

ARTICLE XI
C-2 CENTRAL BUSINESS DISTRICT

Section 11.01 - Intent. The Central Business District established as a district in which the principal use of land is for mercantile establishments of all types, personal service establishments, eating and drinking establishments, professional and other business offices, offices of governmental institutions (including schools and municipal buildings), churches, etc., including residential living units not located on the ground floor (except as provided as a special use) where such businesses are not required to provide front or side yards nor are required to provide on-site parking, the latter being provided by public parking either on-street or within Village owned off-street parking facilities.

Section 11.02 - Uses Permitted by Right. Land, buildings or structures in this zoning district may be used for the following purposes only:

- A. Retail, personal service and related commercial establishments; restaurants; professional service and other offices; assembly halls of schools, churches and other organizations; financial institutions, including automated teller machines; group homes, including nursing, child and adult foster care facilities not elsewhere regulated; florist and greenhouse commercial businesses; funeral homes; furniture stores; village/township, school and other government buildings; bed & breakfast operations; lodges, fraternal, labor and social organizations, and accessory uses as regulated hereafter.
- B. Second (and above) story dwelling units meeting the minimum room size requirements of the Michigan Construction Code.
- C. Other uses when determined to be similar and compatible with the intent of the zoning district by the Planning Commission.
- D. An essential service as defined by this Ordinance.

Section 11.03 - Uses Permitted by Special Use Permit. The following uses are permitted in this district subject to obtaining a special use permit as provided in Article XIX.

- A. Utility transmission facilities not deemed An essential service.
- B. Ground floor residential living units when incorporated within the ground floor of the principal building or structure meeting the minimum room size requirements of the Michigan Construction Code and when such units are located in such fashion to allow the front (street frontage) portion of the building to be used for the intended purposes of this district.
- C. Motels, hotels and other lodging facilities, excluding bed and breakfast operations.
- D. Theaters and any other business offering entertainment of any type.
- E. Any festivals and/or events including, fairs, outdoor dances, temporary displays, circuses and other similar activities including the provision of food and beverages for consumption on premises provided such food operations and facilities meet the requirements of the Berrien County Health Department that are conducted by private businesses or not-for-profit organizations on private (or public property with permission granted by the Village Council) designed to be temporary in nature, that being less than fourteen (14) days in duration.
- F. The outdoor display or sale of any good or products, including agricultural produce.

Section 11.04 - Uses Excluded. No junk yard, recycling operation or business involving livestock, or business likely to create detrimental noise, odors, fumes, radiation or vibration, as determined by the Planning Commission shall be located or operated in this district.

Section 11.05 - Accessory Buildings And Structures . Accessory buildings customarily incidental to uses herein permitted may not be erected, altered or used in this district except in conformity with the yard and lot requirements of this district.

Section 11.06 - Site and Facade Plan Required. Prior to the issuance of a building permit in the C-2 Central Business District for any new construction or for the remodeling of any existing building or structure that will involve the exterior facade or other exterior surface in any way, the Zoning Administrator shall cause the application including a site and a facade plan prepared pursuant to the provisions of Article XXI determination with compliance with the published design and color standards or guidelines for the Central Business District, or Appearance Plan and Appearance Standards or Guidelines. The Planning Commission shall notify the applicant concerning any features and colors inconsistent with the approved standards. Any proposed new construction or remodeling of any existing buildings found to be inconsistent with the standards or guidelines for the district by the Planning Commission shall be disqualified for any incentive offered by the Village or Downtown Development Authority.

Section 11.07 - Signs Permitted. Signs permitted in the C-2 Central Business District shall conform to the provisions of Article XVIII.

Section 11.08 - Parking Requirements. There are no off-street parking requirements for this district.

Section 11.09 - Building Height Regulations. No commercial building or other buildings or structure shall exceed two and one-half (2½) stories or exceed thirty-five (35) feet in height.

Section 11.10 - Yard, Setback and Lot Area Requirements. No principal or accessory use building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and width requirements:

- A. **Front Yard:** There is no minimum front yard requirement. It is the intent of this district to require the front building line to be located on the front property line, except as provided in the following paragraph.

Where there are existing buildings or structures having a front yard setback within two hundred (200) feet on either side of the building proposed to be erected, the Zoning Administrator shall require a setback equal to the average depth of previously constructed buildings located within two hundred (200) feet on either side of the building proposed to be erected.

- B. **Side Yard:** There is no side yard requirement. Where there are buildings or structures having a side yard setback on a lot abutting the lot in which a building is proposed to be constructed or remodeled, the Zoning Administrator shall require a setback equal to setback of the building located on the abutting lot with the setback measured from the side lot line to nearest point on any part of the structure erected thereon, including overhang of roof eaves. The Board of Appeals may wave these requirements upon finding that such setback would be less than five (5) feet.

Side Yard Public Street Frontage Setback: The side yard shall be not less than twenty (20) feet.

- C. **Rear Yard:** There shall be a rear yard of no less than eight (8) feet, unless altered due to practical difficulties related to the size or configuration of the zoning lot as determined by the Board of Appeals.

Accessory Use Rear Yard: There shall be a rear yard for all accessory use buildings and structures including (e.g. garages, play structures, storage sheds, etc.) of no less than eight (8) feet, unless altered due to practical difficulties related to the size or configuration of the zoning lot as determined by the Board of Appeals.

- D. **Lot Area:** There is no minimum lot size requirement in this district.

- C. Lot Width : The minimum width shall be sixty-six (66) feet.
- D. Maximum Lot Coverage of All Buildings and Structures: The maximum lot coverage shall not exceed eighty (80) percent.