

**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 ¹	No	No
Asphalt manufacturing	No	No	No	No	No	No	No	No	No	No
Auto parts	No	No	No	No	No	No	Yes	No ¹	No	No
Autowash, automatic and manual ⁵	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 ²	SAU ³	No ³	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 ¹	No	No
Bakery goods store	No	No	No	No	No	Yes	Yes	No ¹	No	No
Bank, loan and finance offices, including drive-in	No	No	No	No	No	Yes	Yes	No ¹	No	No
Barber or beauty shop	No	No	No	No	No	Yes	Yes	No ¹		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 ¹	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 ¹	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 ^{6,9}	No	Yes ⁶	Yes ⁶	No	No	No	No	Yes ⁶
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 ¹	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 ¹	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 ¹	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 ¹	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 ¹	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	No	SAU	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 ⁶	No	SAU ⁹	No	SAU	SAU	No	No	No	No	No	SAU ⁷
Party, convenience store ⁵	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 ¹	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 ¹	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 ⁵	SAU	SAU	No	No	No	Yes	Yes	Yes	Yes	No
Restaurants, Drive-In/Takeout ⁵	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 ¹	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 ¹	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 ¹	No	No
Tanning Spas	No	No	No	No	No	No	SAU	No ¹	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 ¹	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 ¹	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 ⁴	ITO ⁴	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 ⁶	No	Yes ⁹	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:

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