

**TOWNSHIP OF SAUGATUCK  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWNSHIP OF SAUGATUCK, MICHIGAN, TO ADD A NEW CHAPTER 5, ENTITLED “MARIHUANA FACILITIES AND ESTABLISHMENTS,” TO PROHIBIT RECREATIONAL MARIHUANA ESTABLISHMENTS AND ALLOW CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW**

The Township of Saugatuck Ordains:

Section 1. Addition. A new Chapter 5, entitled “Marihuana Facilities and Establishments,” is added to the Code of Ordinances, Township of Saugatuck, Michigan, to read in its entirety as follows:

**CHAPTER 5  
MARIHUANA FACILITIES AND ESTABLISHMENTS**

**§ 5.1. Definitions.**

The following words and phrases have the meanings ascribed to them when used in this chapter:

- (a) *Co-location or co-located* means the siting and operation of a combination of multiple facilities or facility types at a single location.
- (b) *Establishment or recreational marihuana establishment* means a location at which a license holder is licensed to operate under the MRTMA.
- (c) *Facility or medical marihuana facility* means a location at which a license holder is licensed to operate under the MMMFLA.
- (d) *Facility plan* means the plans required to be submitted to LARA in accordance with the MMMFLA rules that includes among other things diagrams, floor plans, construction details, etc.
- (e) *Facility-specific step* means the portion of the application for a state operating license under the MMMFLA that follows the prequalification step and pertains to the details of the proposed facility.
- (f) *Grower* means an MMMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- (g) *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
- (h) *Licensee* means a person holding a state operating license.
- (i) *Licensing board* means the medical marihuana licensing board created by the MMMFLA.
- (j) *Marihuana* means all parts of the plant *Cannabis sativa L.*, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp grown or cultivated, or both, for research purposes under the industrial hemp research act.
- (k) *MMMA* means the Michigan medical marihuana act, 2008 IL 1, as amended, MCL 333.26424 *et seq.*
- (l) *MMMFLA* means the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (m) *MMMFLA rules* means rules promulgated by LARA to implement the MMMFLA.
- (n) *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended, MCL 333.27951.

- (o) *Prequalification step* means the portion of the application for an MMMFLA state operating license pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons.
- (p) *Processor* means an MMMFLA licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana- infused product for sale and transfer in packaged form to a provisioning center.
- (q) *Provisioning center* means an MMMFLA licensee that is a commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through LARA's marijuana registration process in accordance with the MMMA is not a provisioning center for purposes of this chapter.
- (r) *Safety compliance facility* means an MMMFLA licensee that is a commercial entity that receives marijuana from a facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the facility.
- (s) *Secure transporter* means an MMMFLA licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.
- (t) *Stacked grower license* means more than 1 state operating license issued to a single MMMFLA licensee to operate as a grower of class C-1,500 marijuana plants as specified in each license at a facility.
- (u) *State operating license* or, unless the context requires a different meaning, "license" means a license that is issued under the MMMFLA that allows the licensee to operate as a grower, processor, secure transporter, provisioning center, or a safety compliance facility.

**§ 5.2. Authorizations and Prohibitions.**

- (a) *Establishments prohibited.* Recreational marijuana establishments are prohibited in the Township.
- (b) *Facilities eligible for authorization.* The following medical marijuana facilities may be authorized to operate in the Township:
  - (1) Growers;
  - (2) Provisioning centers;
  - (3) Safety compliance facilities.
- (c) *Final authorization from Township required.* The authorization process described in section 5.3 determines the locations in the Township at which facilities may operate. A proposed facility is not eligible for a state operating license until the clerk grants final authorization.

### **§ 5.3. Application for Authorization.**

- (a) *Submission.* A person may apply for authorization to operate a facility within the Township by submitting the following items to the clerk. These items may be submitted to the clerk before applying for requisite zoning approvals:
  - (1) A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for a state operating license.
  - (2) A signed statement from the applicant indicating:
    - (A) The current property owner of record;
    - (B) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicants. Only one application shall be submitted per property, unless the applications are for proposed co-located facilities;
    - (C) The address, tax identification number, and zoning designation of the proposed facility;
    - (D) The proposed facility type;
    - (E) If the proposed facility type involves stacked growing licenses, the number of licenses sought; and
    - (F) Written consent for the Township or law enforcement agencies serving the Township to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
  - (3) An advance of the annual administrative fee of \$5,000 per license.
- (b) *Conditional authorization.* The clerk will accept and conditionally authorize any application that includes the required items listed above.
- (c) *Final authorization.* The clerk will grant final authorization for the facility if the applicant:
  - (1) Obtains all required zoning approvals for the facility within 12 months of receiving conditional authorization; and
  - (2) Obtains a state operating license within 18 months of receiving conditional authorization.
- (d) *Expiration of conditional authorization.* If the applicant for a conditionally authorized facility fails to satisfy any of the deadlines established above, the conditional authorization will expire.

### **§ 5.4. Relocation of Facilities, Transfers of Licenses, and Expansion of Grow Operations.**

- (a) An existing facility may be moved to a new location in the Township, subject to applicable zoning regulations and approval by the Licensing Board.
- (b) A license for an existing facility may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by the Licensing Board.
- (c) No further Township approvals are required for the relocations and license transfers described in this section.
- (d) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to Class C), or by obtaining a stacked license. To do so, the licensee must submit a new application to the Township satisfying the requirements in section 5.3(a), which shall include payment any additional annual administrative fee that will be owed due to the addition of stacked licenses. The application shall be conditionally approved upon receipt of all required materials.

### **§ 5.5. General Regulations.**

- (a) *Submission of supplementary information to the Township.* Applicants who have received conditional authorization and persons operating in the township must provide the clerk with copies of all documents submitted to LARA in connection with the license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the clerk within 7 days of submission to LARA, and may be submitted by electronic media unless otherwise

requested by the clerk.

- (b) *Compliance with applicable laws and regulations.* Medical marihuana facilities must be operated in compliance with the MMMFLA, MMMFLA rules, all conditions of the facility's state operating licenses, and all applicable ordinances. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any facility. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marihuana on or within a premise in violation of this section:
  - (1) The person had control over the premises or the portion of the premises where the marihuana was consumed;
  - (2) The person knew or reasonably should have known that the marihuana was consumed; and
  - (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay a fee of \$5,000, for each license used within the Township in order to help defray administrative and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of \$5,000 for each license. The initial annual fee(s) must be paid to the clerk when the application for approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

**§ 5.6. Violations.**

- (a) *Request for revocation of state operating license.* If at any time an authorized facility violates this chapter or any other applicable ordinance, the Township Board may request that LARA revoke or refrain from renewing the facility's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction and a nuisance per se. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines:
  - (1) First violation = \$500
  - (2) Second offense = \$2,500
  - (3) Each subsequent offense = \$5,000
- (c) *Other remedies.* The foregoing sanctions are in addition to the Township's right to seek other appropriate and proper remedies, including actions in law or equity.

Section 2. Publication and Effective Date. The Township Clerk shall cause to be published a notice of adoption of this ordinance within 30 days of the date of its adoption. This ordinance shall take effect the day following its publication.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_ adopted at a regular meeting of the Township of Saugatuck Board held on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chris Roerig, Township Supervisor

\_\_\_\_\_  
\_\_\_\_\_, Township Clerk

Adopted: \_\_\_\_\_, 2019  
Published: \_\_\_\_\_, 2019  
Effective: \_\_\_\_\_, 2019

\* Note - The newly created section in Article VII entitled "Medical Marihuana Facilities and Recreational Marihuana Establishments" has been administratively renumbered Section 40-746a. It will appear in the Township Code under that number.

**TOWNSHIP OF SAUGATUCK  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND ZONING SECTIONS 40-1046 OF THE CODE OF ORDINANCES, TOWNSHIP OF SAUGATUCK, MICHIGAN, AND TO ADD A NEW SECTION 40-746 TO ARTICLE VII, TO REGULATE MEDICAL MARIHUANA FACILITIES AND PROHIBIT RECREATIONAL MARIHUANA ESTABLISHMENTS**

The Township of Saugatuck Ordains:

Section 1. Amendment. Zoning section 40-1046 of the Code of Ordinances, Township of Saugatuck, Michigan, is hereby amended to read as follows:

**Sec. 40-1046. Table of Uses.**

The following table shows the uses that are permitted, prohibited and permitted with conditions for each zoning district pursuant to this chapter:

Uses	Where and How Permitted									
	A-1	A-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	R-3B
Accessory Apartments in association with business	No	No	No	No	No	SAU	SAU	No	No	No
Adult theaters, video stores or bookstores	No	No	No	No	No	No	No	SCU	No	No
Agricultural products sales, retail (produced on land from which sold)	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Agricultural products sales, retail (not produced on land from which sold)	Yes	Yes	No	No	No	Yes	Yes	Yes	No	No
Airports (private or public)	No	No	No	No	No	No	No	No	No	No
Ambulance service	No	No	No	No	No	Yes	SAU	Yes	No	No
Amusement enterprises, outdoor	No	No	No	No	No	SAU	SAU	No	No	No
Antique, resale shops	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Asphalt manufacturing	No	No	No	No	No	No	No	No	No	No
Auto parts	No	No	No	No	No	No	Yes	No <sup>1</sup>	No	No
Autowash, automatic and manual <sup>5</sup>	No	No	No	No	No	SAU	SAU	SAU	SAU	No
Automobile/Motor Vehicle repair/service facilities	No	No	No	No	No	SAU	SAU	SAU	Yes	No
Automobile/Motor Vehicle Service Stations (Fuel	No	No	No	No	No	No	No <sup>2</sup>	SAU <sup>3</sup>	No <sup>3</sup>	No

Facilities/Gas Stations with no repairs)										
Automobile/motor, boat vehicle sales	SAU	SAU	No	No	No	SAU	SAU	Yes	Yes	No
Bait and tackle	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Bakery goods store	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Bank, loan and finance offices, including drive-in	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Barber or beauty shop	No	No	No	No	No	Yes	Yes	No <sup>1</sup>		No
Bars, taverns, lounges w/o dancing or floor shows	No	No	No	No	No	Yes	Yes	Yes	No	No
Bars, taverns, lounges with dancing or floor shows	No	No	No	No	No	SAU	SAU	SAU	No	No
Boarding Houses/lodging	SAU	SAU	No	No	No	SAU	ELE	No	No	No
Boathouses	No	No	No	SAU	SAU	No	No	No	No	SAU
Bone reduction/distillation	No	No	No	No	No	No	No	No	No	No
Book, video, record stores except adult	No	No	No	No	No	Yes	No	No <sup>1</sup>	No	No
Bowling alley, indoor amusements	No	No	No	No	No	SAU	Yes	No	No	No
Broadcasting studios, excluding towers >50 feet	No	No	No	No	No	No	SAU	No <sup>1</sup>	No	No
Business or trade school	No	No	No	No	No	SAU	Yes	No	No	No
Campgrounds (tents, Travel Trailers, etc.)	SAU	SAU	No	No	No	SAU	No	No	No	No
Cement, Lime and Plaster Manufacturing	No	No	No	No	No	No	No	No	No	No
Chemicals Manufacturing	No	No	No	No	No	No	No	No	No	No
Clinic—Dental and medical, including laboratory	No	No	No	No	No	Yes	Yes	No	No	No
Crematories	No	No	No	No	No	No	No	No	No	No
Docks, Piers, Wharves (noncommercial and not defined herein as marinas)	No	Yes <sup>6,9</sup>	No	Yes <sup>6</sup>	Yes <sup>6</sup>	No	No	No	No	Yes <sup>6</sup>
Dog Kennels	SAU	SAU	No	No	No	No	No	No	No	No
Dumps/Sanitary Landfills	SAU	SAU	No	No	No	No	No	No	No	No

Duplexes (two Dwelling Units in Building)	Yes	Yes	Yes	No	Yes	PUD	PUD	PUD	No	Yes
Electric, heating, plumbing supplies and service	No	No	No	No	No	No	Yes	No	No	No
Explosives Manufacturing/Storage	No	No	No	No	No	No	No	No	No	No
Exterminator service	No	No	No	No	No	No	Yes	No	No	No
Farm—General	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes
Farm—Special	SAU	No	No	No	No	No	No	No	SAU	No
Farm Labor Housing, not more than four laborers	Yes	No	No	No	No	No	No	No	No	No
Farm Labor Housing, more than four laborers	SAU	No	No	No	No	No	No	No	No	No
Feed Lots/Stock Yards	SAU	No	No	No	No	No	No	No	No	No
Florist	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Florist with nursery	No	No	No	No	No	No	Yes	No	No	No
Foster Care Facilities	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	No	SAU
Foundries	No	No	No	No	No	No	No	No	No	No
Funeral Homes/Mortuaries	SAU	SAU	SAU	SAU	SAU	No	Yes	No	No	SAU
Garage, Public	SAU	SAU	No	No	No	No	No	No	Yes	No
Gas Processing or Storage	No	No	No	No	No	No	No	No	SAU	No
Gas Well	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P
Gift shop	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Golf courses (regular, not miniature)	SAU	SAU	SAU	SAU	SAU	PUD	PUD	PUD	No	SAU
Governmental Buildings	SAU	SAU	SAU	SAU	SAU	Yes	Yes	Yes	Yes	SAU
Grocery stores	No	No	No	No	No	No	Yes	Yes	No	No
Hardware, appliance stores	No	No	No	No	No	SAU	Yes	No <sup>1</sup>	No	No
Helicopter/Rotor Craft Landing Facilities	SAU	SAU	No	No	No	No	No	No	SAU	No
Home Occupations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Horse Stables, Commercial—10 acres	Yes	Yes	No	No	No	No	No	No	No	No
Horse Stables, Noncommercial (5 acres)	Yes	Yes	SAU	SAU	SAU	No	No	No	No	SAU



Hospitals	SAU	SAU	SAU	SAU	SAU	No	No	No	No	SAU
Hotels	SAU	SAU	No	No	No	SAU	ELE	Yes	No	No
Hunting Preserves	SAU	SAU	No	No	No	No	No	No	No	No
Incinerators—Commercial	No	No	No	No	No	No	No	No	No	No
Indoor auction houses (not incl. livestock)	No	No	No	No	No	SAU	Yes	No	No	No
Inns (includes Bed and Breakfast)	SAU	SAU	SAU	No	No	SAU	ELE	No	No	No
Juice, cider, wine manufacturing	SAU	SAU	No	No	No	No	No	No	Yes	No
Junkyards/Salvage Yards, Motor Vehicle Wrecking	No	No	No	No	No	No	No	No	SAU	No
Laundromats/Dry Cleaning Establishments	No	No	No	No	No	SAU	Yes	No	No	No
Locksmith	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Lumberyards, builders' supply/home improvement	No	No	No	No	No	No	No	Yes	Yes	No
Malls, Retail Shopping Centers, less than 30,000 s.f. gross floor area	No	No	No	No	No	SAU	SAU	SAU	No	No
Malls, retail shopping centers, more than 30,000 s.f. gross floor area	No	No	No	No	No	No	No	SAU	No	No
Manufacturing, Heavy	No	No	No	No	No	No	No	No	No	No
Manufacturing, Light	No	No	No	No	No	No	No	No	Yes	No
Marinas	No	No	No	SAU	No	No	No	No	No	No
Massage, licensed therapist	No	No	No	No	No	SAU	Yes	No <sup>1</sup>	No	No
Meat/Poultry Processing/Packing Facilities not located on a farm	No	No	No	No	No	No	No	No	SAU	No
Medical Marihuana Facility – Grower	No	No	No	No	No	No	No	No	SAU	No
Medical Marihuana Facility – Provisioning Center	No	No	No	No	No	No	No	SAU	No	No
Medical Marihuana Facility – Safety Compliance Facility	No	No	No	No	No	Yes	Yes	Yes	Yes	No

Milk Products Manufacturing/Processing Plants not located on a farm	No	No	No	No	No	No	No	No	No	Yes	No
Mineral extraction (other than oil or gas wells)	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU
Mobile Home Condominiums	No	No	No	No	No	MHPO	MHPO	MHPO	No	No	No
Mobile Home Parks (including seasonal)	No	No	No	No	No	MHPO	MHPO	MHPO	No	No	No
Mobile Home Subdivisions	No	No	No	No	No	MHPO	MHPO	MHPO	No	No	No
Mobile Homes (temporarily located)	SZAP	SZAP	SZAP	SZAP	SZAP	No	No	No	No	No	SZAP
Mobile Homes (as Single-Family Dwellings only)	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
Motels	SAU	SAU	No	No	No	SAU	ELE	Yes	No	No	No
Multifamily Apartments	No	No	SAU/ OPUD	No	No	PUD	PUD	PUD	No	No	No
Nurseries/Child Care Facilities	SAU	SAU	SAU	SAU	SAU	Yes	No	No	No	No	SAU
Nursing/Convalescent Homes	SAU	SAU	SAU	SAU	SAU	PUD	PUD	PUD	No	No	SAU
Oil Processing or Storage	No	No	No	No	No	No	No	No	SAU	No	No
Oil Well	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P	Mich P
Outdoor auction houses (not including livestock)	No	No	No	No	No	SAU	SAU	No	No	No	No
Outdoor/open air sales	No	No	No	No	No	SAU	SAU	No	No	No	No
Parcel delivery station	No	No	No	No	No	No	Yes	No	No	No	No
Parking Areas and Accessory Buildings on Waterfront Access Property <sup>6</sup>	No	SAU <sup>9</sup>	No	SAU	SAU	No	No	No	No	No	SAU <sup>7</sup>
Party, convenience store <sup>5</sup>	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Pet shop, not including treatment or boarding	No	No	No	No	No	No	Yes	No <sup>1</sup>	No	No	No
Piggeries (more than 20 weaned pigs)	SAU	No	No	No	No	No	No	No	No	No	No
Poultry/Egg Production Facilities (intensive "Cage" operations)	SAU	No	No	No	No	No	No	No	No	PUD	No
Planned Unit Developments/Commercial	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No

Planned Unit Developments/Industrial	No	No	No	No	No	No	No	No	Yes	No
Planned Unit Developments/Residential	Yes	Yes	Yes	Yes	Yes	PUD	PUD	PUD	No	Yes
Planned Unit Development Mixed Residential/Commercial	Yes	Yes	OPUD	OPUD	No	PUD	PUD	PUD	No	No
Private clubs/Lodges and Halls/Fraternal/Social/Veterans' Clubs	SAU	SAU	SAU	SAU	SAU	Yes	Yes	No	SAU	SAU
Professional and Public Offices	SAU	SAU	No	No	No	SAU	Yes	No	No	No
Public Utility Buildings	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Quadruplexes (4 dwelling units in building)	PUD	PUD	PUD	PUD	PUD	PUD	PUD	PUD	No	PUD
Racetracks	SAU	SAU	No	No	No	No	No	No	No	No
Radio, television, computer and similar electronic sales and service	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Recreation Vehicle Sale	No	No	No	No	No	No	No	Yes	No	No
Recreational Marihuana Establishments	No	No	No	No	No	No	No	No	No	No
Rendering Works	No	No	No	No	No	No	No	No	No	No
Restaurants, Full-Service, without dancing or floor shows <sup>5</sup>	SAU	SAU	No	No	No	Yes	Yes	Yes	Yes	No
Restaurants, Drive-In/Takeout <sup>5</sup>	SAU	SAU	No	No	No	SAU	No	Yes	Yes	No
Restaurants with dancing/floor shows excluding adult entertainment	No	No	No	No	No	SAU	SAU	SAU	No	No
Retail and convenience printing	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Rock/gravel crushing plants	SAU	SAU	No	No	No	No	No	No	SAU	No
Schools/Colleges	SAU	SAU	SAU	SAU	SAU	No	No	No	No	SAU
Sign painting and servicing shops	No	No	No	No	No	No	Yes	No	No	No
Single-Family Dwellings	Yes	Yes	Yes	Yes	Yes	PUD	PUD	PUD	No	Yes
Slaughter Houses	No	No	No	No	No	No	No	No	No	No
Studios, including dance, photographic, taxidermy, art and music	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No

Sports Facilities (not golf courses/racetracks), Indoor and Outdoor	SAU	SAU	No	No	No	SAU	SAU	SAU	No	No
Storage facilities (separate from activity served)	No	No	No	No	No	No	No	No	Yes	No
Tailor, dressmaker, shoe repair shop	No	No	No	No	No	No	Yes	No <sup>1</sup>	No	No
Tanning Spas	No	No	No	No	No	No	SAU	No <sup>1</sup>	No	No
Theaters, excluding adult oriented	No	No	No	No	No	SAU	No	Yes	No	No
Tools and gauges—Testing, sales, service)	No	No	No	No	No	No	Yes	No <sup>1</sup>	No	No
Tourist Homes	SAU	SAU	No	No	No	SAU	ELE	No	No	No
Towers/Transmission or Wind. Wireless communications towers and antenna over 30 feet in height (unless meeting terms stated below)	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU	SAU
Towers/Transmission or Wind. Wireless communications towers located on property owned, leased or controlled by the township	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Towers, transmission or Wind. Wireless communications antenna 30 feet in height or less located on existing lattice-type electric transmission line support towers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Townhouses (multifamily Townhouses)	PUD	PUD	PUD	No	PUD	PUD	PUD	PUD	PUD	
Travel agency	No	No	No	No	No	Yes	Yes	No <sup>1</sup>	No	No
Triplexes (3 Dwelling Units in Building)	SAU	SAU	SAU	No	PUD	PUD	PUD	PUD	No	PUD
Truck Stops	No	No	No	No	No	No	No	ITO <sup>4</sup>	ITO <sup>4</sup>	No
Truck Terminals	No	No	No	No	No	No	No	ITO	No	No
Vending machine service and distribution	No	No	No	No	No	No	SAU	No	Yes	No
Warehousing (separate from related Uses)	No	No	No	No	No	No	No	No	Yes	No

Waterfront Access Property and foot paths, walkways, and non-Building Structures such as stairways, serving shared waterfront property owners <sup>6</sup>	No	Yes <sup>9</sup>	No	Yes	Yes	No	No	No	No	Yes
Wholesale Sales/Service Facilities	No	No	No	No	No	Yes	No	Yes	No	No

**KEY:**

Yes:	Permitted
No:	Not permitted
SAU:	Special Approval Use
PUD:	Planned Unit Development
MHPO:	Allowed as a special approval use within designated MHP overlay district
Mich P:	Subject to permit issued by the State of Michigan with Township input as provided in Section 40-741
*	By right when included in a retail mall or shopping center
OPUD:	Allowed by P.U.D. approval within designated overlay district
ITO:	By SAU within a designated Interstate Transportation Overlay District
SZAP:	Special Zoning Administrator Permit Required
SCU:	As a special controlled use in the Interstate Transportation Overlay District

**FOOTNOTES:**

- <sup>1</sup> By right when included in a retail mall or shopping center.
- <sup>2</sup> Expansion to existing Automobile Service Station in existence prior to March 16, 2001, may be authorized as a Special Approval Use.
- <sup>3</sup> Permitted Use when within the interstate overlay district. See minimum design standards in article VII of this chapter.
- <sup>4</sup> See minimum design standards in article VII of this chapter.
- <sup>5</sup> Permitted as a companion or Accessory Use to an Automobile Service Station or Truck Stop within the interstate transportation overlay district.
- <sup>6</sup> Reference Article XII, Water Access and Dock Density Regulations.
- <sup>7</sup> Reserved.
- <sup>8</sup> Reserved.
- <sup>9</sup> Subject further to the provisions of the natural river overlay district, if applied to the underlying district.

Section 2. Addition. A new zoning section 40-746 is added to Article VII of the Code of Ordinances, Township of Saugatuck, Michigan, to read as follows:

**Sec. 40-746. Medical Marihuana Facilities and Recreational Marihuana Establishments.**

- (1) All terms defined in section 5.1 of the Township Code have the same meaning when used in this section.
- (2) Recreational marihuana establishments are prohibited in Saugatuck Township.

- (3) Certain medical marihuana facilities may be established in the zoning districts indicated in Section 40-1046, subject to regulations in the MMMFLA, the MMMFLA rules, and applicable Township ordinances.
- (4) No facility may operate without first obtaining final authorization from the township clerk pursuant to section 5.2 of the Township Code and obtaining site plan approval and/or a special approval use permit, as applicable.
- (5) Facilities shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- (6) Applicants must provide a plan for the storage and disposal of marihuana, so as to minimize the risk of theft.
- (7) No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin.
- (8) Signage for marihuana facilities is subject to approval pursuant to the generally applicable procedures and standards provided in this ordinance, with the additional restriction that facility signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- (9) Co-location and stacked licenses are permitted when in accordance with the MMMFLA and MMMFLA rules.
- (10) Medical marihuana facilities must control and eliminate odor as follows:
  - (a) The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  - (b) The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - (c) The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - (d) Negative air pressure must be maintained inside the building.
  - (e) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - (f) An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- (11) For provisioning centers:
  - (a) Provisioning centers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
  - (b) Provisioning centers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
  - (c) The interior of the facility must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- (12) For growers:
  - (a) Grower facilities must be connected to public water and sanitary sewer systems and must comply with applicable state regulations regarding sewage discharge.

(b) Grower facilities must be located at least 500 feet from the site of any residential dwelling that exists (*i.e.*, has a valid certificate of occupancy) as of March 1, 2019. This measurement shall be taken from the closest point on the property of each of the two lots.

(13) Notwithstanding any other provision to the contrary, penalties for violations of this section shall be as follows:

(a) If at any time an authorized facility violates this section, any condition imposed through a site plan approval, or any other applicable township ordinance, the township board may request that LARA revoke or refrain from renewing the facility's state operating license.

(b) It is unlawful to disobey, neglect, or refuse to comply with any provision of this section or any condition of a special use permit issued pursuant to this subsection. A violation is a municipal civil infraction and a nuisance per se. Each day the violation continues shall be a separate offense, subject to the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

(c) The foregoing sanctions are in addition to the township's right to seek other appropriate and proper remedies, including actions in law or equity.

Section 3. Publication and Effective Date. The Township Clerk shall cause to be published a notice of adoption of this ordinance within 30 days of the date of its adoption. This ordinance shall take effect the day following its publication.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_\_ adopted at a regular meeting of the Township of Saugatuck Board held on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chris Roerig, Township Supervisor

\_\_\_\_\_  
\_\_\_\_\_, Township Clerk

PC Hearing: \_\_\_\_\_, 2019  
Adopted: \_\_\_\_\_, 2019  
Published: \_\_\_\_\_, 2019  
Effective: \_\_\_\_\_, 2019