

Village of Cass City  
Planning Commission

**April 21, 2021**

- 46-4.7 Home Occupations (Amend)
- 46-5.3.D Accessory Buildings and Structures: Recreational Equipment (Amend)
- 46-4.8 Bed and Breakfast (Amend)
- 46-5.7 Fences in Residential Districts (Amend)
- 46-2.2.C-E and 46-5.3.C.4 Dumpsters (Define and Amend)
- 46-4.2 Farms (Rescind)
- 46-2.2.M and 46-5.3.G Membrane Structures (Define and Add)

## **46-4.7 HOME OCCUPATIONS PROPOSED**

### **46-4.7 HOME OCCUPATIONS**

Where permitted, home occupations shall be subject to the following conditions:

*A. A home occupation must be clearly incidental and secondary to the primary use of a dwelling purpose.*

*B. A home occupation shall not change the character or appearance of the structure or the premises, or have any other visible evidence of the conduct of a home occupation. There shall be no external or internal alterations that are not customary in residential areas or structures.*

*C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home occupation.*

*D. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.*

*E. No more than one employee, in addition to members of the immediate family residing in the dwelling unit, shall be permitted.*

*F. A home occupation shall be conducted within the dwelling unit or within an accessory building. There shall be no outside display of any kind, or any other external or visible evidence of the conduct of a home occupation.*

*G. There shall be no vehicular traffic permitted for the home occupation, other than what is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.*

*H. No signs shall be used to advertise the home occupation business.*

**46-4.7 HOME OCCUPATIONS  
PROPOSED**

*I. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.*

*J. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.*

## 46-4.7 HOME OCCUPATION ORIGINAL WITH EDITS

### 46-4.7 HOME OCCUPATIONS

Where permitted, home occupations shall be subject to the following conditions:

A. ~~Such~~A home occupation must be clearly incidental and secondary to the primary use of a dwelling purpose.

B. A home occupation shall not ~~exceed 200 square feet or 20 percent of the floor area~~change the character or appearance of the residential structure ~~as defined in this chapter, whichever is greater.~~

~~B.~~or the premises, or have any other visible evidence of the conduct of a home occupation. There shall be no alteration external or internal alterations that are not customary in residential areas or structures.

C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home occupation.

D. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential ~~character or function of the premises in connection herewith; nor shall any garage or area.~~

E. No more than one employee, in addition to members of the immediate family residing in the dwelling unit, shall be permitted.

F. A home occupation shall be conducted within the dwelling unit or within an accessory building. There shall be no outside display of any kind, or any other external or visible evidence of the conduct of a home occupation.

## 46-4.7 HOME OCCUPATION ORIGINAL WITH EDITS

G. There shall be no vehicular traffic permitted for the home occupation, other than what is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.

H. No signs shall be used ~~in connection herewith~~ to advertise the home occupation business.

~~C. There shall be no exterior display, other than one non-illuminated nameplate, which is not more than two square feet in area which may be attached to the building.~~

~~D. No more than one assistant or employee shall be employed in connection~~I. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

J. The exterior storage of material, equipment, or refuse associated with ~~the or resulting from a~~ home occupation, ~~provided that family members shall not be counted as employed.~~

~~E. There shall be no equipment or machinery used in connection with the home occupation which is discernable beyond the property line because of noise, odor, glare or vibration.~~

~~F. Home occupations, not meeting the criteria of this section, may be permitted, subject to the review and approval of the board of appeals, when such use is not in conflict with the residential character of the area and subject to conditions they may impose. The board may apply conditions such as limiting time of operation or requiring screening that will assist in maintaining the residential character~~prohibited.

**46-5.3.D ACCESSORY BUILDINGS AND STRUCTURES  
(RECREATIONAL EQUIPMENT)  
PROPOSED**

**46-5.3.D ACCESSORY BUILDINGS AND STRUCTURES  
(RECREATIONAL EQUIPMENT)**

D. Accessory buildings and structures located in any RA, RB or MH district shall include recreational equipment and shall be subject to the following regulations:

1. Recreational equipment shall include, but is limited to, the following:

- a. Boats, large size floats and rafts, and boat trailers or similar transport vehicles.
- b. Folding tent trailers, pop-up trailers, and similar types of vehicles that are convertible in nature, mounted on wheels and intended for travel and vacation use.
- c. Pickup campers, travel trailers, fifth wheelers, pull-behinds and similar vehicles designed primarily to be mounted on a pickup truck or truck chassis, and intended for use as a temporary dwelling for travel, recreational and vacation use.
- d. Utility trailers or similar vehicles which are used to transport motorcycles, snowmobiles, go-carts, stock cars, or similar recreational vehicles.
- e. Motorized homes or similar vehicles which are used as portable dwellings and are designed and constructed as an integral part of a self-propelled vehicle.
- f. Motorized off-road vehicles, including but not limited to golf carts, motorcycles, snowmobiles, go-carts and stock cars, which are not licensed for general operation on public roadways.

2. The storage of recreational equipment shall not be permitted on any public street or public right-of-way.

3. Recreational Equipment shall only be stored within an accessory building, or the confines of the rear yard, or that part of the side yard that is not a part of the required front yard setback, provided the recreational equipment is no closer than three feet to any principal structure, and

**46-5.3.D ACCESSORY BUILDINGS AND STRUCTURES  
(RECREATIONAL EQUIPMENT)  
PROPOSED**

shall further respect any requirements related to distances from lot lines, and easements, and provided that such recreational equipment is adequately screened from view of adjacent property or public roadways.

4. Recreational Equipment may be temporarily parked for purposes of loading, or unloading for travel preparation, in any front yard driveway for a period not to exceed 7 continuous days.

5. No person shall permanently or temporarily occupy, reside or live in any recreational equipment parked or stored upon any property within the village.

6. No owner of any recreational equipment, nor any property owner where the recreational equipment is parked or stored shall permit any recreational equipment to hook, attach or connect to sanitary facility service leads or connections, whether such connection is permanent or temporary.

7. Recreational equipment that is parked or stored within the village shall be maintained in good repair and carry current license plates and registration.

**46-5.3.D ACCESSORY BUILDINGS AND STRUCTURES  
(RECREATIONAL EQUIPMENT)  
ORIGINAL WITH EDITS**

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(RECREATIONAL EQUIPMENT)**

D. Accessory buildings and structures located in any RA, RB or MH district shall include recreational equipment and shall be subject to the following regulations:

1. Recreational equipment shall include, but is limited to, the following:

- a. Boats, large size floats and rafts, and boat trailers or similar transport vehicles.
- b. Folding tent trailers, pop-up trailers, and similar types of vehicles that are convertible in nature, mounted on wheels and intended for travel and vacation use.
- c. Pickup campers, travel trailers, fifth wheelers, pull-behinds and similar vehicles designed primarily to be mounted on a pickup truck or truck chassis, and intended for use as a temporary dwelling for travel, recreational and vacation use.
- d. Utility trailers or similar vehicles which are used to transport motorcycles, snowmobiles, go-carts, stock cars, or similar recreational vehicles.
- e. Motorized homes or similar vehicles which are used as portable dwellings and are designed and constructed as an integral part of a self-propelled vehicle.
- f. Motorized off-road vehicles, including but not limited to golf carts, motorcycles, snowmobiles, go-carts and stock cars, which are not licensed for general operation on public roadways.

2. The storage of recreational equipment shall not be permitted on any public street or public right-of-way.

3. Recreational ~~equipment~~Equipment shall only be ~~parked or~~ stored within an accessory building, or the confines of the rear yard ~~and shall further respect any requirements related to distances from principal structures, lot lines and easements.~~



**46-5.3.D ACCESSORY BUILDINGS AND STRUCTURES  
(RECREATIONAL EQUIPMENT)  
ORIGINAL WITH EDITS**

~~4. Recreational equipment may be temporarily parked, for purposes of loading, unloading and travel preparation, in any front yard setback area for a period not to exceed 14 continuous days. A new 14 day period does not commence until the recreational equipment has been absent from the front yard setback area for a period of at least 48 consecutive hours.~~

~~5. Recreational equipment may be parked, or stored in~~ that part of the side yard that is not a part of the required front yard setback, provided the recreational equipment is no closer than three feet to any principal structure, and shall further respect any requirements related to distances from lot lines, and easements, and provided that such recreational equipment is adequately screened from view of adjacent property or public roadways.

~~6~~4. Recreational Equipment may be temporarily parked for purposes of loading, or unloading for travel preparation, in any front yard driveway for a period not to exceed 7 continuous days.

~~5. No person shall permanently or temporarily occupy, reside or live in any recreational equipment parked or stored upon any property within the village. However, recreational equipment may be used for temporary occupancy purposes for a period not to exceed 14 consecutive days. A new 14 day period does not commence until the recreational equipment has been unoccupied for a period of at least seven consecutive days.~~

~~7~~6. No owner of any recreational equipment, nor any property owner where the recreational equipment is parked or stored shall permit any recreational equipment to hook, attach or connect to sanitary facility service leads or connections, whether such connection is permanent or temporary.

~~8~~7. Recreational equipment that is parked or stored within the village shall be kept maintained in good repair and carry current license plates and registration.

## **46-4.8 BED AND BREAKFAST PROPOSED**

### **46-4.8 BED AND BREAKFAST**

A. The rooms utilized for lodging purposes shall be a part of the primary residence and shall not have been specifically constructed for rental purposes.

B. There shall be no separate cooking facilities for Bed and Breakfast occupants. All food and beverage services shall only be provided for registered guests of the facility by the principal owner of the property.

C. The residence shall be occupied at all times by the principle owner of the residence.

D. One off-street parking space for each rentable room shall be provided.

E. Adequate lavatory and bathing facilities for the lodging rooms shall be provided.

F. Smoke alarms and carbon monoxide alarm, in operable condition, are to be provided in each lodging room.

G. A sign not to exceed two square feet in area may be provided. Such sign may be located in the front setback area of the property, at least 10 feet from any public right of way.

## 46-4.8 BED AND BREAKFAST ORIGINAL WITH EDITS

### 46-4.8 BED AND BREAKFAST

A. ~~Not more than 30 percent of the total floor area of the dwelling unit~~The rooms utilized for lodging purposes shall be ~~used for bed~~ a part of the primary residence and ~~breakfast sleeping rooms; provided, however, that the number of sleeping rooms shall not exceed three~~have been specifically constructed for rental purposes.

B. There shall be no separate cooking facilities for ~~bed~~Bed and ~~breakfast~~Breakfast occupants. All food and beverage services shall only be provided for registered guests of the facility by the principal owner of the property.

~~C.~~ The residence shall be occupied at all times by the principle owner of the residence.

D. One off-street parking space for each rentable room shall be provided.

E. Adequate lavatory and bathing facilities for the lodging rooms shall be provided.

F. Smoke alarms and carbon monoxide alarm, in operable condition, are to be provided in each lodging room.

G. A sign not to exceed two square feet in area may be provided. Such sign may be located in the front setback area of the property, at least 10 feet from any public right of way.

## **46-5.7 FENCES IN RESIDENTIAL DISTRICTS PROPOSED**

### **46-5.7 FENCES IN RESIDENTIAL DISTRICTS**

Fences are permitted, or required, subject to the following:

- A. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
- B. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity, or any sharp instrument of any kind.
- C. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
- D. Single-faced fences shall be constructed so that the non-post side of the fence faces the public right of way or the adjacent properties.

## 46-5.7 FENCES IN RESIDENTIAL DISTRICTS ORIGINAL WITH EDITS

### 46-5.7 FENCES IN RESIDENTIAL DISTRICTS

Fences are permitted, or required, subject to the following:

A. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.

~~B. Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from the regulations of this section.~~

~~B.~~ Fences on lots of record shall not contain barbed wire, electric current or charge of electricity, or any sharp instrument of any kind.

~~C.~~ Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

D. Single-faced fences shall be constructed so that the non-post side of the fence faces the public right of way or the adjacent properties.

**46-2.2.C-E DEFINITIONS**  
**46-5.3.C.4 DUMPSTERS**  
**PROPOSED**

**46-2.2.C-E DEFINITIONS**

DUMPSTER PERMANENT means a moveable container (usually steel), for business or industrial trash or other non-toxic and non-flammable materials intended for discarding.

DUMPSTER TEMPORARY means a moveable container (usually steel), for residential non-toxic and non-flammable construction, repair, or renovation debris and waste, intended for discarding.

**46-5.3.C.4 DUMPSTERS**

4. Dumpsters Temporary 46-2.2C – E, for Residential Properties are permitted during the duration of: construction, renovation, repair of damage and partial or whole demolition, provided the dumpster is located in a rear yard, or front yard driveway within the front and side yard setbacks, and clearly accessible to servicing vehicles, and for a duration beginning 3 days prior to, and 3 days following the end of, construction, renovation, repair, or demolition.

4.a Dumpsters Permanent 46-2.2C – E, for Business or Industrial Properties are permitted on the lot of the Business or Industry for whose use the Dumpster is intended, provided said Dumpster is contained within an enclosed space with a perimeter fence, with access gate, that is 6 feet in height, and must be located in the rear yard not less than 5' from the lot line.

## 46-2.2.C-E DEFINITIONS

### **46-5.3.C.4 DUMPSTERS ORIGINAL WITH EDITS**

## 46-2.2.C-E DEFINITIONS

DUMPSTER PERMANENT means a moveable container (usually steel), for business or industrial trash or other non-toxic and non-flammable materials intended for discarding.

DUMPSTER TEMPORARY means a moveable container (usually steel), for residential non-toxic and non-flammable construction, repair, or renovation debris and waste, intended for discarding.

### **46-5.3.C.4 DUMPSTERS**

4. Dumpsters ~~may be~~ Temporary 46-2.2C – E, for Residential Properties are permitted ~~as accessory to any use, other than one family~~ during the duration of: construction, renovation, repair of damage and partial or two-family residential whole demolition, provided ~~that~~ the dumpster is located in a rear yard, or ~~interior~~ front yard driveway within the front and side yard setbacks, and ~~is~~ clearly accessible to servicing vehicles, ~~and~~ for a duration beginning 3 days prior to, and 3 days following the end of, construction, renovation, repair, or demolition.

4.a Dumpsters Permanent 46-2.2C – E, for Business or Industrial Properties are permitted on the lot of the Business or Industry for whose use the Dumpster is intended, provided said Dumpster is contained within an enclosed space with a perimeter fence, with access gate, that is 6 feet in height, and must be located in the rear yard not less than 5' from the lot line.

## 46-4.2 FARMS COMPARISON

### ~~46-4.2 Farms~~

~~Farms shall meet the following conditions:~~

~~A. Be located on land separately owned outside the boundaries of either a proprietary or supervisor's plat.~~

~~B. Have an area of not less than 5 acres.~~

~~C. No farms shall be operated as piggeries, or for the disposal of garbage, sewage rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.~~



## **46-2.2.M DEFINITIONS**

### **46-5.3.G MEMBRANE STRUCTURES**

#### **PROPOSED**

## **46-2.2.M DEFINITIONS**

**Membrane Structure means any structure covered by fabric, including:**

- A. Tent – A structure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents that it supports.**
- B. Canopy - A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75% or more of the perimeter.**
- C. Membrane-Covered Cable Structure - A non-pressurized structure in which a mast and cable system provides support and tension to the membrane weather barrier and the membrane imparts stability to the structure.**
- D. Membrane-Covered Frame Structure - A non-pressurized building wherein the structure is composed of a rigid framework to support a tension membrane which provides the weather barrier.**

### **46-5.3G MEMBRANE STRUCTURES**

- A. Membrane structures for the purposes of special events, such as graduations, weddings and similar events, or the use of membrane structures for temporary storage is permitted on residential properties for a period of up to seven days.**
- B. Permanent and semi-permanent membrane structures, such as those used for patio, deck, and outdoor use, must follow all applicable setbacks and be kept in good condition.**
- C. Membrane structures used for the purpose of parking or storage of vehicles, recreation vehicles and/or equipment, maintenance**

## **46-2.2.M DEFINITIONS**

### **46-5.3.G MEMBRANE STRUCTURES**

#### **PROPOSED**

**equipment, utility trailers, or the storage of personal or household items are prohibited.**

**D. Membrane structures are required to be properly weighted or secured to the ground to prevent collapse or movement.**