses in any district.
- B. Unless located in the MHC or I-1 District or listed in paragraph A 1-10, Planning Commission approval of a site plan is not required for new uses or the expansion of existing uses when (1) the new or expanded use is being established in an existing lawful principal building or structure, (2) such use is a permitted use in

the underlying zoning district, and (3) there will be no expansion of the footprint, size, or height of the building or structure:

- C. The following are exempt from site plan review by the Planning Commission; however, review and approval of an abbreviated site plan by the Zoning Administrator is required:
 - 1. Single-family detached and two-family dwellings when permitted by right on a lot on which there exists no other building or use.
 - 2. Farms
 - 3. State licensed residential family care facilities and family day care homes.
 - 4. Home occupations
 - 5. Residential accessory buildings

SECTION 15.03 SITE PLAN SUBMITTAL

Optional Preliminary Site Plan Review and related matters:

- A. Ten (10) copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- B. Additional Information. The Planning Commission, prior to granting final approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. This material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, traffic study, soil tests and other pertinent information.
- C. Preliminary site plan submittal shall include the information listed below, unless deemed unnecessary by the Zoning Administrator. The Zoning Administrator shall review the site plan packet for completeness. Incomplete site plan packets will not be accepted by the Zoning Administrator or placed on the Planning Commission's agenda. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
- D. Applicants have the option to submit a final site plan review packet without an optional preliminary review.
- E. Site plans shall be prepared by a surveyor or professional engineer, and shall be based on a survey.

Site Plan Submission Requirements	
For <i>both</i> Preliminary & Final Site Plan Review	
1. A general location sketch showing at a minimum, property, streets and use of land within 1/2 mile of the area.	
2. Legal description of the subject property.	
3. North arrow, and plan scale.	
4. Name and address of the property owner or petitioner and ownership interest.	
5. Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.	
6. Existing zoning and use of all properties abutting the subject property.	
7. All buildings, parking, easements, and driveways within 100 feet of all property lines.	
8. Existing and proposed uses, buildings and structures.	
9. Property lines and dimensions.	
10. Existing adjacent streets and proposed streets.	
11. Parking lots and access points.	
12. General location of utilities, storm water management features, septic systems and wells.	
13. Location of proposed buffer strips or screening.	
14. General topographical features at contour intervals no greater than 5 feet.	
15. Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, landmark trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.	
16. Seal, of the professional individual responsible for the preparation of the site plan.	
17. Narrative: Provide written text describing in general terms:	a. The overall objectives of the proposed development.
	b. Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, streets and drives, and open space.
	c. Dwelling unit densities by type, if applicable.
	d. Proposed method of providing sewer and water service, as well as other public and private utilities.
	e. Anticipated grading and filling and proposed method of storm water management.
Additional Information for <i>Final</i> Site Plan Review	
18. Property lines for each site condo unit or lot shown and dimensioned.	

Site Plan Submission Requirements
19. Buildable area for proposed structures (i.e., setbacks shown) on the subject property for each lot or site condominium unit.
20. Specifications for and location of existing and proposed utilities.
21. All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes serving the site and cross-sections of internal roads serving the development.
22. Location and specifications for curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.
23. Location and size of all surface water drainage facilities including storm event data.
24. All existing vegetation noted to be protected and a detailed landscaping plan including data on species, number, and size of plant materials to be used.
25. Location of profiles of all proposed fencing and walls.
26. Location of all solid waste disposal facilities, including recycling, and screening.
27. Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
28. Dedicated open space, marked, described and a recordable form to protect such lands in perpetuity.
29. Exterior lighting showing area of illumination (via a photometric chart) and indicating the type and height of fixture to be used.
30. Any signs not attached to the building(s).
31. Elevation drawings of proposed buildings.
32. Location and specifications for trails, driveways, and sidewalks. See Zoning Ordinance, Section 2.05 Driveway, Section 2.20 Sidewalks; City Charter Section 2.2 Paragraph U, General Regulations Sections 94.20-94.25. <i>Amended 10/21/20</i>
33. Development agreement (as appropriate).
34. Easement descriptions and dedications.
35. Approved road names (as appropriate).
36. Detailed landscape plan, including method of protecting existing vegetation, species, listing, and sizes for new landscaping materials, profile of proposed buffer strips, screening, fence design, and timing of landscaping improvements.

The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

SECTION 15.04 ADMINISTRATIVE FEES

- A. Any Site Plan application shall be accompanied by a non-refundable fee or fees in accordance with the schedule or resolution of fees established by the City Council. Such fee(s) shall be for the purpose of payment of the administrative costs and services expended by the City in the implementation of this Chapter and the processing of the application. No part of such fee(s) shall be refundable to the applicant.

- B. An escrow fee or fees may also be collected by the City pursuant to Section 18.03 of this Ordinance. Such fees are intended to reimburse another party or parties retained by the City to provide expert consultation and advice regarding the application.

SECTION 15.05 CHANGES IN THE APPROVED SITE PLAN

Changes to an approved site plan shall be allowed only under the following circumstances:

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

- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include only the following:
 - 1. Change in any building size, up to five percent (5%) in gross floor area.
 - 2. Movement of buildings or other structure by no more than ten (10) feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in building materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.
 - 6. Changes required or requested by the City, the County Street Commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.

- C. A proposed change determined by the Zoning Administrator not to be minor shall be submitted to the Planning Commission as a site plan amendment, and shall be reviewed in the same manner as the original application, including payment of an application fee. The previously approved site plan shall be provided to the