



Cass County Planning Commission

*Ryan Laylin
Richard Palmisano
Edwin Johnson III*

*David Kring
Annie File
Char Hiemstra*

*Jayne Bailey
Dan Stutsman
Dianna McGrew*

AMENDED AGENDA

Wednesday, September 28, 2022 at 4:00 PM

**Cass County Building
120 N. Broadway
Kincheloe Room
Cassopolis, MI 49031**

Call to Order - 4:00 PM

Approval of Agenda

Approval of Minutes – August 24, 2022

Old Business:

New Business:

- 1. Silver Creek Township – Text amendment**
- 2. Village of Vandalia – Proposed Text amendment**

Other Business:

- 1. Master Plan – Continued discussion**

Adjournment:

CASS COUNTY PLANNING COMMISSION

Minutes of August 24, 2022

The meeting was called to order by Dan Stutsman 4:05 p.m.

Members Presents: Dan Stutsman, Richard Palmisano, David Kring, Ryan Laylin and Dianna McGrew. 4:15 pm Annie File & Char Hiemstra entered the meeting.

Members Absent: Edwin Johnson III.

Guests: Sandra Seanor, Ontwa Township and Roseann Marchetti, District 4 Commissioner.

Approval of Agenda with addition of appointing a Chairperson: Motion made by Dan Stutsman seconded by Ryan Laylin motion carried.

Approval of Amended Agenda: Motion made by David Kring and seconded by Richard Palmisano motion carried.

Approval of Minutes: Motion made by Rich Palmisano to approve the minutes, seconded by David Kring and motion carried.

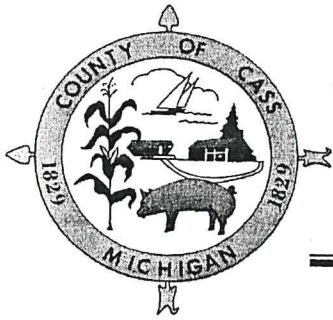
New Business:

1. Motion made by Dianna McGrew and seconded by David Kring to accept the resignation of Robert Thompson, motion carried.
2. Ontwa Township rezoning request: Request presented by Sandra Seanor that a parcel was listed as Commercial zone for 23 day on the MLS as two homes on one lot and received no interested parties. Applicant would like the zoning changed to Residential. The recommendation is to list parcel as Residential with the second home listed as a Accessory Dwelling Unit (ADU) and is not rentable, can only be used for a member of the family. The Ontwa Township Planning Commission approved R1 contingent upon the applicant being notified that the property rezoning is only for a single-family dwelling and cannot be used as multi-family. A motion was made by Dan Stutsman to approve the rezoning request , seconded by Ryan Laylin and motion carried.
3. Calvin Township – Tabled. No one present from Calvin Township.
4. Master Plan – Discussion on request for Proposal (RFP), costs, timeline: The current 2014 Cass County Master Plan, along with Village of Edwardsburg, Village of Vandalia, Pokagon Township, Silver Creek Township, Volinia Township & Wayne Township. This Master Plan should be updated every 5 years. A letter needs to go out to these units advising that an update is needed.
5. Roseann Marchetti gave the commission the history of how the 2014 Master Plan was developed. This commission needs to determine if we are going to Revise or develop a New Master Plan. Must follow the Enabling Act 33 of 2008 Michigan Zoning

Adjournment: Motion to adjourn meeting at 4:45 made by David Kring, seconded by Dan Stutsman and motion carried.

Respectfully submitted,

Dianna McGrew, Acting Secretary



Cass County Planning Commission

CHECKLIST



Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist and include it with the other documents that you submit. Thank you.

- ☒ Signed cover letter requesting review and summarizing the process which has already occurred.
- ☒ Copy of the public hearing minutes. *-Draft*
- ☒ *N/A* Copy of section of Township Land Use Plan that applies to/supports action.
- ☒ Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- ☒ *N/A* For an initial zoning ordinance: 8 copies on loan with map(s).
- ☒ For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- ☒ *N/A* For petitions for rezoning, a copy of the petition with the map(s) showing: zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.
- ☒ *N/A* Does the action taken by the Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- ☒ *N/A* If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness.

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: 8-25-2022

Signed: Lindsay Krohn

SILVER CREEK TOWNSHIP
P.O. BOX 464
DOWAGIAC, MICHIGAN 49047
PHONE (269) 424-3025 FAX (269) 424-3858

MICK BRAMAN, SUPERVISOR
LORRI BEHNKE, CLERK
MAUREEN T. KURIATA, TREASURER

BILL SAUNDERS, TRUSTEE
MIKE GLYNN, TRUSTEE

August 25, 2022

Cass County Planning Commission
120 N. Broadway, Suite 116
Cassopolis, MI 49031

Cass County Planning Commission members:

This letter transmits the proposed text amendment to the Silver Creek Township Zoning Ordinance's accessory buildings provisions.

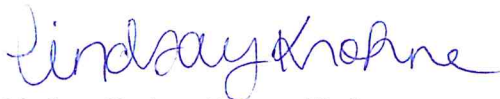
I have included:

- *Cass County Planning Commission Checklist
- *Notice of Public Hearing
- *Public Hearing Agenda
- *August 25, 2022 meeting minutes draft
- *Current zoning ordinance
- *Proposed amendment to zoning ordinance

Please let us know if you need anything else.

Would you please place this on the Agenda for your next meeting and make a recommendation? Please let us know of your decision so we can place it on our township board agenda.

Sincerely,



Lindsay Krohne, Deputy Clerk

MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – AUGUST 24, 2022
PUBLIC HEARING

Chairman Nick Barnes called the meeting to order at 7:00 p.m. on Wednesday, August 24, 2022.
The Pledge of Allegiance was recited.

MEMBERS PRESENT: Nick Barnes, Debbie Brown, Mike Glynn, Veronnica Kenreich, Jon Tidey, and Tim Feirick

MEMBERS ABSENT: John Joossens

OTHERS PRESENT: Zoning Administrator Mark Davis and Recording Secretary Wendy Fitzgerald

APPROVAL OF THE AGENDA:

Debbie Brown motioned to approve the agenda.

Jon Tidey seconded.

Motion passed by voice vote.

READING OF PUBLIC NOTICE:

Debbie Brown read the notice to amend the language and to add a tier to the chart of Silver Creek Township Ordinance Section 155.030 Accessory Building or Structures as follows:

155.030 ACCESSORY BUILDINGS OR STRUCTURES

155.030(B)(3)

*(3) The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed 1,500 square feet, on lots of one to two acres shall not exceed 1,800 square feet, on lots over two acres to three acres shall not exceed 2,400 square feet, on lots over three acres to **four acres** shall not exceed 3,000 square feet, **on lots over four acres to five acres shall not exceed 3,500 square feet**, and lots over five acres shall not exceed 4,000 square feet except for those used in farming operations, which shall not be counted toward the total square footage.*

(8) The sidewall Height of any accessory building shall be as follows.

<i>Acres</i>	<i>Square Feet Ground Floor Area</i>	<i>Max Wall Height</i>
<i>Less than 1 acre</i>	<i>0(min)- 1,500 square feet</i>	<i>10 feet</i>
<i>Over 1 to 2 acres</i>	<i>0(min)- 1,800 square feet</i>	<i>10 feet</i>
<i>Over 2 to 3 acres</i>	<i>0(min)- 2,400 square feet</i>	<i>14 feet</i>
<i>Over 3 to 4 acres</i>	<i>0(min)- 3,000 square feet</i>	<i>16 feet</i>
<i>Over 4 to 5 acres</i>	<i>0(min)- 3,500 square feet</i>	<i>16 feet</i>
<i>Over 5 acres</i>	<i>0(min)- 4,000 square feet</i>	<i>16 feet</i>

COMMUNICATIONS:

None

PUBLIC COMMENT:

None; no one from the public present

READING OF WRITTEN COMMENTS:

None

COMMISSION MEMBER DISCUSSION:

None

CLOSED PUBLIC HEARING

DRAFT

MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – AUGUST 24, 2022
REGULAR MEETING

Chairman Nick Barnes called the meeting to order at 7:06 p.m. on Wednesday, August 24, 2022.

MEMBERS PRESENT: Nick Barnes, Debbie Brown, Mike Glynn, Veronnica Kenreich, Jon Tidey, and Tim Feirick

MEMBERS ABSENT: John Joossens

OTHERS PRESENT: Zoning Administrator Mark Davis and Recording Secretary Wendy Fitzgerald

APPROVAL OF AGENDA FOR MEETING:

Debbie Brown motioned to approve the amended agenda to add to the New Business section a vote to adopt the language and add a tier to the chart of Section 155.030 Accessory Building or Structures.

Jon Tidey seconded

Motion passed by voice vote

APPROVAL OF MINUTES FROM JULY 27, 2022, MEETING

Debbie Brown motioned to approve.

Jon Tidey seconded.

Motion passed by voice vote

COMMUNICATIONS:

None

PUBLIC COMMENT:

No public present

ZBA REPORT

None

BUILDING AND ZONING ADMINISTRATOR'S REPORT

Given by Mark Davis.

NEW BUSINESS

Mike Glynn motioned to adopt the language and to add a tier to the chart of Section 155.030 Accessory Building or Structures as placed on the record during the public hearing.

Debbie Brown seconded

Nick Barnes – Approved

Debbie Brown- Approved

Mike Glynn- Approved

Veronnica Kenreich- Approved

Jon Tidey- Approved
Tim Feirick- Approved
MEMBERS ABSENT: John Joossens
All members present approved, and no members denied

Master Plan:

Members continued their discussion of the Master Plan. Mike Glynn presented future land use maps to members and noted they are available online. Nick Barnes would like to continue the discussion of chapters four and five at the next meeting in September.

Members discussed short-term rentals. Members would like to address the matter in some way to give some direction to landowners. Nick Barnes suggests the discussion should continue after the master plan review is complete.

OLD BUSINESS

None

PUBLIC COMMENT:

None

MEMBER COMMENT:

None

NEXT MEETING:

September 28, 2022

ADJOURNMENT

Debbie Brown motioned to adjourn.
Veronnica Kenrich seconded.
All members present approved, and no members denied
Meeting adjourned at 8:19 p.m.

Recording Secretary, Wendy Fitzgerald

Secretary, Debbie Brown

current

§ 155.030 ACCESSORY BUILDINGS OR STRUCTURES.

(A) *Accessory buildings or structures, generally.*

(1) When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this chapter applicable to the main building. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is enclosed by a breezeway, portico, covered colonnade, or similar architectural device.

(2) No accessory building or structure shall be erected in the required front yard.

(3) No less than ten feet shall be maintained between detached accessory buildings or garages and a main building.

(4) Overnight occupancy is permissible if all safety and building codes are inspected and approved for use.

(5) Accessory building may have a sink and toilet and must be hooked up to an approved sanitary system. No kitchen or cooking appliances are allowed. A shower and or tub is permitted in Ag/Res District only.

(6) An accessory building in a residential district shall not be constructed without a permit being issued for the primary residence. If the primary residence is not constructed according to the permit, the accessory building shall be considered a nuisance per se and removed, except if it is in AR District and used for farming.

(B) *Residential accessory buildings.* Accessory buildings shall be permitted within residential districts or with any residential use provided that the following restrictions are met.

(1) No more than two detached accessory buildings shall be permitted on any residential lot, except for those used in farming operations, which shall not be counted toward this total.

(2) The proposed accessory building shall generally be compatible with the architectural style and building form of the principal building, except for accessory buildings that perform specific functions based on their form.

(3) The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed 1,500 square feet, on lots of one to two acres shall not exceed 1,800 square feet, on lots over two acres to three acres shall not exceed 2,400 square feet, on lots over three acres to five acres shall not exceed 3,000 square feet, and on lots over five acres shall not exceed 4,000 square feet except for those used in farming operations, which shall not be counted toward the total square footage.

(4) An accessory building located in the rear yard shall not occupy more than 25% of the required rear yard area.

(5) Accessory buildings in excess of 200 square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building, except for those used in farming operations.

(6) No detached accessory building shall be constructed closer than ten feet to any side or rear lot line, or within the district's minimum required side yard, whichever is less.

(7) An accessory building may be built to match the existing roof pitch of the primary residence.

(8) The sidewall height of any accessory building shall be as follows.

Acres	Square Feet Ground Floor Area	Max Wall Height
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Less than 1 acre	0 (min) - 1,500 square feet	10 feet
Over 1 to 2 acres	0 (min) - 1,800 square feet	10 feet
Over 2 to 3 acres	0 (min) - 2,400 square feet	14 feet
Over 3 to 5 acres	0 (min) - 3,000 square feet	16 feet
Over 5 acres	0 (min) - 4,000 square feet	16 feet

(C) *Other district accessory buildings.* Accessory buildings shall be permitted within a non-residential district, provided that the following restrictions are met.

- (1) No more than two detached accessory buildings shall be permitted on any lot.
- (2) The total area of all accessory buildings shall not exceed 25% of the floor area of the main building(s).
- (3) Detached accessory buildings shall meet all setback requirements for the district in which it is located.
- (4) No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015; amended 9- -2011)

Silver Creek Township Planning Commission
3-23-22

Section 155.030 ACCESSORY BUILDINGS OR STRUCTURES.

Changes as discussed:

155.030(B)(3)

(3) The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed 1,500 square feet, on lots of one to two acres shall not exceed 1,800 square feet, on lots over two acres to three acres shall not exceed 2,400 square feet, on lots over three acres to **four acres** shall not exceed 3,000 square feet, **on lots over four acres to five acres shall not exceed 3,500 square feet**, and lots over five acres shall not exceed 4,000 square feet except for those used in farming operations, which shall not be counted toward the total square footage.

(8) The sidewall Height of any accessory building shall be as follows.

Acres	Square Feet Gound Floor Area	Max Wall Height
Less than 1 acre	0(min)- 1,500 square feet	10 feet
Over 1 to 2 acres	0(min)- 1,800 square feet	10 feet
Over 2 to 3 acres	0(min)- 2,400 square feet	14 feet
Over 3 to 4 acres	0(min)- 3,000 square feet	16 feet
Over 4 to 5 acres	0(min)- 3,500 square feet	16 feet
Over 5 acres	0(min)- 4,000 square feet	16 feet

Action Taken by Silver Creek Township Planning Commission

Date: 8/24/22

X Approved _____ Denied

Amend language and chart of Section 155.030 Accessory Buildings or Structures

Attendance		Vote	Signature
<u>P</u>	Chairman Nick Barnes	<u>A</u>	<u>Nick + Sam</u>
<u>A</u>	John Joossens	<u>—</u>	<u>N/A</u>
<u>P</u>	Debbie Brown	<u>A</u>	<u>Debbie Brown</u>
<u>P</u>	Tim Feirick	<u>A</u>	<u>Tim Feirick</u>
<u>P</u>	John Tidey	<u>A</u>	<u>John Tidey</u>
<u>P</u>	Mike Glynn	<u>A</u>	<u>Mike Glynn</u>
<u>P</u>	Veronnica Kenreich	<u>A</u>	<u>Veronnica Kenreich</u>

Notes: 155.030 (B) (3) will read: The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed 1,500 square feet, on lots of one to two acres shall not exceed 1,800 square feet, on lots over two acres to three acres shall not exceed 2,400 square feet, on lots over three acres to four acres shall not exceed 3,000 square feet, on lots over four acres to five acres shall not exceed 3,500 square feet, and lots over five acres shall not exceed 4,000 square feet except for those used in farming operations, which shall not be counted toward square footage.

MEMBERS OF THE CASS COUNTY PLANNING COMMISSION

Edwin Johnson, III

19301 Mt. Zion St.

Cassopolis, MI 49031

269-476-2070

Term expires: July 31, 2023

E3johnson1@yahoo.com

David Kring

PO Box 38

Marcellus, MI 49067

269-718-5977

Term expires: July 31, 2024

Char Hiemstra

23164 Shore Acres Rd.

Cassopolis, MI 49031

269-445-2334

Term expires: July 31, 2024

charhiemstra@yahoo.com

Annie File

20225 Kelsey Lake St.

Cassopolis, MI 49031

259-445-2033

Term Expires: July 1, 2023

annief@cassco.org

Ryan Laylin

51358 Garrett Rd.

Dowagiac, MI 49047

269-414-8370

Term expires: December 31, 2022

ryanl@cassco.org

Dan Stutsman

24483 May St.

Edwardsburg, MI 49112

574-215-9563

Term expires: July 31, 2023

das49112@aol.com

Dianna McGrew

20500 Cara Ave.

Cassopolis, MI 49031

269-445-3031

Term expires: July 31, 2023

Mcgrewassessing@gmail.com

Richard Palmisano

56820 Glenwood Rd.

Cassopolis, MI 49031

408-508-9846

Term Expires: July 31, 2024

ripalmisano@hotmail.com

Jayne Bailey

66674 Hess Rd.

Edwardsburg, MI 49112

231-838-2919

Term Expires: July 31, 2023

jaynekb@yahoo.com

UNDERGROUND RAILROAD SITE

18035 East State Street • P.O. Box 57
Vandalia, Michigan 49095



Cass County Planning Commission
c/o Jackie Taylor
sent via email to: jackiet@cassco.org

Re: Village of Vandalia Text Amendment

Dear Cass County Planning Commission:

The Village of Vandalia Planning Commission has conducted a public hearing on a proposed text amendment to allow for adult-use marijuana grow(s) in the village. Attached please find the notice, draft minutes, and recommendation of the village planning commission. As is permitted by the Michigan Regulation and Taxation of Marijuana Act, it is the intention of the village to limit the numbers with a non-zoning ordinance should the marijuana grows in the village be authorized by the zoning ordinance. We are transmitting this packet to you for the 30-day review requirement established by MCL 125.3307 before the matter is taken up by the Village Council.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Beverly Young". The signature is fluid and cursive, with a large initial "B".

Beverly Young, Village President

Village of Vandalia
Planning Commission Public Hearing
September 21, 2022
7:00 P.M.

Present: Anna Kirk, Vice-Chairperson, Don Damron, member, Patrice Williams, member, Ritema Bennett, Secretary, Jack, Young, Zoning Administrator, Beverly Young, Village President.

Absent: Joseph Hawkins, Chairperson

Guest: None

Approval of Agenda: Motion made by Don Damron, seconded by Patricia Williams.

Public Hearing was called to order by Vice-Chairperson Anna Kirk

Roll Call by Secretary. Ritema Bennett

This Public hearing is on a proposed text Amendment to allow for adult-use marijuana grow(s) in the Village.

No members of the Public were present for this Public Hearing.

Meeting was closed for anyone from the Public to make comments and Vice-Chair stated the Public would not be permitted to comment during the Hearing now.

Public Hearing is now closed and the Planning Commission members have a chance to ask questions.

Patrice Williams made a motion, seconded by Don Damron to approve the proposed text Amendment to allow for adult-use marijuana grow(s) in the Village.

Roll Call Ayes _____ 3 _____ Nays _____ 1 _____ Motion passed.

No Planning Commission members had any questions or comments as all concerns were addressed at previous meetings.

The meeting was closed at 7:10 P.M.

Respectfully Submitted,

Anna Kirk, Vice-Chairperson



Ritema Bennett, Secretary

PUBLIC NOTICE

**VILLAGE OF VANDALIA
PLANNING COMMISSION
PUBLIC HEARING
AND MEETING NOTICE**

**TO: THE RESIDENTS AND
PROPERTY OWNERS OF
THE VILLAGE OF VANDALIA,
CASS COUNTY, MICHIGAN,
AND ANY OTHER INTEREST-
ED PERSONS:**

PLEASE TAKE NOTICE that the Village of Vandalia Planning Commission will hold a public hearing and meeting on September 21, 2022 commencing at 7:00 at the Village of Vandalia Hall, 18035 State Street, Vandalia, MI 49095 to consider the following:

- A zoning ordinance text amendment to authorize adult-use marijuana grow establishment(s) in the Agricultural/Residential District Zoning Classification; to provide special land use standards for the establishment of the same; and to repeal conflicting ordinance provisions.

- Such other and further matters as may properly come before the Planning Commission.

Anyone interested in reviewing the ordinance above or the Village Zoning Ordinance may

obtain a copy of the same by contacting the Village of Vandalia Clerk at the address and/or telephone number identified below and may further examine the same at said public hearing/meeting.

Written comments will be received from any interested persons concerning the foregoing by the Village of Vandalia Clerk at the mailing address or email address below up to 12:00 noon on the date of the hearing and may be further received by the Planning Commission during the hearing.

All interested persons are invited to be present at the aforesaid time and place.

Village of Vandalia will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the hearing, to individuals with disabilities at the hearing upon four (4) days' notice to the Village of Vandalia Clerk. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Vandalia Clerk at the address or telephone number listed below.

**VILLAGE OF VANDALIA
PLANNING COMMISSION
By Beth James, Clerk
18035 State Street, Vandalia,
MI 49095
(269) 476-2344
Fax (269) 476-2068
www.villageofvandaliainmi.org**

**Dowagiac Daily News:
Aug. 27, 2022
HEARING/MEETING**

VILLAGE OF VANDALIA

COUNTY OF CASS

STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

An Ordinance to amend the Village of Vandalia Zoning to provide standards and allow for marijuana growing establishments in the Agricultural zoning district; to provide and effective date; and to repeal of all ordinances or parts of ordinances in conflict herewith.

THE VILLAGE OF VANDALIA

CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I

**AMENDMENT TO ARTICLE 3 "ZONING DISTRICTS, REGULATIONS, AND MAP"
TABLE 3-2 "PERMITTED PRINCIPAL USES IN AGRICULTURAL/RESIDENTIAL
ZONING DISTRICTS" SUBSECTION "USES OF A PRIMARILY AGRICULTURAL,
OUTDOOR RECREATION, OR NATURAL RESOURCE BASED CHARACTER"**

Article 3 "Zoning Districts, Regulations, and Map" Table 3-2 "Permitted Principal Uses in Agricultural/Residential Zoning Districts" Subsection "Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character" is hereby amended by the addition of a new sub subsection 5. as provided herein:

"5. Marijuana Grower Establishment – as regulated under Section 18.25"

Additionally, a "S" should be noted in the column for Agricultural under "AR"

SECTION II

**AMENDMENT TO ARTICLE 18
"STANDARDS AND REGULATIONS FOR SPECIFIC LAND USES"**

Article 18 "Standards and Regulations for Specific Land Uses" is hereby amended by adding the following new subsection (18.25) as provided herein:

Section 18.25 (22) Commercial Marijuana Grower Establishments

- A. A Commercial Marijuana Grower Establishment may be authorized to operate within the Village by the holder of a state operating license, pursuant to the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et al. as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.
- B. A Commercial Marijuana Grower Establishment shall be located on a minimum of (50) fifty acres.
- C. A Commercial Marijuana Grower Establishment shall adjoin a permitted adult use establishment in an adjacent Township.
- D. No Commercial Marijuana Grower Establishment shall be located within 1,000 feet of any public or private school (serving any grades Kindergarten through 12th grade), public park/playground, public library, church or medical facility, with the minimum distance between uses measured between the establishment and the nearest property line of the school, public park/playground, public library, church or medical facility.
- E. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any establishment operation. When required, an outdoor trash container or dumpster shall be subject to the following:
 - 1. The placement of the container shall be subject to site plan review.
 - 2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
 - 3. All containers shall rest on a concrete pad.
 - 4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
 - 5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.
- F. A Commercial Marijuana Grower Establishment shall be reviewed in consideration of the following:
 - 1. Lighting – The placement and arrangement of outdoor lighting serving the establishment shall provide adequate security and comply with the outdoor lighting standards set forth in Sec 20-21.
 - 2. Noise – Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.

3. Odor – Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
4. Environmental – Information on the storage and use of products, water and energy consumption, and waste disposal associated with a establishment will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
5. Traffic – An establishment shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the establishment, with specific attention toward avoiding the creation of traffic through a predominantly residential area.
6. Security – Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the establishment to adequately provide for public safety.
7. Impact on Neighboring Property – Barriers and/or buffers, establishment separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.
8. Annual Review – An establishment shall be subject to an annual review by the Planning Commission to confirm compliance with the Special Land Use Permit and the provisions of this Ordinance.

SECTION III
AMENDMENT TO ARTICLE 21
“DEFINITIONS” SECTION 21.2 “DEFINITIONS”

Article 21 “Definitions” Section 21.2 “Definitions” is hereby amended by adding the following definition:

Commercial Marijuana Grower Establishment: A licensee and permittee that, under either the Michigan Regulation and Taxation of Marihuana Act and Rules, is a commercial entity located in this village that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or marijuana retailer.

All other parts of this Section remain unchanged.

SECTION IV
SEVERABILITY

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V
EFFECTIVE DATE

This ordinance shall take effect on the 8th day following publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Beth James, Clerk
Village of Vandalia
18035 State Street
Vandalia, MI 49095
(269) 476-2344