



City of New Buffalo
Planning Commission Special Meeting
Tuesday, July 13, 2021 at 6:00 P.M.
224 W. Buffalo St. New Buffalo, MI 49117

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Minutes- June 1, 2021
6. Public Comment
7. Presentation
 - NuEra Cannabis
8. Zoning Ordinance Section 2-3 Definitions
 - Discussion of Recreational Vehicle and Equipment definition
9. Zoning Ordinance Section 3-20 Storage of Recreational Equipment (A)
 - Potential exemptions or exceptions to the storage of recreational equipment
10. Zoning Ordinance Section 6-3 Uses Permitted by Special Land Use Permit
 - Removal of C. Educational Institutions from listing
11. Zoning Ordinance Section 10-2 Uses Permitted by Special Land Use Permit. Miscellaneous
 - Change Educational Institutions to Permitted by Right
12. Zoning Ordinance Section 11-2 Uses Permitted by Special Land Use Permit. Miscellaneous
 - Change Educational Institutions to Permitted by Right
 - Change Residential Dwellings to Special Use



13. Discussion of changing Planning Commission meetings to monthly

14. Commissioner Comments

15. Adjournment

The Special Meeting for June 1, 2021 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 7:02 p.m.

Roll Call: All present.

Don Stoneburner, New Buffalo, MI, Berrien County;
Roxanne Lauer, New Buffalo, MI, Berrien County;
Bill McCollum, New Buffalo, MI, Berrien County;
Mark Joseph, New Buffalo, MI, Berrien County;
Paul Billingslea, New Buffalo, MI, Berrien County.

Staff Present: City Manager, Darwin Watson; Clerk, Amy Fidler

Approval of Agenda: Motion by Lauer, seconded by Stoneburner to approve the agenda:

Roll Call Vote:

Ayes: Lauer, Joseph, McCollum, Stoneburner, Billingslea

Nays:

Absent:

Abstain:

Motion Carried, 5-0.

Approval of Previous Minutes: Motion by Lauer, seconded by Joseph to approve the Special Planning Commission Minutes from April 20, 2021:

Roll Call Vote:

Ayes: McCollum, Lauer, Stoneburner, Joseph, Billingslea

Nays:

Absent:

Abstain:

Motion Carried, 5-0.

Public Comment:

Laura Murray
Ed Andriusis

Public Hearing- Chair Billingslea open and closed the Public Hearing for 1 North Whittaker Street.

Clerk, Amy Fidler read a letter from Ronald Farina, Managing Member of Seville Investments, LLC.

New Business

Motion by Joseph, seconded by Lauer to approve 1 N. Whittaker - Site Plan & Special Use request for Restaurant outdoor seating area:

Roll Call Vote:

Ayes: Joseph, Lauer, Stoneburner, McCollum, Billingslea

Nays:

Absent:

Abstain:

Motion Carried, 5-0.

Adjournment: Motion by Stoneburner, seconded by Joseph to adjourn the meeting at 7:21 p.m.:

Roll Call Vote:

Ayes: Stoneburner, Lauer, McCollum, Joseph, Billingslea

Nays:

Absent:

Abstain:

Motion Carried, 5-0.

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Paul Billingslea, Chair

Ann M. Fidler, Clerk



nuEra

A NEW ERA OF CANNABIS



An Overview of NuEra

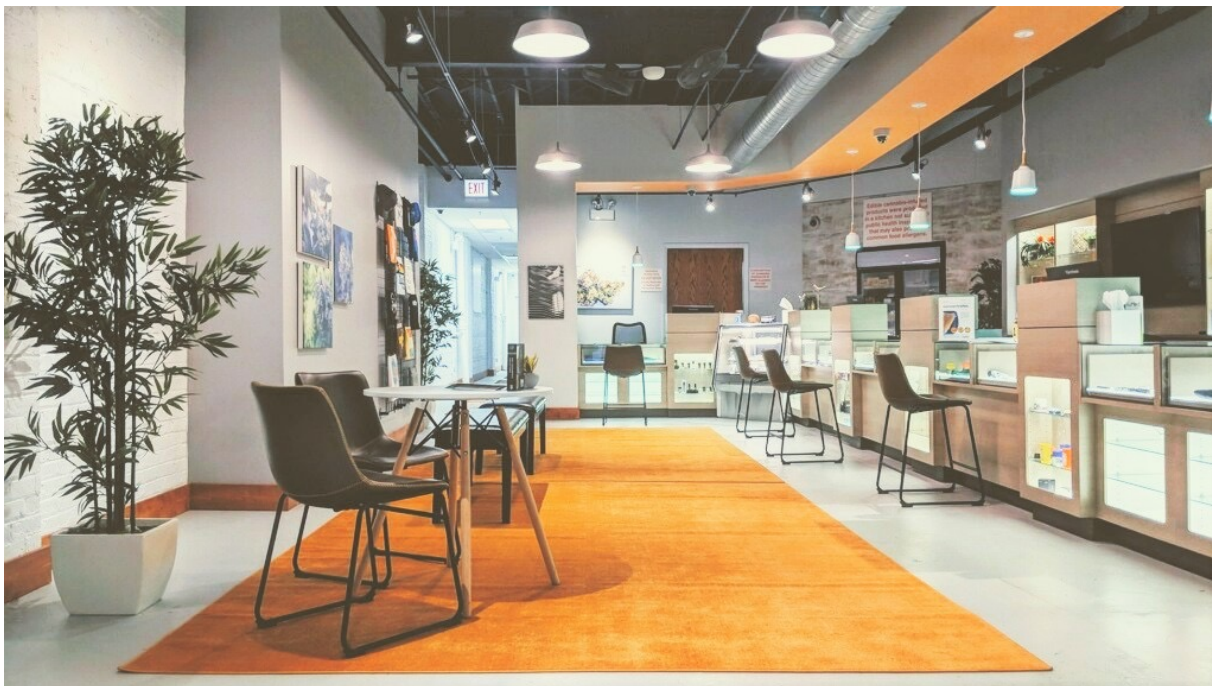


Image of NuEra Chicago

NuEra (formerly NuMed) is a pioneer of the Midwest medical cannabis market. We have been in operation since 2016, the beginning of the pilot medical marijuana program in Illinois. Our assets include:

- 6 operational medical & adult-use cannabis dispensaries in prime locations in major population centers and college towns in Illinois.
- One of only 20 operating cultivation centers & infusion programs in IL
- Control of multiple cultivation and processing licenses in MI, with two sites under development as both growing and processing facilities, which will allow us to bring our brands of edibles, beverages and topicals to the MI market.
- An expansive network of strategic partners in retail and manufacturing across multiple states



Medical Marijuana Changes Lives

Cannabis is a powerful and effective tool in fighting many medical conditions

- These include pain relief — particularly of neuropathic pain (pain from nerve damage) — nausea, spasticity, and movement disorders. Marijuana is also a powerful appetite stimulant, specifically for patients suffering from HIV, the AIDS wasting syndrome, or dementia, among other disorders.

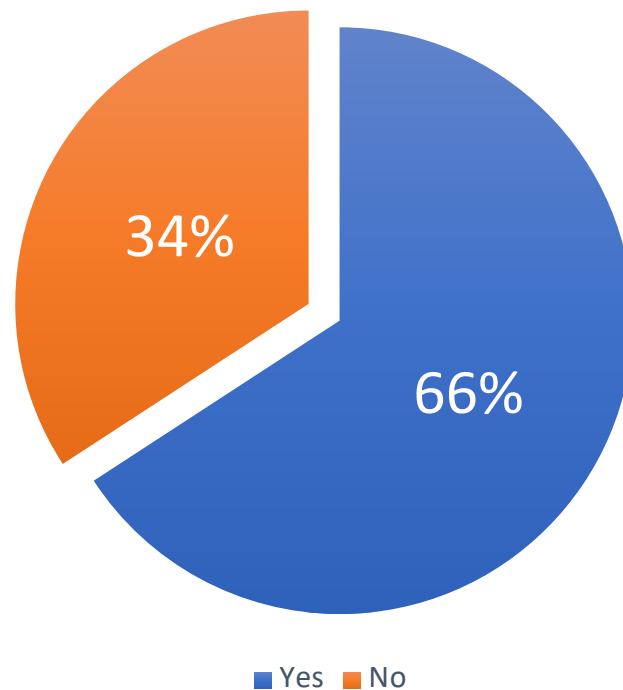
Cannabis is a tool in fighting the opioid epidemic

- Cannabis access is associated with reduced rates of opioid use and abuse, opioid-related hospitalizations, opioid-related traffic fatalities, opioid-related drug treatment admissions, and opioid-related overdose deaths. Illinois, in fact automatically gives access to medical marijuana to any patient prescribed opioids for pain relief as a way to fight opioid addiction.

Cannabis is not what it used to be

- Our dispensaries carry hundreds of products, many with a specifically medical focus. We have products ranging from ointments to pills, from tinctures to suppositories that allow patients to avoid the psychoactive effects of cannabis while addressing their conditions.
- Unlike many stereotypes about cannabis users being “young troublemakers,” dispensary customers are to be older and wealthier than many people expect. The average dispensary customer is 37.8 years old for recreational use, and 45.5 for medical.
- An overwhelming majority of americans support safe, legal cannabis. According to the Pew Research Center, U.S. adults (91%) say marijuana should be legal either for medical *and* recreational use (59%) or that it should be legal just for medical use (32%). In New Buffalo, 66% of residents voted to legalize cannabis in 2018.

New Buffalo 2018 Vote on Cannabis Legalization





High Security = Safer Neighborhoods

- An overwhelming majority of studies—including one from the [Preventive Medicine Journal](#) in 2018, and a [Federal Reserve Bank](#) 2017 paper—found no increase in crime related to the location of medical marijuana dispensaries or adult-use retail stores.
- The high level of security and presence of security cameras and security guards around dispensaries can be linked to reduced criminal activity in the immediate vicinity. A study published in the journal [Regional Science and Urban Economics](#) using data from Colorado found that an additional dispensary in a neighborhood can reduce crime rates by up to 19%.
- **Teen use unaffected specifically, declines generally:** Colorado and Oregon state health reports show teen cannabis use is flat or down since licensed adult-use stores opened. In Washington, a [2018 JAMA Pediatrics study](#) concluded use had fallen. Federally administered surveys show the 2016 teen use rate was the lowest in more than 20 years.

Existing NuEra Dispensaries Security Practices

- Locked, remotely controlled access doors
- Alarms on all access points
- Camera monitoring of interior and exterior, including ability to record in low light levels and retention of recordings
- Direct, automatic connections to law enforcement authority
- Licensed security guard on site
- High Security vault holds product + cash
- Redundant checking of identification of customers
- All employees must pass state-mandated background check



Dispensaries benefit the local economy

A positive effect on property values

- A 2016 study in the [Economic Inquiry Journal](#) concluded allowing stores added 6% to home prices, compared to “ban” towns.
- A 2018 study in the journal [Contemporary Economic Policy Journal](#) found home prices went up by 7.7% within a half-mile of a new cannabis dispensary.
- A recent study from [Clever Real Estate](#), a St. Louis-based platform that matches homebuyers with agents found that cities with recreational dispensaries saw home values increase almost \$23,000 more over the past five years than cities where cannabis was not permitted.

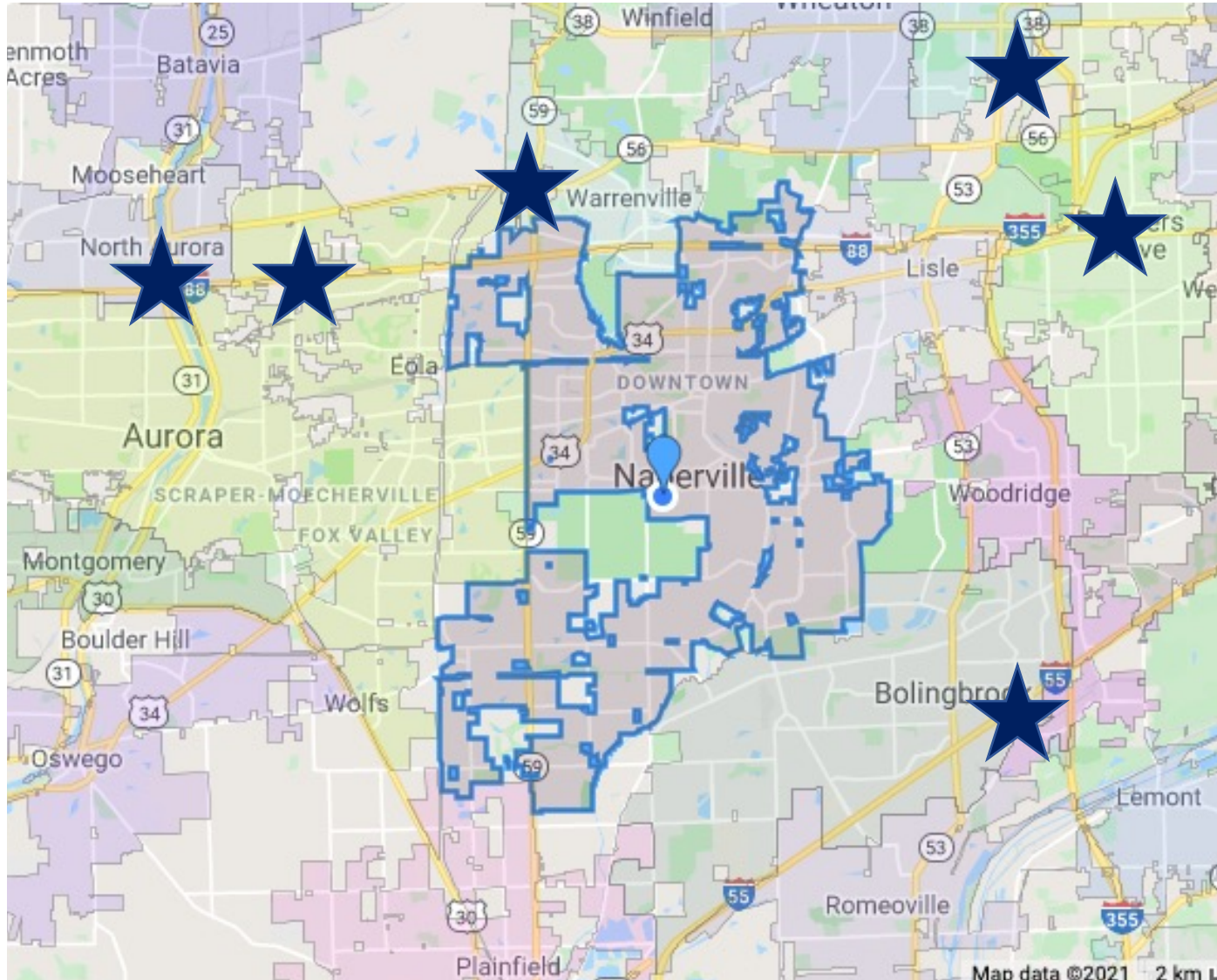
Cannabis dispensaries boost foot traffic and increase sales in nearby businesses

- NuEra customers spend on average over \$100 per visit, and although Michigan has not yet conducted a large-scale study on the economic impact of dispensaries on their communities, [many businesses report](#) that the increased visibility and foot traffic that dispensaries bring has boosted the sales of many types of businesses, from nail salons to bars.



Recreational cannabis provides a lifeline to boost to local city budgets

- In 2019, the MI Senate Fiscal Agency projected recreational marijuana would rack up \$150 million in sales and excise taxes in the 2020-21 fiscal budget, which began in October. By 2022-23, the agency estimates the tax revenues will reach \$262 million.
- By law, a portion of funds generated by recreational cannabis excise taxes are earmarked for communities that allow cannabis businesses. In March 2021, the Michigan Department of Treasury distributed nearly \$10 million to more than 100 state municipalities and counties that allow cannabis businesses.
- In addition to what was sent directly to municipalities, \$11.6 million was used for K-12 education and \$11.6 million to the Michigan Transportation Fund.



In Illinois, the highly desirable suburb of Naperville initially rejected cannabis – which led cannabis companies to seek approvals right outside of city limits. Cannabis was equally accessible to Naperville residents, but they did not benefit from the generated revenue.

The city has since reversed their position.



Typical Dispensary Layout





Thank you

Section 2-3. Definitions. [Amended 2-15-2005 by Ord. No. 149; 6-12-2007 by Ord. No. 171; 2-19-2008 by Ord. No. 175]

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING (LOT OR PARCEL) — A lot or parcel which shares a common border with the subject lot or parcel.

ACCESSORY USE, BUILDING, OR STRUCTURE — A use, building, or structure which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot or parcel as the principal use to which it is related.

ADDITION — A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.

ADJOINING (LOT OR PARCEL) — A lot or parcel which either abuts the subject property, or is located directly across a public or private street right-of-way from the subject parcel.

ADULT BOOKSTORE — An establishment used for the sale of books, magazines, posters, video cassettes, motion picture films, and other printed materials; or tapes or sex objects for other than contraceptive purposes; distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas," as defined herein.¹

ADULT FOSTER CARE FACILITY — A facility defined as an "adult foster care facility" by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCLA § 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME — A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT LIVE ENTERTAINMENT THEATER — An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which

1. Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."²

ADULT MOTION PICTURE THEATER — An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this ordinance, for observation by patrons therein.³

ADULT USE — Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to selling, displaying, providing services, or exhibiting material for entertainment, a significant portion of which include matter or actions depicting, describing or presenting "specified sexual activities" or "specified anatomical areas." For purposes of this definition, the term "significant" shall be defined as greater than 20% of the total material displayed or exhibited for sale for entertainment purposes, or comprising more than 20% of the revenue produced by the business. Adult uses include, but are not limited to the following: adult motion-picture theater, adult mini-motion-picture theater, adult motion picture arcade, adult bookstore, adult cabaret, adult novelty store, adult motel, and adult massage parlor.⁴

ALLEY — Any dedicated public right-of-way affording a secondary means of access to abutting property, and not intended for general circulation.

ALTERATION — Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

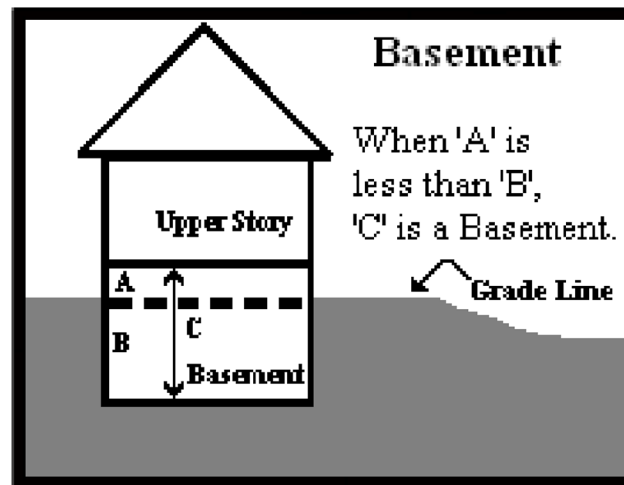
BASE FLOOD LEVEL — The highest elevation of a flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT (CELLAR) — That portion of a building which is partly below and partly above grade, and having at least 1/2 its height below grade.

2. Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

3. Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

4. Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.



BED-AND-BREAKFAST — A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BUILDING — A combination of material, whether portable or fixed forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by person, animals, or property.

BUILDING LINE — A line parallel to the right-of-way line at a distance therefrom equal to the depth of the minimum required front yard for the district in which the lot or parcel is located.

BUILDING OFFICIAL — The officer or other designated authority charged with the administration and enforcement of the City Building Code, or his or her duly authorized representative.

CHANGE OF USE — A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this ordinance.

CITY — The City of New Buffalo, Michigan.

CITY AND VILLAGE ZONING ACT; ZONING ACT — Act 207 of the Michigan Public Acts of 1921, as amended.⁵

CITY BUILDING CODE — The duly adopted Building Code of the City of New Buffalo.⁶

5. Editor's Note: See now the Michigan Zoning Enabling Act (ZEA), MCLA § 125.3101 et seq.

6. Editor's Note: See Ch. 5, Building and Construction.

CITY COUNCIL — The legislative body of the City of New Buffalo, Michigan.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES — Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

CONDOMINIUM — A system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended.⁷

CONSTRUCTION — The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot.

CONVALESCENT OR NURSING HOME — A structure with sleeping rooms, where persons are housed or lodged on a full time basis and are furnished with meals, nursing and medical care.

CUL-DE-SAC — A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

CUSTOMARY HOUSEHOLD PETS — Includes dogs, cats, rabbits, and similar types of pets traditionally kept in a residential home. Wild or exotic animals shall not be considered customary household pets.

DAY CARE, COMMERCIAL — A facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.

DAY CARE, FAMILY — A single-family residence, occupied as such, in which care is provided for more than one but less than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

DAY CARE, GROUP — A single-family residence, occupied as such, in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day,

7. Editor's Note: See MCLA § 559.101 et seq.

unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

DENSITY — The number of dwelling units per unit of lot area (see "lot area").

DENSITY, GROSS — A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

DENSITY, NET — A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a governmental entity; used as a private street; occupied by a nonresidential use; or containing wetlands, floodplain, or water.

DEVELOPMENT — The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and mining, excavation, landfilling or land disturbance, and any extension of an existing use of land.

DISTRICT, ZONING — An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

DRIVEWAY — An improved public or private passageway providing vehicular ingress to, and vehicular egress from, a public or private road to or from a lot, parcel, or building on abutting grounds.

DWELLING — A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this ordinance and shall comply with the provisions herein relative to dwellings.

DWELLING UNIT — A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, DUPLEX — A detached building, designed for or occupied by two families living independently of each other.

DWELLING, MULTIPLE FAMILY — A single building with abutting walls containing more than two residential dwelling units.

DWELLING, SINGLE-FAMILY — A detached building, designed for or occupied exclusively by one family.

EDUCATIONAL INSTITUTION — A public or private accredited kindergarten through 12th grade school, college, trade, or business school, nursery school, pre-school, or day-care center, and/or related administrative offices, excluding maintenance garage.

ENLARGEMENT — An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

ERECTED — Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction purposes. Excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL PUBLIC SERVICES — The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems. These may include, but are not necessarily limited to, mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this article shall not be considered essential services.

EXCAVATION — Removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

EXISTING USE — The use of a parcel of land or a structure at the time of the enactment of this ordinance.

FAMILY —

- A. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FENCE — Any permanent partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit. An ornamental fence is less than three feet in height and more than two feet from any lot or property lines (normally used to set off planting areas).

FLOOD HAZARD AREA — Land which on the basis of available floodplain information is subject to a 1% or greater chance of flooding in any given area.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk-premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Insurance Administration, containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

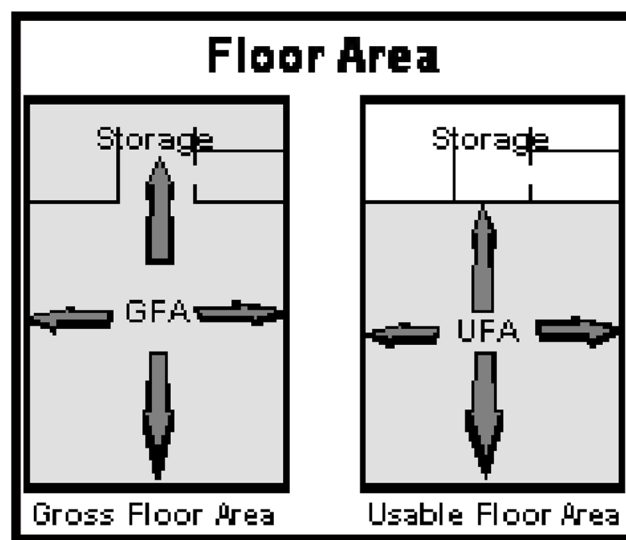
FLOOR AREA — The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the center line of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

FLOOR AREA, GROSS (GFA) — The area within the perimeter of the outside walls of the building under consideration, without deduction

for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features.

FLOOR AREA, USABLE (UFA) — That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.

- A. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of usable floor area.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.



FRONTAGE — The total length of the front lot line (in feet) being the horizontal distance between the side lot lines, as measured at the street right-of-way line, or private street easement line.

GENERAL PLAN (MASTER PLAN) — See "master plan."

GOVERNMENT AND COMMUNITY SERVICE FACILITY — A facility under the operational control of a governmental unit, specifically a township, City, village, county, state, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, town halls, post offices, courts, and civic centers; excluding vehicle and equipment maintenance, garages and correctional institutions.

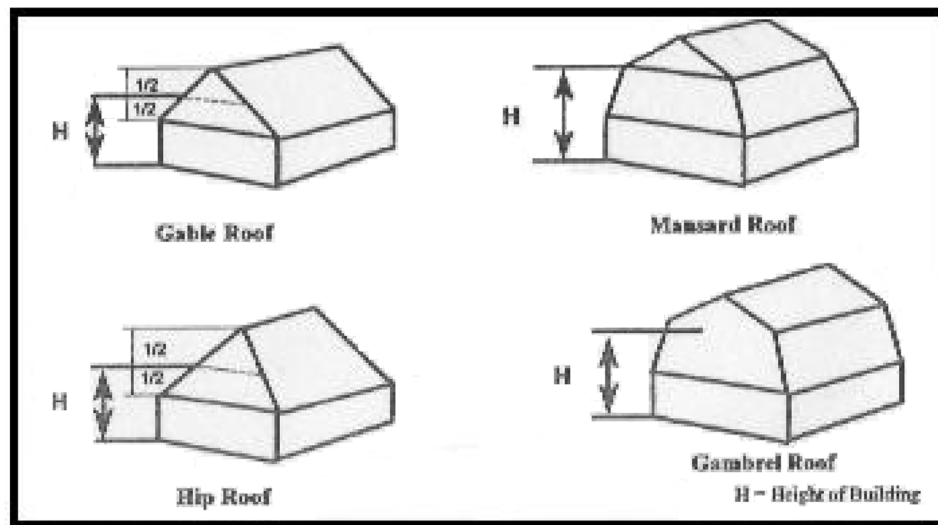
GRADE, FINISHED — The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

GREENBELT — A strip of land of specified width and location reserved for the planting of shrubs, grasses, and/or trees to serve as an obscuring screen or buffer strip.

GROUP DAY-CARE CENTER — See "day care, group."

HEAVY EQUIPMENT — Commercial vehicles with a gross vehicle weight in excess of 10,000 pounds, and excavating, grading, road building, earth moving, demolition, loading and similar equipment.

HEIGHT, BUILDING — The vertical distance measured from the established preconstruction grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



HOME OCCUPATION — An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling.

INDUSTRIAL USE — A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, or printing of goods or products, and related research and development facilities.

JUNK — Any worn out or discarded materials including, but not necessarily limited to: yard debris, scrap metal, scrap paper, scrap

lumber, other scrap and discarded materials, and any inoperable motor vehicles, machinery, appliances, or products. Junk includes the above materials, whether they are to be landfilled, recycled, sold, or used in some other way.

JUNKYARD — Any land or building used for the storage, sorting, dismantling, baling, salvaging, recycling, and/or sale of junk. Junkyards shall not include residential or municipal garden or leaf composting, a municipal dump or landfill, or drop-off stations for residential recyclables.

LAND USE — A description of how land is occupied or utilized.

LOADING SPACE — An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT — A parcel of land, or contiguous parcels of land under one ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this ordinance and having access to a public road or approved private road. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended,⁸ designed and intended for separate or limited ownership and/or use.

LOT AREA — The total area within the described lot lines of a parcel of land, excluding road right-of-way, or private road easement area.

LOT, CORNER — A parcel of land abutting upon two or more streets at their intersection, or upon parts of the same street forming an interior angle of less than 135°. See Graphic.

LOT, COVERAGE — That portion of the area of lot that contains buildings and structures measured as a percent of the entire lot area.

LOT DEPTH — The distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

LOT, FLAG — A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR — A lot other than a corner lot.

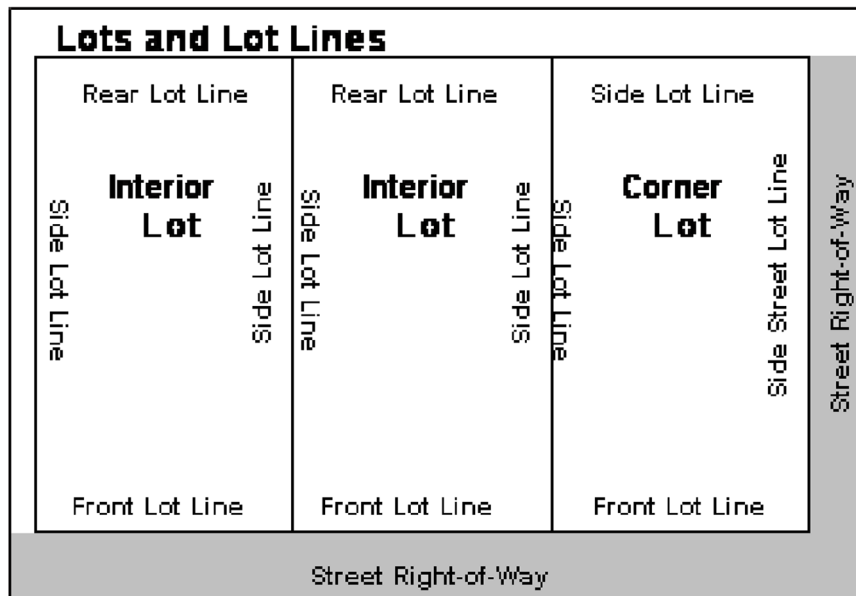
LOT LINE — The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

8. Editor's Note: See MCLA § 559.101 et seq.

LOT LINE, FRONT — In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from the street right-of-way or private road easement line.

LOT LINE, REAR — That lot line which is opposite and most distant from the front lot line. In the case of an irregular- or triangular-shaped lot, a line at least 10 feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.



LOT OF RECORD — Any parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds records as of the date of adoption of this ordinance or any relevant amendment thereto which would affect such lot, which lot actually exists as shown or any part of a parcel held in record ownership separate from that of the remainder.

LOT WIDTH — The horizontal distance between side lot lines measured parallel to the front lot line at the front lot line and at the required front setback line. For lots fronting on a cul-de-sac, lot width shall mean the horizontal distance between side lot lines measured parallel to the front lot line at the required front setback line.

MANUFACTURED HOME — A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME DEVELOPMENT OR MANUFACTURED HOME PARK — A parcel or tract of land under the control of a person

upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and is not intended for use as a temporary trailer park.

MASSAGE PARLOR — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
- D. A current occupational license from another state.

MASTER PLAN — The Master Plan under current adoption by the City of New Buffalo and shall include any amendments or updates thereto.

MOTEL — A series of attached, semidetached, or detached rental units each containing a bedroom, bathroom, and closet space in which transient, overnight, lodging or boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms

exiting directly to the outside with patron parking located at or near each room exit.

MUNICIPAL PARKS — City-owned or -operated parks, including: parks, playgrounds, recreational areas, athletic grounds, community buildings, beaches, boat-launches, marinas, nature areas, non-motorized trails, museums, outdoor performing arts areas, gardens, and green-spaces.

NONCONFORMING BUILDING — A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.

NONCONFORMING LOTS OF RECORD — A platted lot that conformed with all City zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all City zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

NONCONFORMING USE — A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

NURSERY — A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

OCCUPANCY CERTIFICATE — A written document received from the Building Inspector stating that the City Building Code, as amended, and this ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its previously declared purpose.

OCCUPY — The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

ON-PREMISES PARKING (OFF-STREET) — Includes the parking spaces, loading/unloading areas, and circulation aisles that are on the same lot(s) or parcel(s) as the development project being submitted for review.

OPEN SPACE, COMMON — Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

ORDINANCE — The City of New Buffalo Zoning Ordinance when no other ordinance description is used.

OWNER — The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessor, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

PARCEL — A lot described by metes and bounds or described in a recorded plat.

PAWNBROKER — Any person, corporation, or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. An internet drop-off store meeting the requirements detailed in MCLA Chapter 446 (Act No. 469, of the Public Acts 2002, as amended⁹), shall not count as a pawnbroker.

PERMIT — An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

PLANNED UNIT DEVELOPMENT (PUD) — The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one owner or organized group.

PLAT — A recorded subdivision of land as provided in Act 288 of 1967, as amended, the Land Division Act.¹⁰

PRIMARY RESIDENT — A person whose principal place of residence is in the City of New Buffalo and where such person resides at least 183 days each year.

PRINCIPAL USE — The primary or predominant purpose to which a parcel of land is devoted as distinguished from an accessory use.

9. Editor's Note: See MCLA § 446.201 et seq., as amended by Act No. 92 of the Public Acts of 2006.

10. Editor's Note: See MCLA § 560.101 et seq.

PROPERTY LINE — See "lot line."

PUBLIC WATER COURSE — A stream or creek which may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended, being MCLA § 280.1 et seq., or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

RECREATIONAL VEHICLE OR EQUIPMENT — A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

REHABILITATION — The upgrading of an existing building or part thereof which is in a dilapidated or substandard condition.

REPAIR — The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

RESIDENTIAL FAMILY CARE CENTER — See "state-licensed residential facility."

RESTORATION — The reconstruction or replication of an existing building's original architectural features.

RIGHT-OF-WAY — A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

SATELLITE DISH ANTENNA or DISH ANTENNA — An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SCREEN — A structure such as a fence, wall, landscape buffer, or combination of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

SETBACK — The horizontal distance between a front, rear, or side lot line and a building line.

SETBACK, REQUIRED — The required minimum horizontal distance between a front, rear, or side lot line and a building line; provided, however, said horizontal distance shall be measured from the street right-of-way line whenever a yard abuts a public or private street. On lots with multiple street frontage, such as corner lots, all sides of said lots abutting a street shall be considered front yards for setback purposes.

SHOPPING CENTER — A group of commercial establishments (three or more), planned and developed as a unit, with a minimum gross leasable area of 20,000 square feet, and containing on-premises parking.

SIGN — See definitions in Article 16, Signs.

SITE CONDOMINIUM PROJECT — A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, in accordance with Public Act 59 of 1978 as amended.¹¹

SITE PLAN — A scaled drawing(s) illustrating existing and proposed conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance.

SPECIFIED ANATOMICAL AREAS — For the purposes of this ordinance shall be defined as: ¹²

- A. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — For the purposes of this ordinance shall be defined as follows: ¹³

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STATE-LICENSED RESIDENTIAL FACILITY — A residential care family or group facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended,¹⁴ or Act 116 of 1973 of the Public Acts of Michigan, as amended,¹⁵ which provides resident care services under twenty-four-hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and

11.Editor's Note: See MCLA § 559.101 et seq.

12.Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

13.Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

14.Editor's Note: This Act was repealed by P.A. 1979, No. 218. See now MCLA § 400.701 et seq.

15.Editor's Note: See MCLA § 722.111 et seq.

treatment of persons released from or assigned to adult correctional institutions.

- A. A "family facility" includes a state-licensed residential facility providing resident services to six or fewer persons.
- B. A "group facility" includes a state-licensed residential facility providing resident services to more than six persons.

STOP-WORK ORDER — An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this ordinance.

STORY — That part of a building included between the surface of any floor, excluding basements, and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STREET, PRIVATE — A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two or more existing parcels and/or main buildings.

STREET, PUBLIC — A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

STRUCTURE — A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.

SUBDIVISION — The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting

requirements of the Land Division Act, Act 288 of 1967 of the Public Acts of Michigan, as amended.¹⁶ "Subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of Chapter 2, Administration, Article VI, Land Division, of the Code of the City of New Buffalo.

SUBDIVISION PLAT — A map or chart depicting the subdivision of land as regulated by the Land Division Act, as amended.¹⁷

TOWER, COMMUNICATION — Towers erected for the purpose of providing commercial wireless telecommunication services or other radio wave communications.

TRAVEL TRAILER — A vehicular portable structure built on a chassis which is less than 32 feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.

USE — The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

USABLE FLOOR AREA — See "floor area, usable."

VARIANCE — Permission given by the Board of Zoning Appeals to a property owner to depart from the literal requirements of this ordinance which may occur when compliance with this ordinance would create a practical difficulty or unnecessary hardship on the property owner.

VARIANCE, USE — Permission granted by the Board of Zoning Appeals to a property owner to place a use on the property or within a building on the property which is not otherwise permitted in the zoning district in which the property is located.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE REPAIR — Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and

16.Editor's Note: See MCLA § 560.101 et seq.

17.Editor's Note: See MCLA § 560.101 et seq.

repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

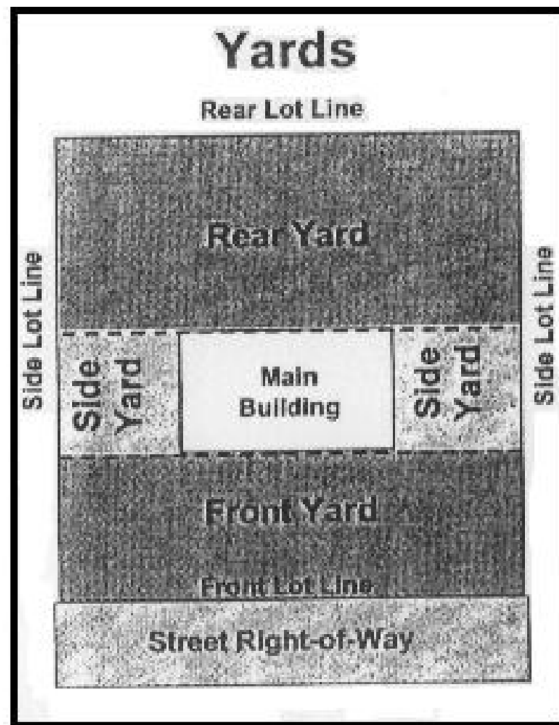
VEHICLE SERVICE STATION — A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this article.

VETERINARY HOSPITAL, CLINIC, AND INDOOR KENNEL — Any activity involving the permanent or temporary keeping or treatment of animals operated as a business.

WALL — The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.

WATERCOURSE — An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

YARD — An open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.



YARD ABUTTING A STREET — Any yard which abuts a public or private street shall be considered a front yard for building setback purposes.

YARD, FRONT — A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the foundation line of the main building. The required rear yard shall mean the yard established as a result of compliance with the required rear yard setback.

YARD, REAR — A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building. The required rear yard shall mean the yard established as a result of compliance with the required rear yard setback.

YARD, SIDE — A yard between the foundation line of the main building and the side lot line extending from the required front yard to the required rear yard. The required side yard shall mean the yard to be established as a result of compliance with the required side yard setback.

ZONING — The dividing of the City into districts of a number and shape considered best suited to carry out the purposes of the Zoning Act¹⁸ and the creation of uniform regulations throughout each

individual district. Such districts are referred to as zoning districts in this ordinance.

ZONING ACT — The City and Village Zoning Act, Public Act 207 of 1921, as amended.¹⁹

ZONING ADMINISTRATOR — The person designated by the City to administer and enforce this Zoning Ordinance.

ZONING BOARD OF APPEALS — The City of New Buffalo Zoning Board of Appeals created under Act 207 of the Public Acts of 1921, as amended.²⁰

ZONING COMPLIANCE PERMIT — A permit to be issued by the Zoning Administrator the purpose of which is to indicate that the activity or development being requested of the City is in compliance with all the regulations contained in this ordinance.

ZONING ORDINANCE — The City of New Buffalo Zoning Ordinance.

18.Editor's Note: See now the Michigan Zoning Enabling Act, MCLA § 125.3101 et seq.

19.Editor's Note: See now the Michigan Zoning Enabling Act (ZEA), MCLA § 125.3101 et seq.

20.Editor's Note: See now the Zoning Enabling Act, MCLA § 125.3101 et seq.

The City of New Buffalo Zoning Ordinance.

[1]

Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

[2]

Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

[3]

Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

[4]

Editor's Note: See also Ch. 9, Licenses Generally, Art. V, Sexually Oriented Businesses.

[5]

Editor's Note: See now the Michigan Zoning Enabling Act (ZEA), MCLA § 125.3101 et seq.

[6]

Editor's Note: See Ch. 5, Building and Construction.

[7]

Editor's Note: See MCLA § 559.101 et seq.

[8]

Editor's Note: See MCLA § 559.101 et seq.

[9]

Editor's Note: See MCLA § 446.201 et seq., as amended by Act No. 92 of the Public Acts of 2006.

[10]

Editor's Note: See MCLA § 560.101 et seq.

[11]

Editor's Note: See MCLA § 559.101 et seq.

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[15]

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[16]

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[19]

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[20]

Editor's Note: See now the Zoning Enabling Act, MCLA § 125.3101 et seq.

Section 3-20. Storage of recreational equipment.

Recreational equipment may be parked outside of an enclosed building on any lot within a residential district, provided that the following requirements are met:

- A. On any lot in a residential district, recreational equipment shall not be located within the front yard. If located on a through lot, recreational equipment shall not be located in the front yard, or required rear yard.
- B. Notwithstanding the provisions of this section, recreational equipment may be parked within any yard, but not within the required setback area, for cleaning, loading, or unloading purposes for not more than 48 hours within any seven-day period.

Section 6-3. Uses permitted by special land use. [Amended 6-17-2019 by Ord. No. 238]

Land and/or buildings in the R-1 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Article 17:

- A. Carports.
- B. Cemeteries.
- C. Educational institutions.
- D. Government and community service facilities.
- E. Home occupations not meeting the standards in Section 3-26.
- F. Religious institutions.
- G. State-licensed group day-care centers.
- H. State-licensed residential care group facilities.

**Section 10-2. Uses permitted by right and special use permit.
[Amended 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]**

Land or buildings in the CBD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

Land Use	Permitted by Right	Special Use
GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES		
1. Grocery store	X	
2. Convenience store selling foods, without gasoline sales	X	
3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store	X	
4. Bulk food sales (retail)	X	
5. Pharmacy (without drive- through service)	X	
6. Pharmacy (with drive-through service)		X
7. Medical supplies	X	
8. Liquor sales	X	
AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE		
9. Automotive parts		X
10. Marine supplies (not including watercraft sales and service)	X	
11. Marine supplies (including watercraft sales and service)		X
OFFICES		
12. Executive, professional, and administrative offices	X	
13. Medical offices, out-patient clinics, and emergency medical center		X

Land Use	Permitted by Right	Special Use
14. Real estate and insurance	X	
15. Veterinary office (but not including outdoor kennels, run, or exercise facilities)	X	
16. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)	X	
17. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities	X	
18. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities		X
RESTAURANTS, LOUNGES, BARS, AND PUBS		
19. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)	X	
20. Outdoor seating/service		X
21. Bars, lounges, or pubs (not including adult entertainment)	X	
GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES		
22. Sporting goods (not including recreational vehicle sales and service)	X	
23. Bait shops	X	

Land Use	Permitted by Right	Special Use
24. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)	X	
25. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, secondhand, surplus or factory seconds		X
26. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics	X	
27. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care	X	
28. Massage services		X
29. Specialty retail stores including: books/news/magazine (non-adult), stationery, jewelry, hobby/toys, gift/novelty, luggage/leather, sewing/needlework, tobacco, music/compact discs/tapes, and musical instruments	X	
30. Apparel, including shoes and clothing accessories	X	
31. Hardware stores	X	
RECREATION, LEISURE, HOTELS, AND MOTELS		

Land Use	Permitted by Right	Special Use
32. Bowling alley, with or without the sale of food and alcoholic beverages		X
33. Miniature golf		X
34. Indoor movie theater or performing arts theater (not including adult entertainment)		X
35. Lodge halls, social clubs, fraternal organizations, banquet halls, and other similar uses not involving residential occupancy or adult entertainment		X
36. Municipal parks	X	
37. Hotels		X
38. Motels		X
39. Bed-and-breakfast		X
MISCELLANEOUS		
40. Public utility buildings and uses, but not including storage yards		X
41. Educational institution offices or facilities		X
42. Open-air businesses		X
43. Parking structures		X
44. Residential dwellings		X
45. Religious institutions		X

**Section 11-2. Uses permitted by right and special use permit.
[Amended 6-13-2006 by Ord. No. 159; 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]**

Land or buildings in the GCD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

Land Use	Permitted by Right	Special Use
GROCERY, FOOD STUFFS; PHARMACIES AND RELATED USES		
1. Grocery store	X	
2. Convenience store selling foods, without gasoline sales	X	
3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store	X	
4. Bulk food sales (retail)	X	
5. Pharmacy (without drive- through service)	X	
6. Pharmacy (with drive-through service)	X	
7. Medical supplies	X	
8. Liquor sales	X	
AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE		
9. Automotive parts	X	
10. Automotive sales and service, including used car dealerships and motorcycle dealerships		X
11. Light truck sales and service		X
12. Mobile/modular home sales and service		X
13. Recreational vehicle sales and service		X

Land Use	Permitted by Right	Special Use
14. Gasoline sales (may include convenience sales or auto repair)		X
15. Automobile related repair or service businesses		X
16. Car wash, automatic or manual		X
17. Marine supplies (not including watercraft sales and service)	X	
18. Marine supplies (including watercraft sales and service)		X
OFFICES		
19. Executive, professional, and administrative offices	X	
20. Medical offices, out-patient clinics, and emergency medical center	X	
21. Real estate and insurance	X	
22. Veterinary office (but not including outdoor kennels, run, or exercise facilities)	X	
23. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)	X	
24. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities	X	
25. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities		X

Land Use	Permitted by Right	Special Use
26. Construction-related contractors offices (without outdoor storage of construction equipment or materials)	X	
27. Construction-related contractors offices (with outdoor storage of construction equipment or materials)		X
RESTAURANTS, LOUNGES, BARS, AND PUBS		
28. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)	X	
29. Restaurants, cafes, and ice cream shops (with drive- through service)		X
30. Bars, lounges, or pubs (not including adult entertainment ¹) Outdoor seating/service	X	X
GENERAL AND SPECIALTY RETAIL AND PERSONAL SERVICES		
31. Sporting goods (not including recreational vehicle sales and service)	X	
32. Bait shops	X	
33. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)	X	
34. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, second-hand, surplus or factory seconds and pawn shops	X	

Land Use	Permitted by Right	Special Use
35. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics	X	
36. Printing and mailing services (not including commercial delivery services having a fleet of more than 2 trucks, vans, or cars)	X	
37. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care	X	
38. Massage services		X
39. Specialty retail stores including: books/news/magazine (non-adult), stationery, jewelry, hobby/toys, gift/novelty, luggage/leather, sewing/needlework, tobacco, music/compact discs/tapes, and musical instruments	X	
40. Apparel, including shoes and clothing accessories	X	
41. Hardware stores	X	
42. Home furnishings, wall and floor coverings, and draperies	X	
RECREATION, LEISURE, HOTELS, AD MOTELS		
43. Bowling alley, with or without the sale of food and alcoholic beverages	X	
44. Miniature golf	X	

Land Use	Permitted by Right	Special Use
45. Indoor movie theater or performing arts theater (non- adult)		X
46. Lodge halls, social clubs, fraternal organizations, banquet halls, and other similar uses not involving residential occupancy or adult entertainment		X
47. Municipal parks	X	
48. Hotels	X	
49. Motels	X	
50. Bed-and-breakfast		X
MISCELLANEOUS		
51. Public utility buildings and uses, but not including storage yards		X
52. Educational institution offices or facilities		X
53. Open air businesses		X
54. Parking structures		X
55. Residential dwellings	X	
56. Religious institutions		X