

AGENDA
THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION MEETING
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, JUNE 13TH 2018 - 7:00 P.M.

A. Call to Order

B. Roll Call

C. Agenda Approval - Motion to approve the Planning Commission Agenda of June 13, 2018 as presented (or as amended with additions/changes/deletions)

D. Approval of Minutes - Motion to approve the Planning Commission Minutes of May 9, 2018.

E. Written Communications

F. Public Comment related to agenda items only (limit 2 minutes per person)

G. New Business:

1. Consideration of The Furrows PUD Application - 64 Wiley Road

a. Open Public Hearing

b. Hear Public Comments

c. Close Public Hearing

d. Planning Commission Discussion

e. Planning Commission Recommendation to City Council (table, reject, approve or conditionally approve)

2. Consideration of Dollar General Site Plan - 435 Blue Star Highway

a. Open Public Hearing

b. Hear Public Comments

c. Close Public Hearing

d. Planning Commission Discussion

e. Planning Commission Recommendation (table, reject, approve or conditionally approve)

H. Unfinished Business:

1. Medical Marijuana Ordinance Review and Recommendation to City Council

2. Medical Marijuana Zoning Ordinance Review and Recommendation to City Council

I. Hear from the Audience (Limit of 5 minutes for general comments)

J. Commissioner Comments

K. Adjournment

THE CITY OF THE VILLAGE OF DOUGLAS
REGULAR MEETING OF THE PLANNING COMMISSION
DOUGLAS CITY HALL- 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, MAY 9, 2018- 7:00 P.M.

MINUTES

1. **Call to Order:** Chairperson Burdick called the meeting to order at 7:01 P.M.
2. **Roll Call:** Members present: Burdick, Heneghan, Pattison, Barrone, Tischleder, Kenny
Members absent: Sapita
Also present: Lisa Imus, city planner
3. **Agenda Changes/Additions/Deletions**
Motion by Barrone with support from Burdick to approve the Planning Commission Agenda of May 9, 2018 as presented.
Motion carried by unanimous voice vote.
4. **Approval of Minutes**
Motion by Barrone with support from Tischleder to approve the Planning Commission meeting minutes of Wednesday April 11, 2018 as amended.
Amended item: Provision of Minutes
Motion carried by unanimous voice vote.
5. **Written Communications: None**
6. **Public Comment**
Dave Goldberg, 11 E Fremont, had a question about the signage ordinance and stated a realtor posted a sign in the public right of way in front of his house and would like to make sure the new ordinance does not permit this. Burdick explained that signs in the right of way have never been permitted.
7. **New Business**
 - A. **Site Plan Review of Red Dock Café Storage Addition- 219 Union St.**
 1. Planning Commission review and consideration of a motion to approve/conditionally approve/deny/table the request for Site Plan Approval at 219 Union St (PP# 03-59-900-343-00)
Imus explained it is a straight forward site plan and is in compliance with the zoning requirements. RJ Peterson explained that now that there is an increase in free mooring space more people come to Red Dock and they need more storage.
Motion by Pattison with support from Tischleder to approve the request for Site Plan Approval at 219 Union St (PP#03-59-900-343-00) with the following requirements as stated in the staff notes
 1. All facilities remain in conformance with the provisions of Section 7.02 relating to marina related uses as permitted with granted special use.
 2. All storm water is contained on site.
 3. Fire Department approval is obtained.
 4. All required permits are obtained including soil and sediment erosion control, if necessary.Motion carried by unanimous roll call vote.

8. Old Business

A. Medical Marijuana Ordinance and Medical Marijuana Zoning Ordinance

Imus discussed adding a sunset provision to the ordinance. At any time, council can take action to revoke ordinance. The wrong copy of the draft ordinance was given out so this topic will be discussed at next meeting.

B. Signage Ordinance

Imus checked on transparency and in some other cities they regulate in downtown districts only. Discussion on Coastal Society's roof sign and they plan to appeal after the new ordinance is in place. Burdick suggests allowing roof signs on one story buildings only. Imus will look into the appeal process, double appeal process and roof signs. Changes and updates were made to ordinance and Imus will update and send out a new copy.

9. Hear from the Audience: None

10. Commissioner Comments

Pattison commented on The Furrows development. Discussion on South Haven putting a moratorium on short term rentals in sections. Discussion on rentals/Air BNB's.

11. Adjournment

Motion by Pattison with support from Kenny to adjourn meeting. Meeting adjourned at 9:06 P.M.

NOTICE OF PUBLIC HEARING
City of the Village of Douglas
Planning Commission

The Planning Commission of the City of Douglas will hold a Public Hearing on Wednesday, June 13th, 2018 at 7:00 pm, at the City offices at 86 W. Center Street, Douglas Michigan 49406 to consider the following application:

An application has been submitted by Redstone Land Development, LLC of 330 Grand Ridge Drive NE, Grand Rapids MI 49525 for a PUD development at 64 Wiley Road in Douglas, Michigan. This application will be reviewed and public comment received regarding the proposed planned unit development (PUD) in the R-1 District. The site plan currently proposes 31 single family condominiums on the 19.8 acre site.

This application and site plan are available at the City of the Village of Douglas offices for public examination and review during normal business hours. Interested persons may submit comments in writing up to and during the public hearing on June 13th, 2018 or appear in person at the public hearing to become part of the record of the hearing. The City of Douglas will provide for necessary and reasonable aids and services for disabled persons upon 7 days prior notice to the City Offices at (269) 857-1438.

Dated: May 18, 2018

Jean E. Neve, CMC
City of the Village of Douglas Clerk

Memo

To: Planning Commission
From: Lisa Imus, City Planner
Date: June 8, 2018
Re: The Furrows – Site Plan Review

This memo is intended to provide a staff analysis of the proposed PUD for 20 acres located at 64 Wiley Road. Sections 27.04 (Project Design Standards for PUD) and Article 24 (Site Plan Review) shall be the primary points of reference during this stage of plan review

Section 27.04 Project Design Standards

- 1) **Location:** A Planned Unit Development may be approved in any district subject to review and approval as provided herein.
- 2) **Compatibility with Adjacent Uses:** The proposed PUD shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. The bulk, placement, and materials of construction of proposed structures

Staff comments: The applicant has illustrated the proposed location of structures on the property and placement of the buildings appears to be appropriate. The test plan indicated that 31 units could be located on the property.

The Site Layout Plan indicates that the buildings will be within the allowable building envelope area, and that buildings can be reduced or

enlarged within the envelope as long as the minimum setbacks and separations are maintained in accordance with the PUD requirements. If the roof area increases, each increase will decrease the open space area. Currently 72% of the site is planned as open space. 65% is required.

- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development:

Staff Comments: *The street within this development is for local traffic only, and will be a private road. Additional parking areas have been added for guest parking.*

The road Right of Way easement must be a minimum of 66'. The road bed must be a minimum of 24'. These requirements have been met.

- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

Staff Comments: *No equipment or storage is proposed or foreseen at this time.*

- d. The hours of operation of the proposed uses.

Staff Comments: *The proposed uses are limited to single family homes, used 24 hours per day and having little impact upon adjacent properties.*

- e. The provision of landscaping and other site amenities.

Staff Comments: *The applicant has provided for a 25' landscape buffer around the entire perimeter of the parcel. This is a heavily wooded area, and no tree removal is planned beyond the allowable building envelope.*

Landscaping around each individual site condo unit will also be installed and maintained by the developer and owners association.

- 3) **Permitted Uses:** Staff has no concerns about the proposed use of the site for 31 single family homes.

- 4) **Applicable Base Regulations:** The yard and lot coverage, parking, loading, landscaping, lighting, and other standards for the underlying district shall be applicable for uses proposed as part of the PUD, however they are eligible to be waived or modified

***Staff Comments:** Because these units are site condos, they do not have specific yard and lot coverage. Homeowners own the footprint of the structure(s) and the remaining space is commonly owned through the Condominium Association. In this case, the Planning Commission should consider whether the proposed configurations are appropriately scaled to the district as illustrated on the plans. It is important to note here that one of the primary purposes of the Planned Unit Development is to allow for regulatory flexibility as it relates to yard setbacks, frontage, lot coverage, etc. where the effect is the preservation of a significant amount of open space or another public purpose can be achieved. Sheets C-400 and C-205 illustrate in detail how each site condo would be configured and/or how each structure would be situated in relationship to neighboring structures and roadways. Staff does not have any concerns about the illustrated structures, setbacks or lot configurations proposed, pending planning commission review.*

It is not clear if the proposed Landscape Forms Alcott Light Pole or other proposed lighting is dark sky compliant.

- 5) **Regulatory Flexibility:** To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the site and building Placement Standards, may be permitted. Such departures may include lot dimensional standards, floor area standards, setback requirements, parking, loading, landscaping, and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development or a better design or layout than would be possible without the modifications. Density standards, Shoreline standards, and right-of-way width requirements may not be modified. A modification of up to 50% of the front yard setback may be modified under this regulation.

***Staff Comments:** Most all of the underlying requirements of the R-1 Residential District and other applicable standards of the zoning ordinance were met in the Test Plan. The overall design and layout meets the encouraged flexibility of a PUD. One item that should not be overlooked is that accessory buildings may not be placed in front of the primary structure. Garages and car ports may if they are attached.*

- 6) **Residential Density:** The maximum permitted density in the underlying district may be permitted only upon determination that the desired density will not unreasonably affect the immediate and surrounding area and services. The maximum number of dwelling units permitted as part of a PUD proposal shall be determined by submittal of a test plan. Such test plan shall illustrate the maximum number of units which can be accommodated by the given site within the parameters of the underlying zoning district. Such a plan shall be complete with roads and other required easements.

Staff Comments: The submitted Test Plan indicated that 31 site condos could fit in the proposed PUD, and that is the number of proposed condominiums.

- 7) **Permitted Mix of Uses:** Although a PUD would allow for a mix of uses not otherwise permitted within the district, the applicant has proposed only single family dwellings.
- 8) **Open Space Requirements:** The required minimum open space is 65% and at least half of the minimum open space shall be held in common, not as individual lots.

Staff Comments: The applicant has met the minimum threshold of supplying the 65% open space having provided 72%. 100% of the open space will be held in common by the developer through an irrevocable conveyance in the master deed to the Furrows Condominium Association.

- 9) **Frontage & Access:** PUDs shall front onto a street with adequate capacity to safely accommodate the traffic of the development.

Staff Comments: The proposed PUD is serviced by an adequate public road (Wiley Road) and would be readily accessible under the standards of the local private road requirements. We have received some public comment about the placement of the private road on Wiley. The City asked our civil engineer to review and this was his response:

“Sight distance may be a concern for vehicles turning out of the PUD driveway. Please have the developer verify that appropriate sight distance can be maintained around the entrance sign as well as around the Wiley Road hill and embankment limitations. This should be in accordance with the latest AASHTO standards (2011, Chapter 3)”

- 10) **Utilities:** All utilities shall be placed underground.

Staff Comments: All utilities are proposed to be underground. Once construction drawings are complete, the developer must submit a final set for full utility review. All utilities will be placed within an easement.

Our engineer is recommending that the water main be looped into the Water Street main. If it is determined that the sanitary sewer lift station served by the area is nearing capacity, the developer will need to contribute to a sewer system improvement fund.

- 11) **Privacy of Dwelling Units:** A PUD shall be designed to provide privacy for all dwelling units surrounding the development as well as within the development.

Staff Comments: The developer has indicated that all of the existing trees and natural areas outside of the building envelope will be maintained to serve as a barrier between existing neighbors and the PUD. 29 evergreens will be planted along the eastern boarder where fewer trees exist. Additionally, the angles of the homes and window placements should provide adequate privacy between the units.

- 12) **Emergency Access:** The configuration of buildings, driveways and other improvements shall permit convenient and direct emergency vehicle access and shall be subject to the International Fire Code and Fire Department review

Staff Comments: The Fire Department provided a letter of review with conditional approval. The developer has indicated that they will work to meet all of the Fire Department requirements. The PUD will have automatic fire sprinkler systems installed in each home.

Section 18.02 - 9 of the zoning ordinance limits a private road to 1,320' in length. Additionally, section 18.02 – 10 requires that a private road with more than 25 lots shall have at least 2 points of intersection with another road so as to protect existing and future residents in case of an emergency. The proposed road only has one intersection and is 1,811'.

- 13) **Pedestrian & Vehicular Circulation:** A pedestrian circulation system shall be provided that is isolated as completely as possible from the vehicular circulation system.

Staff Comments: The PUD has a complete sidewalk system along with several linear park access points to the natural open space areas.

- 14) **Maximum Height:** Except as otherwise provided, maximum building height shall be consistent with the underlying district.

Staff Comments: The applicant estimates the average height to be 22'. It is understood that all units shall be the 28 foot maximum height requirement of the R-1 Zoning District.

- 15) **Minimum Spacing:** Minimum spacing between primary structures shall not be less than 15 feet, and not less than 6' between accessory and primary structures.

Staff Comments: The buildings illustrated on the proposed site plan are all in compliance with this standard.

- 16) **Building Length:** This standard deals with multiple family buildings and does not apply to the proposed site plan.

- 17) **Sensitive Natural Features:** All sensitive natural features such as drainage ways and streams, wetlands and streams or riverbanks (including areas within the 100 year floodplain) shall remain unencumbered by any structures.

Staff Comments: The applicant has proposed all buildings located on site to be within upland portions of the site and setback from any sensitive natural features.

- 18) **Buffer Zone Along Streams:** Drainage ways and streams shall be protected by a 25 foot natural vegetation strip, measured from the ordinary high water mark for the Kalamazoo River.

Staff Comments: This standard does not apply as the proposed development is not adjacent to the Kalamazoo River. However, more than 25 feet of buffer area has been provided either side of Tannery Creek.

- 19) **Buffer Zone Along Property Lines:** Natural vegetation, planted or landscaped buffer areas of 25 feet width are required along all exterior boundaries of the property to be development as a PUD.

Staff Comments: The applicant has illustrated the required 25 foot buffer surrounding the entire site.

20) **Parking Areas:** The Parking area shall be designed so as to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanse of surfaced area.

Staff Comments: Though not required by ordinance, the applicant has provided several parking areas on the site which are outside of the typical residential driveway or garage areas. Given the seasonal nature of much of the Douglas community, as well as the expectation that homeowners may have visitors from time to time, the applicant has proposed small parking areas for visitors. A total of 25 extra parking spaces have been proposed and have been broken up in to areas of 5 parking spaces each throughout the development. Each parking area is surrounding by green space or natural area, though specific landscaping detail has not been proposed.

21) **Common Property:** Arrangements must be made for the improvement, operation and maintenance of all common property including private streets, drives, parking, open space and recreational facilities. The applicant shall be required to present a maintenance agreement and any easements necessary to satisfy the City Attorney that all such property shall be properly maintained in perpetuity.

Staff Comments: The applicant has provided the condo docs, however it does not contain the easements and maintenance agreements. These still need to be reviewed by the City Attorney and may be included as part of a conditional approval.

22) **Easements across common Property:** All necessary easements for public and/or private access shall be granted to the City.

Staff Comments: The applicant must yet provide the required easements to be reviewed by the City Attorney.

Site Plan Review (Section 24.02):

The criteria for site plan review are universal for most development applications which come before the Planning Commission. Due to the fact that the proposed project has been submitted as a Planned Unit Development, the standards for site plan review will be coupled with those which are outlined above.

In reviewing the criteria for Site Plan Review, it is determined that all requirements of site plan review have been completed and satisfied, subject to the Planning Commission's review.

Approval Process: As required within Article 27, all Planned Unit Developments must be approved by ordinance. The Planning Commission must recommend approval to the City Council, and then the City Council will review the PUD through two separate readings of the proposed PUD Ordinance.

Proposed recommendation for approval of The Furrows Planned Unit Development (Property Parcel 03-59-016-096-00) for the construction of up to 31 site condominiums and related accessory structures due to the following findings:

- A. The applicant has submitted a proposal which will result in a recognizable and substantial benefit to the residents of the PUD and the City, and such benefit would otherwise be unlikely to be achieved.
 - 1) The Planning Commission finds the requested departures and modifications from the standards of the R-1 Residential District to be appropriate. Said departures include a reduced front yard setback and reduced frontage requirements. Such modifications result in the preservation of large, contiguous segments of permanently preserved open space.
- B. The PUD will not result in an undue burden on available public services, facilities or utilities
- C. The PUD will comply with the land use designations for such lands in the future land use map of the Master Plan, the PUD will otherwise be consistent with the intent and purposes of this the Zoning Ordinance and the Master Plan.
- D. The PUD satisfies the development requirements of Section 27.04.
- E. The PUD will not result in significant adverse effects upon adjacent or nearby lands.
- F. The PUD will not alter wetlands, steep slopes or other natural features except as approved for essential services or as otherwise permitted in the PUD.
- G. Buildings and structures will be suitably located and arranged, with adequate setbacks and convenient access points.
- H. The number, location and size of access points for the PUD, and internal traffic and pedestrian circulation routes are designed to promote safe and efficient access to and from the PUD and circulation within the PUD.

- I. Storm water detention and drainage systems will be designed so that the removal of surface waters will not adversely affect lands in the PUD or adjacent or nearby lands. The final PUD plan shall demonstrate compliance with the City Storm Water Ordinance.
- J. Landscaping in the PUD will be in accordance with City landscape requirements or as they may be modified in the approval of the PUD.
- K. Outdoor lighting will be designed to minimize glare on adjacent lands and streets and will otherwise be designed, installed and operated in compliance with City requirements, or as otherwise approved in the terms of the PUD ordinance.
- L. Sanitary sewer and water supply facilities will comply with City and other applicable requirements.
- M. Signs in and for the PUD will comply with applicable sign requirements, including such modifications as may be permitted in the approval of the PUD.
- N. Off-street parking areas and facilities will comply with applicable City requirements, including such modifications as may be permitted in the approval of the PUD.

The Motion to recommend approval is conditioned upon the following:

- 1. If building size and placement change, a minimum of 15' must remain between all primary buildings and a minimum of 6' between primary and accessory buildings. No accessory buildings may be in front of a primary building. A minimum of 65% of open space is required.**
- 2. All lighting must be dark sky compliant**
- 3. Appropriate sight distance must be maintained around the entrance sign as well as around the Wiley Road hill and embankment limitations in accordance with the latest AASHTO standards.**
- 4. Regulatory flexibility is granted for the private road length (1,811' over the maximum allowed 1,320') and for the lack of a second intersection (2 intersections required of road if serve over 25 residences).**
- 5. Building height will not exceed 28'.**
- 6. The City Attorney will review and approve all necessary easements and maintenance agreements.**
- 7. All Saugatuck Township Fire Authority requirements are met.**

8. Once construction drawings are prepared for the project, the developer should submit a final set for a full utility review and approval.
9. Consideration a looped water main connection to the Water Street water main to be submitted and reviewed with the PUD utility plan.
10. Provide adequate information that to size downstream infrastructure to accommodate the increase in waste from the proposed development. If there is a capacity concern the developer will need to help fund future sewer system improvements.
11. Once construction drawings are prepared for the project, the developer should submit a final set for a full drainage review.
12. Allegan County Drain Commission standards will be needed in conjunction with the City's Zoning Ordinances (Sec. 21.01.07) for drainage. All site runoff will need to be kept onsite or addressed in accordance with the above standards.



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



3342 Blue Star Highway
Saugatuck, MI 49453
269 857-3000 / Fax: 269 857-1228
E-mail: office@saugatuckfire.org

May 30th, 2018

The Furrows / Redstone Land Development
Gary Hensch - President
3330 Grand Ridge Drive NE
Grand Rapids, MI 49525

Re: 64 Wiley Rd – The Furrows PUD – Site Plan Review #1 for Sheets C-201, C-204, C-205, C-400, & L-201

Dear Mr. Hensch,

We are in receipt of the site plan for The Furrows received 5/22/2018. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

1. Dead end driveways and access roads in excess of 150 feet in length shall be provided with an approved area for turning around with fire apparatus (IFC 503.2.5) **Approved, turnaround meets minimum dimensions as provided in the plans.**
2. "No Parking Fire Lane" signage shall be installed at the dead end of the turnaround. (IFC 503.3) **Please note location of "No Parking Fire Lane" signage on revised submittals.**
3. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
4. Fire apparatus access roads and driveways shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. (IFC 503.2.1) **The road shall be a minimum of 26' in width at the location of fire hydrants as outlined in Appendix D. Please change in revised submittals. (see enclosure below)**
5. Minimum clear height shall be 13'6" across the entire 20ft width of driveway. (IFC 503.2.1) **Height clearances are not noted in the plans provided. Please include in revised submittals.**
6. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Grade does not appear to be shown in the plans provided. Please include in revised submittals.**
7. The driveway shall be installed with asphalt, concrete, or other approved driving surfaces capable of supporting the 80,000-pound imposed load of our heaviest apparatus and be installed to provide emergency access prior to commencement of building construction. (IFC 503.2.3) **Weight capacity is not noted in the plans provided. Please provide in revised submittals.**
8. The road shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3)
9. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) **Ensure the road and turnaround are installed and navigable for emergency access prior to commencement of vertical building construction.**



SAUGATUCK TOWNSHIP FIRE DISTRICT

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10. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (IFC 505.1) ***Street and address signage must be posted prior to commencement of construction. Green reflective address signs are preferred.***
11. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.1) ***Please provide proposed hydrant fire flow calculations in revised submittals.***
12. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. (IFC 507.4) ***Upon completion of installation of the water main and fire hydrants, flow tests shall be conducted, and documentation provided to the fire department.***
13. A hydrant is required within 400 ft. of any exterior portion of a non-sprinklered building or 600 ft. for an R-3 occupancy or sprinklered building. (IFC 507.5.1) ***Hydrant locations approved, as hydrant spacing meets minimum requirements. Hydrants shall have a 5" Storz connection and dual 2.5" NHT connections.***
14. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (IFC 3312.1) ***Ensure the hydrants or approved water supply are installed and operational prior to delivery of construction materials to the site.***
15. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. (D107.1) ***Install approved automatic fire sprinkler systems in accordance with National Fire Protection Association (NFPA) 13D in all dwelling units including the following requirements:***
 - a. Fire Department Plan Review of all NFPA 13D Sprinkler Systems (IFC 901.2)
 - b. Fire Department Rough-In/200PSI Hydro Test Inspection of All Systems (IFC 901.5)
 - c. Fire Department Final Inspection/Testing prior to Certificate of Occupancy. (IFC 901.5)
 - d. Automatic fire sprinkler suppression systems shall be inspected, tested and maintained in accordance with NFPA 25, including annual maintenance by a certified fire protection contractor. (IFC 901.6)
 - e. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall not be rendered inoperative or inaccessible, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing. (IFC 107.5)
16. Upon completion of construction, physical testing with apparatus will be required. If the apparatus is unable to navigate the completed road and driveway in a safe and efficient manner, modifications may be required.
17. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)



SAUGATUCK TOWNSHIP FIRE DISTRICT

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Other Suggestions and Recommendations (Not requirements by code):

1. Consider installing community Knox Key Box that would provide a Master Key for all residences for emergency access for Fire or Medical calls when owner is not home, or unable to get to the door.
2. Consider installing fire alarm monitoring & supervision systems for the NFPA 13D Sprinkler Suppression Systems. This allows for fire department notification in the event of a fire or accidental system discharge whether the dwelling is occupied or not.

Please revise plans to include all the above information and documentation and submit for review. Once received, plans will be reviewed accordingly. Please let us know if you have any questions

Respectfully Yours,

Chris Mantels

Deputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)
Lisa Imus – Zoning Administrator (via email)
Dan Poll – Building Official (via email)

June 6, 2018
2130149

Mr. Bill LeFevere
City of Douglas
86 West Center Street
Douglas, MI 49406

RE: The Furrows – Preliminary Planned Unit Development
Preliminary Submittal – May 14, 2018

Dear Bill:

We have reviewed the subject PUD as submitted by Nederveld, Inc. and offer the following comments:

General:

1. Sight distance may be a concern for vehicles turning out of the PUD driveway. Please have the developer verify that appropriate sight distance can be maintained around the entrance sign as well as around the Wiley Road hill and embankment limitations. This should be in accordance with the latest AASHTO standards (2011, Chapter 3).

Water/Sanitary Sewer:

1. Once construction drawings are prepared for the project, the developer should submit a final set for a full utility review.
2. The developer should provide a looped water main connection to the Water Street water main. This should be submitted and reviewed with the PUD utility plan.
3. It is possible that portions of the trunk sewer and sanitary sewer lift station(s) downstream of the proposed development are nearing their design capacity. The developer should provide adequate information that downstream infrastructure is sized appropriately to accommodate the increase in waste from the proposed development. If there is found to be a capacity concern downstream, the City may want to consider receiving funds from the developer to hold for sewer system improvements.

Drainage:

1. Once construction drawings are prepared for the project, the developer should submit a final set for a full drainage review.
2. Please note that Allegan County Drain Commission standards will be needed in conjunction with the City's Zoning Ordinances (Sec. 21.01.07) for drainage. All site runoff will need to be kept onsite or addressed in accordance with the above standards.

Mr. Bill LeFevere
June 6, 2018
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If you have any questions with regard to the above, please call me.

Sincerely,

Prein&Newhof



Nathan D. Williams, P.E.

NDW/ndw

cc: Ms. Lisa Imus, City of Douglas
Mr. Daryl Van Dyke, KLSWA

NOTICE OF PUBLIC HEARING
City of the Village of Douglas
Planning Commission

The Planning Commission of the City of Douglas will hold a Public Hearing on Wednesday, June 13th, 2018 at 7:00 pm, at the City offices at 86 W. Center Street, Douglas Michigan 49406 to consider the following application:

An application has been submitted by Midwest V, LLC of 1435 Fulton Street, Grand Haven MI 49417 for the development of a Dollar General Store to be located at 435 Blue Star Highway in Douglas, Michigan. This application will be reviewed and public comment received regarding the proposed commercial development in the C-2 District. The site plan currently proposes 9,300 sq. ft. on the 1 acre site.

This application and site plan are available at the City of the Village of Douglas offices for public examination and review during normal business hours. Interested persons may submit comments in writing up to and during the public hearing on June 13th, 2018 or appear in person at the public hearing to become part of the record of the hearing. The City of Douglas will provide for necessary and reasonable aids and services for disabled persons upon 7 days prior notice to the City Offices at (269) 857-1438.

Dated: May 18, 2018

Jean E. Neve, CMC
City of the Village of Douglas Clerk

86 W. Center Street
 PO Box 757
 Douglas, MI 49406
 269-857-1438 Office
 269-857-4751 Fax



Memo

To: City of Douglas Planning Commission

From: Lisa Imus, City Planner

Date: 6/8/2018

Re: Site Plan Application: 435 Wiley Road

This memo is regarding the application for site plan review submitted by Peter Oleszczuk of Midwest V, LLC for a Dollar General retail building located in the **C-2 General Commercial District**, at 435 Blue Star Highway on property parcel number 03-59-016-072-11. The applicant has proposed to demolish the current structure and place a new structure on the site.

BACKGROUND:

The site currently accommodates one structure that is a car wash. There is currently 2,352 sq. ft. of commercial building space. The applicant has proposed initial new construction of 9,300 sq. ft..

DEVELOPMENT REQUIREMENTS (SECTION 11.02):

C-2A District		Required	Existing	Proposed
Lot Area:		30,000 sq. ft.	41,818 sq. ft.	41,818 sq. ft.
Frontage:		100 ft.	178 ft.	178 ft.
Max Lot Coverage:		50%	5.6%	22%
Setbacks:	Front:	10 ft.	100 ft. +/-	74 ft.
	Side:	5 ft.	25 / 70 ft. +/-	5' N / 80' S
	Rear:	25 ft.	95 ft. +/-	49'
Minimum Floor Area:		1,000 sq. ft.	2,352 sq. ft.	9,300 sq. ft.
Maximum Floor Area:		15,000 sq. ft.	2,352 sq. ft.	9,300 sq. ft.
Height:		28' from ave grade	16'	27'

The proposed site plan meets the development requirements outlined above. The property is of an adequate size and has the appropriate frontage to be a buildable lot in the C-2A District.

The lot coverage on site is illustrated as approximately 22% of the total site area (9,300 sq. ft. of building area ÷ 41,818 sq. ft. of lot area) and the maximum height of the proposed additions are shown to be under the allowed 28 feet (27' to the top of the front gable on roof).

The required "retail" parking is 25 spaces. Parking requirements for the proposed use are identified as one space per every 300 sq. ft. of usable space (7,422 sq. ft.). There are 27 proposed spaces.

The driveway is allowed to have a 3-lane configuration with Planning Commission approval (Sec 18.01 – 6). A minimum of 60' is required between the adjacent property line and the driveway. The site plan only provides for 55'. The applicant is scheduled for the June ZBA meeting in order to request a 5' variance.

A clearly defined pedestrian crosswalk is planned for the driveway. The parking area is being screened from the adjacent residential properties with a 6' vinyl fence and a minimum of one tree per 20' of abutting parking area. The parking area adjacent to Blue Star Highway will be planted with a 12' long and 3' tall evergreen hedge alternating with 3" Cal. Maples. Four 5' spruce trees will be added with the required parking lot landscaping. 51% or more of the landscaped areas must consist of deep rooted perennial plantings.

A Phase I Environmental Study was submitted with no Recognized Environmental Conditions (REC) found.

A traffic study was completed for the site during a non-holiday weekday in May. It is projected that the Dollar General development will generate 30 vehicle trips in the AM peak hour, 64 vehicle trips in the PM peak hour of which 22 vehicle trips are pass-by of the daily 590 vehicle trips. Using the MDOT Guidelines, the results indicate that the combination of right turning traffic and the peak hour approach volumes do not justify the installation of a northbound taper or right turn lane on Blue Star Highway at the Dollar General Development driveway.

The public utilities are adequate for this additional capacity. There is a (public?) storm drain that cuts across the property to the southeast corner. An easement for it has not been identified. There may be some storm water concerns at this connection point where 3 properties intersect.

RECOMMENDATION: The proposed site plan appears to be in conformance with most of the site plan review criteria. The following details should be considered for a final decision.

1. All facilities remain in conformance with the provisions of Section 11.02 relating to retail businesses
2. A variance is received from ZBA for a 5' variance for 55' from property line to driveway rather than 60'
3. All storm water is contained on-site and drainage calculations are approved by City engineer.
4. Fire Department approval is obtained
5. Signage shall fully comply with the City Sign Ordinance
6. There is no outside storage allowed
7. All required permits are obtained including driveway, water/sewer, and Soil and Sedimentation

1.0 EXECUTIVE SUMMARY

On behalf of Midwest V, LLC, User of this document (the User), Lakeshore Environmental, Inc. (LEI) completed a Phase I Environmental Site Assessment (ESA) of the commercial property located at 435 Blue Star Highway, Douglas, Allegan County, Michigan (the Site). The Phase I ESA was completed in accordance with the scope and limitations set forth in the ASTM International (ASTM) Practice E1527-13. Any exceptions to, or deletions from this practice are described in Section 2.4 of this report. The purpose of this Phase I ESA was to evaluate the historical land use on and in the vicinity of the Site for the purpose of determining the absence/presence of recognized environmental conditions (RECs) in connection with the Site. By performing this Phase I ESA prior to potential acquisition of the Site, the User may satisfy one of the requirements to qualify for liability protection under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Part 201 of Michigan's Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (Part 201).

1.1 *Recognized Environmental Conditions*

A REC is defined by ASTM E1527-13 as "the presence or likely presence of any *hazardous substances or petroleum products* in, on, or at a *property*: (1) due to any release to the environment; (2) under conditions indicative of a *release* to the *environment*; or (3) under conditions that pose a *material threat* of a future *release* to the *environment*. *De minimis conditions* are not *recognized environmental conditions*."

- This assessment has revealed no evidence of RECs in connection with the Site.

1.2 *Controlled Recognized Environmental Conditions*

A controlled recognized environmental condition (CREC) is "a *recognized environmental condition* resulting from a past *release of hazardous substances or petroleum products* that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with *hazardous substances or petroleum products* allowed to remain in place subject to the implementation of required controls (for example, *property use restrictions, activity and use limitations, institutional controls, or engineering controls*)."

- CRECs were not identified.

1.3 *Historical Recognized Environmental Conditions*

A historical recognized environmental condition (HREC) is "a past *release of any hazardous substances or petroleum products* that has occurred in connection with the *property* and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the *property* to any required controls (for example, *property use restrictions, activity and use limitations, institutional controls, or engineering controls*)."

- HRECs were not identified.

1.4 Identified Data Gaps

Under the ASTM/AAI standards, if *data gaps* are identified during the ESA process, the Environmental Professional (EP) must comment on their significance and whether such gaps affect the overall findings. Data gaps are “a lack of or inability to obtain information required by this practice despite *good faith* efforts by the EP to gather such information.” A *data gap* is only significant if other information and/or professional experience raises reasonable concerns involving the *data gap*.

- Significant data gaps were not identified.

1.5 Recommendations

Based on the results of this investigation, LEI offers the following recommendation:

- No further investigation appears warranted.

PROJECT DESCRIPTION

The purpose of this study is to determine the impact from the new traffic generated by the proposed Dollar General development in City of the Village of Douglas, Allegan County, Michigan. The project site is located 435 Blue Star Highway. The proposed Dollar General development will consist of a 9,300 square foot building with one (1) full access driveway on Blue Star Highway.

SCOPE OF WORK

The scope of work contained in this report is as follows:

- Analysis of level of service (LOS) for existing traffic conditions on the adjoining street system.
- Projection of future traffic volumes to be generated by the proposed Dollar General development.
- Comparison of existing site traffic to projected site traffic.
- Evaluation of the level of service (LOS) of future traffic with the proposed Dollar General development.
- Review left turn lane queue lengths for proposed Dollar General Development traffic on Blue Star Highway.



EXECUTIVE SUMMARY

Traffic Engineering Associates, Inc. (TEA) conducted a traffic impact study to determine the distribution of new traffic generated by the proposed Dollar General development in City of the Village of Douglas, Allegan County, Michigan. The project site is located on the west side of Blue Star Highway across from Ferry Street. The proposed Dollar General development will consist of a 9,300 square foot building with one (1) full access driveway on Blue Star Highway.

TEA, Inc. conducted vehicle counts during the midweek, of a non-holiday week in the month of May, 2018, at the intersection of Blue Star Highway and Ferry Street, Blue Star Highway and Northern Lights Condominium driveway and Blue Star Highway and the Existing Car Wash driveways. The weekday AM and PM peak hours of existing traffic on the adjoining road system are 7:30 – 8:30 AM and 4:00 – 5:00 PM respectively.

A level of service analysis for existing traffic at the studied intersection during the AM and PM peak hours was conducted. All existing turning movements at the studied intersection operate at good level of service (LOS C or better) during the AM and PM peak hours.

It is projected that the Dollar General development will generate 30 vehicle trips in the AM peak hour, 64 vehicle trips in the PM peak hour of which 22 vehicle trips are pass-by, and 590 vehicle trips daily. For future traffic conditions, all existing geometrics and traffic control were used. All future turning movements at the studied intersections are anticipated to operate at a good level of service (LOS C) or better during the AM and PM peak hour.

There is approximately 80 feet from the center of Ferry Street to the center of the proposed Dollar General driveway on Blue Star Highway. Several Synchro model simulations were run for the future AM and PM peak hours to determine projected queue lengths generated by the Dollar General development.

During the AM peak hour, the northbound left turn queue for Ferry Street is estimated to be 39 feet (approximately two vehicles) and the southbound left turn queue for the Dollar General development is projected to be 20 feet (approximately one vehicle). During the PM peak hour, the northbound left turn queue for Ferry Street is estimated to be 33 feet (approximately two vehicles) and the southbound left turn queue for the Dollar General development is projected to be 20 feet (approximately one vehicle).

Using the MDOT Geometric Design Guidance Document, Traffic Volume Guidelines for Right-Turn Lanes and Tapers, the results show that the combination of right turning traffic and the peak hour approach volumes do not justify the installation of a northbound taper or right turn lane on Blue Star Highway at the Dollar General Development driveway.





SAUGATUCK TOWNSHIP FIRE DISTRICT

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3342 Blue Star Highway
Saugatuck, MI 49453
269 857-3000 / Fax: 269 857-1228
E-mail: office@saugatuckfire.org

May 31st, 2018

Midwest V, LLC
Peter Oleszczuk
1435 Fulton St., 2nd Floor
Grand Haven, MI 49417

Re: 435 Blue Star Highway, Douglas – Dollar General – Site Plan Review #1 for File# 172131E, Sheet 1-7

Dear Mr. Oleszczuk,

We are in receipt of the site plan for Dollar General received 5/22/2018. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

1. Dead end driveways and access roads in excess of 150 feet in length shall be provided with an approved area for turning around with fire apparatus (IFC 503.2.5) **Approved**.
2. "No Parking Fire Lane" signage shall be installed at the dead end of the turnaround. (IFC 503.3) **Please note location of "No Parking Fire Lane" signage near dumpster corral and on south wall of building on revised submittals.**
3. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
4. Fire apparatus access roads and driveways shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. (IFC 503.2.1) **Approved**
5. Minimum clear height shall be 13'6" across the entire 20ft width of driveway. (IFC 503.2.1) **Height clearances are not noted in the plans provided. Please include in revised submittals.**
6. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved**
7. The driveway shall be installed with asphalt, concrete, or other approved driving surfaces capable of supporting the 80,000-pound imposed load of our heaviest apparatus and be installed to provide emergency access prior to commencement of building construction. (IFC 503.2.3) **Weight capacity is not noted in the plans provided. Please provide in revised submittals.**
8. The road shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3)
9. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) **Approved, hose lays reach from existing roadway.**



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10. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (IFC 505.1) **Address signage must be posted prior to commencement of construction. Green reflective address signs are preferred.**
11. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (IFC 506.1) **A Knox Key Box is required and shall be installed adjacent to the main front door. Surface mount or recessed options are available at www.knoxbox.com.**
12. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.1) **Please provide proposed hydrant fire flow calculations in revised submittals.**
13. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. (IFC 507.4) **Current hydrant flow tests shall be conducted, and documentation provided to the fire department.**
14. A hydrant is required within 400 ft. of any exterior portion of a non-sprinklered building or 600 ft. for an R-3 occupancy or sprinklered building. (IFC 507.5.1) **Approved, hydrant location existing.**
15. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (IFC 3312.1) **Approved, existing.**
16. Upon completion of construction, physical testing with apparatus will be required. If the apparatus is unable to navigate the completed road and driveway in a safe and efficient manner, modifications may be required.
17. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)

Please revise plans to include all the above information and documentation and submit for review. Once received, plans will be reviewed accordingly. Please let us know if you have any questions

Respectfully Yours,

Chris Mantels

Deputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)
Lisa Imus – Zoning Administrator (via email)
Dan Poll – Building Official (via email)

CITY OF DOUGLAS, MICHIGAN ORDINANCE NO. _____

AN ORDINANCE TO REPEAL CHAPTER 113 THE "MEDICAL MARIHUANA LICENSING ORDINANCE" AND REPLACE WITH THE "MEDICAL MARIHUANA PERMITTING ORDINANCE," WITHIN THE CITY OF THE VILLAGE OF DOUGLAS CODE OF ORDINANCES

THE CITY OF THE VILLAGE OF DOUGLAS ORDAINS:

Section 1. The Douglas City Code of Ordinances is amended by the revisions and additions of Chapter, 113 "Medical Marihuana Facilities" to read as follows:

ARTICLE I - GENERAL PROVISIONS

§ 113.01 Title.

This chapter shall be known and may be cited as the "Medical Marihuana Permitting Ordinance" of the City of the Village of Douglas.

§113.02 Purpose and Intent.

A. Purpose. The purpose of this Ordinance is to:

1. implement the provisions of Public Act 281 of 2016, being the Michigan Medical Marihuana Facilities Licensing Act, so as to protect the public health, safety, and welfare of the residents and patients of the City by setting forth the manner in which medical marihuana facilities can be operated in the City;
2. Provide for a means for the distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes under the Michigan Medical Marihuana Act, (MCL 333.26421 et seq.), the Medical Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.);
3. Protect public health and safety through reasonable limitations on marihuana facility operations as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns;
4. Protect the character of residential neighborhoods by limiting the location and the concentration of types of marihuana commercial entities to specific areas of the City; and
5. Impose fees to defray the cost to the City of the administrative and enforcement costs associated with medical marihuana facilities.

B. Relationship to Other Laws. As of the effective date of this ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal law which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal

law. Nothing in this Ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law and nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with all applicable laws and rules promulgated by the State of Michigan and the City of the Village of Douglas regarding medical marihuana.

§ 113.03 Definitions

Unless otherwise specifically defined in this ordinance, any terms in this ordinance that are defined or described in any of the Acts shall have the definitions or descriptions as set forth in those Acts.

- A. "Acts" means any or any combination thereof of the following Michigan State laws:
 - 1. "Michigan Medical Marihuana Act" or "MMMA" means 2008 IL1, MCL 333.26421 et seq. as, may be amended.
 - 2. "Michigan Medical Marihuana Facilities Licensing Act" or "MMFLA" means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended
 - 3. "Michigan Marihuana Tracking Act" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.
- B. "Applicant" means a person who applies for a state operating license and a City permit. With respect to disclosures in an application, or for purposes of ineligibility for a license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.
- C. "Cultivate" or "Cultivation" means (1) all phases of marihuana growth from seed to harvest; and (2) the preparation, packaging, and labeling of harvested usable marihuana.
- D. "Permit" means a current and valid permit for a marihuana facility issued under this Ordinance,
- E. "Permittee" or "Permit holder" means a person holding a City of the Village of Douglas operating permit issued under the provisions of this ordinance.
- F. "Premises" means the property for which a City Permit for a Secure Transporter or Provisioning Center has been issued.

ARTICLE II - LICENSING OF MEDICAL MARIHUANA FACILITIES

§113.04 Authorized Medical Marihuana Facilities.

- A. The following types of marihuana facilities may be established and operated by a permit holder in the City, subject to compliance with the MMFLA, the Rules promulgated thereunder and this ordinance:

1. Secure Transporter - Not more than 2 (two) Secure Transporters shall be established, operated or permitted in the City.
 2. Provisioning center – Not more than 2 (two) Provisioning Centers shall be established, operated or permitted in the City.
- B.** No marihuana facility shall be eligible to be issued a permit unless at the time of application for such permit, the location of the proposed facility complies with all zoning requirements for the facility as set forth in the City Zoning Ordinance and all other applicable building, construction, and other similar codes.
- C.** A current City Employee or Official is not eligible to apply for or hold a permit or to invest in a marihuana facility in the City of Douglas.

§ 113.05 State License, City Permit and Annual Fee Required.

- A.** No person shall establish or operate a marihuana facility in the City without first having obtained a City permit and State operating license for each facility to be operated. License and Permit certificates shall be kept current and publically and prominently displayed within the facility. The facility shall be operated only so long as the both city permit and state operating license remain in effect. Failure to maintain or display a current license and permit shall be a violation of this ordinance.
- B.** An annual non-refundable fee to defray the administrative and enforcement costs associated with marihuana facilities will be set by resolution and adopted by the City Council. The fee will not exceed the state maximum.
- C.** The permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or City ordinance, including, by way of example, any applicable zoning or building permits.
- D.** A separate permit shall be required for each premise from which a marihuana facility is operated.

§ 113.06 General License Application Requirements.

- A.** A person seeking a permit pursuant to the Acts and the provisions of this Ordinance shall submit an application to the City Clerk on forms provided by the City. At the time of application submission, each applicant shall pay the nonrefundable application fee as established by Council resolution.
- B.** If the City Clerk identifies a deficiency in an application, the applicant shall have fifteen (15) business days to correct the deficiency after notification by the City Clerk. If the correction has not been acted upon by the 16th day, the application will be considered withdrawn.
- C.** Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City Clerk shall accept the application for review and consideration and assign it an application number by facility type. **NO APPLICATION WILL BE ACCEPTED AND ASSIGNED AN APPLICATION NUMBER UNLESS IT IS COMPLETE.** Permits will be issued in numerical order based on this numbering system.

- D. Upon receipt of a completed application, the City Clerk may circulate the application to all affected department heads of the City or their designees to determine whether the application and premises is in compliance with all applicable laws, rules and regulations.
- E. Throughout the application process, and while any granted permit is in force, the applicant or the permit holder shall report any other change in the information provided on the application to the City within ten days of the change.

§ 113.07 Denial of Application.

- A. The City Clerk shall reject any application that does not meet the requirements of the Medical Marihuana Facilities Licensing Act or this Ordinance. The City Clerk shall reject any application that contains any false, misleading or incomplete information.
- B. An applicant is ineligible to receive a permit under this Ordinance, and any issued permit will be revoked if it is determined that the applicant has knowingly submitted an application for a license that contains false, misleading or fraudulent information, or has intentionally omitted pertinent information on the application for a license.

§ 113.08 Permit Forfeiture.

- A. In the event that a marihuana facility does not commence operations within one year of issuance of a City operating permit, the permit shall be deemed forfeited; the business may not commence operations and the permit is not eligible for renewal.
- B. The City may revoke or refuse to renew a permit for any of the following reasons:
 - 1. the applicant or permit holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Ordinance or with any applicable state or local law or regulation;
 - 2. the applicant or permit holder, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its permit pursuant to an order of the state or local permitting authority, including those terms and conditions that were established at the time of issuance of the permit and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the permit or failure to comply to laws changing subsequent to permit; or
 - 3. the marihuana facility has been operated in a manner that adversely affects the public health, safety or welfare. Evidence to support a finding under this Section may include, without limitation, a pattern of criminal conduct within the premises of the marihuana facility or in the immediate area surrounding such business, a pattern of criminal conduct directly related to or arising from the operation of the marihuana facility, or an nuisance condition emanating from or caused by the marihuana facility. Criminal conduct shall be limited to the violation of a state law or regulation or city ordinance.

§ 113.09 Permit Renewal.

- A. A City marihuana facility operating license shall run concurrently with the State operating

marihuana license issued for the facility, unless revoked as provided by law.

- B. Subject to the provisions of §113.08, a valid marihuana facility license may be renewed annually by completing a renewal application and payment of the annual license fee. Upon the expiration of an existing permit, a permit will be renewed by the City of the Village of Douglas for one (1) year if (1) there are no uncured administrative and/or legal violations in the prior year, including no taxes owed; (2) the applicant has paid the annual City permit fee for the renewal period; (3) any Stakeholder changes have been fully disclosed to the City of the Village of Douglas; and (4) the applicant has paid and received the renewal of its State license.
- C. Prior to the issuance of a renewed marihuana facility license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Ordinance.

§113.10 Transfer, Sale or Purchase of Permit Not Allowed.

- A. A marihuana facilities permit is valid only for the owner named thereon, the type of business disclosed on the application for the permit, and the location for which the permit is issued.
- B. Each operating permit is exclusive to the permit holder. No transfer, sale, or other conveyance of an interest in a permit is allowed.

ARTICLE III - SPECIFIC MARIHUANA FACILITY REQUIREMENTS

§ 113.11 Secure Transporter Permit.

- A. A secure transporter which operates from a marihuana facility located within the City shall secure a permit from the City. A State-licensed secure transporter which does not have a facility located in the City, may, without securing a permit from the City, operate on public streets and highways within the City.
- B. A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana or marihuana-infused products to determine compliance with state laws and regulations and this Ordinance.
- C. In addition to those requirements of state law and regulations, a secure transporter shall comply with all of the following:
 - 1. When determining and reporting the route to take, a secure transporter shall select the most direct route that provides efficiency and safety.
 - 2. The storage facility shall be continuously monitored with a surveillance system that includes security cameras. The video recordings shall be maintained in a secure, offsite location for a period of ninety (90) days. The storage facility shall not be used for any other commercial purposes and shall not be open or accessible to the general public. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinances.

3. All Provisioning Centers shall comply with all applicable requirements of the City Zoning Ordinance.

§ 113.12 Provisioning Center Permit.

A provisioning center shall comply with all of the following:

- A. Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of ninety [90] days.
- B. Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law.
- C. Public or common areas of the Provisioning Center must be separated from restricted, storage, or non-public areas of the provisioning center by a permanent and locked barrier.
- D. No marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
- E. Any usable marihuana remaining on the premises of a Provisioning Center while the Provisioning Center is not in operation shall be secured in a safe that is permanently affixed to the premises or other method in compliance with the state statute.
- F. A drive-through window shall not be permitted on the premises of a Provisioning Center.
- G. No marihuana plants shall be located in a provisioning center.
- H. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with local and state laws and regulations.
- I. All marihuana delivered to a patient shall be packaged and labeled as provided by state laws.
- J. All registered patients must present both their Michigan Medical Marihuana patient/caregiver identification card and a government issued photo identification prior to entering restricted/limited areas or non-public areas of the Provisioning Center.
- K. Certified laboratory testing results that meets the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws must be available to all Provisioning Center patients/customers upon request.
- L. All Provisioning Centers shall comply with all applicable requirements of the City of the Village of Douglas Zoning Ordinance.

ARTICLE IV - GENERAL REQUIREMENTS

§ 113.13 Inspections.

- A. A medical marihuana facility and all articles of property in the facility are subject to inspection, search and examination at any time by a member of the Saugatuck Douglas Police Department, the Allegan County Sherriff's Department, or the Department of State Police.
- B. Any failure by a permit holder to comply with state laws or rules or the provisions of this Ordinance constitute a violation of this Ordinance and grounds for revocation of the permit under this Ordinance.

§ 113.14 Signage and Advertising.

All signage and advertising for a marihuana facility shall comply with all municipal ordinances, state law, and these rules regulating signs and advertising. Refer to Zoning Ordinance for additional information.

§ 113.15 Security Requirements.

- A. Security measures at all licensed premises shall comply with the requirements of all applicable rules and regulations promulgated by state law.
- B. A description of the security plan shall be submitted with the application for a City operating permit. The security system, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each facility.

§ 113.16 Visibility of Activities; Control of Emissions.

- A. All activities of marihuana commercial entities, including, without limitation, the displaying, selling, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view and shall not be visible from outside the licensed premises.
- B. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana facility must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana facility, the owner of the subject premises and the permit holder shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The permit holder shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.

§ 113.17 Prohibited Acts.

It shall be unlawful for any permit holder for a marihuana facility, or for any agent, manager, or employee thereof to:

- A. Allow the sale, consumption, or use of alcohol or tobacco products on the licensed premises;
- B. Sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a permit holder a more usable form of marihuana (including the useable marihuana

equivalent of marihuana-infused products) within any seven (7) day period of time than they are allowed by the MMMA to possess.

- C. Distribute marihuana or marihuana-infused products to a consumer free of charge.
- D. Allow the consumption of marihuana or marihuana products on the licensed and permitted premises. A sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises;
- E. Sell marihuana or marihuana products at a licensed provisioning center at any time other than between the hours of 7:00 a.m. and 7:00 p.m. daily.

§ 113.18 Reports of Crime.

Reports of all criminal activities or attempts of violation of any law at the marihuana facility or related thereto shall be reported to Douglas Police Department within twelve hours of occurrence, or its discovery, whichever is sooner.

§ 113.19 Inspection of Premises.

- A. During all business hours and other times when the premises are occupied by the permit holder or an employee or agent of the permit holder, all permitted premises shall be subject to examination and inspection by the Douglas Police Department and all other City departments for the purpose of investigating and determining compliance with the provisions of this Ordinance and any other applicable state and local laws or regulations.
- B. Consent to Inspection. Application for or operation of a marihuana facility, or leasing property to a marihuana facility, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City Manager or his/her designee to conduct inspections of the marihuana facility to ensure compliance with this Ordinance or any other applicable law, rule, or regulation.
- C. A permit holder, or an employee or agent of the permit holder, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Ordinance, the MMFLA, or applicable state administrative rules.

§ 113.20 Other Laws Remain Applicable.

To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana facility in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

§ 113.21 Grant of Administrative Authority.

The City Clerk is granted the power and duty to fully and effectively implement and administer the permit application process and issuance of permits under this Ordinance.

§ 113.22 Required Review.

Ordinance XX-2018 shall be reviewed by the Planning Commission within two years of the date of adoption. Evaluation of the Medical Marihuana Facilities and their impact upon surrounding land uses, the community in general, and changes in state law shall factor into consideration of any proposed changes.

Section 2. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 4. Effective Date. The provisions of this ordinance shall become effective on _____ and only if an ordinance is adopted by the City Council amending the City Zoning Code to permit the location of marihuana facilities in the City.

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. XXX

**AN ORDINANCE TO AMEND THE CITY OF THE VILLAGE OF DOUGLAS ZONING
ORDINANCE TO**

- **AMEND SECTION 2, ADD NEW DEFINITIONS PERTAINING TO MEDICAL MARIHUANA FACILITIES;**
- **TO AMEND SECTION 3.11, TABLE OF LAND USES PERTAINING TO MEDICAL MARIHUANA FACILITIES;**
- **TO AMEND ARTICLE 16, PROVIDE GENERAL PROVISIONS FOR MEDICAL MARIHUANA FACILITIES; AND**
- **TO REPEAL SECTION 26.21, MEDICAL MARIHUANA SPECIAL USE PROVISIONS**

THE CITY OF THE VILLAGE OF DOUGLAS ORDAINS:

Section 1. Amendment of Section 2. Section 2 of the City of the Village of Douglas Zoning Ordinance is amended to include the following definitions, in alphabetical order:

LARA: The Michigan Department of Licensing and Regulatory Affairs

Licensee: An entity that holds a license issued under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, as amended, that allows the licensee to operate as one of the following, specified in the license:

- A grower
- A processor
- A secure transporter
- A provisioning center
- A safety compliance facility

Marihuana: The term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition

Medical Marihuana Facility: An enterprise at a specific location at which a licensee is licensed and a permit holder is permitted to operate under the Medical Marihuana Facilities Licensing

Act. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Permit: A current and valid Permit for a Medical Marihuana Facility issued under the City's Medical Marihuana Permitting Ordinance, granted in accordance with that Ordinance.

Permit holder or Permittee: A person holding a City of the Village of Douglas Operating Permit issued under the City's Medical Marihuana Permitting Ordinance.

Provisioning Center: A licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana 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 the department's marihuana registration process in accordance with the Michigan medical marihuana act (Initiated Law 1 of 2008) is not a provisioning center for purposes of this Ordinance.

Secure Transporter: A licensee that is a commercial entity located in this State that stores marihuana and transports marihuana between marihuana facilities for a fee.

Section 2. Amendment of Section 3.11, Table of Land uses. Section 3.11, "Uses Permitted by Right and as Special Land Uses" of the City of the Village of Douglas Zoning Ordinance is amended to include the following land uses (Provisioning Center and Secure Transporter) in alphabetical order and eliminate Growing Operation:

USE	R1	R2	R3	R4	R5	R6	C1	C2	L1
Medical Marihuana Facility – Provisioning Center								R	R
Medical Marihuana Facility – Secure Transporter								R	R
Medical Marijuana Growing Operation ----- REMOVE -----								S	S

Section 3. Amendment of Article 16 General Provisions. Amend Article 16 to add Section 16.34 to regulate Medical Marihuana Facilities.

SECTION 16.34 MEDICAL MARIHUANA FACILITIES - General Regulations for all Medical Marihuana Facilities

It is the intent of this Section to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods and business districts; and mitigate potential impacts on surrounding properties and persons.

It is further the intent of this Section to implement the provisions of the Michigan Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016; MCL 333.27101, et. seq.) with respect

to local zoning and land use, and to permit the growing, processing, sale, and distribution of medical marihuana consistent with applicable State statutes.

Nothing in this ordinance purports to permit activities that are otherwise illegal under State or local law, and nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacturing, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal law.

The following provisions relate to medical marihuana facilities within the City of the Village of Douglas. In instances where there is a conflict between this section and other applicable provisions of this Ordinance, the more restrictive regulations shall control.

1. Medical marihuana facilities as defined by this Ordinance shall be subject to the following regulations:
 - a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law are prohibited in City of the Village of Douglas. In the event that a court with jurisdiction declares some or all of this Section invalid, the City of the Village of Douglas may suspend the acceptance of applications for special land use permits pending the resolutions of the legal issue in question.
 - b. An operator of a medical marihuana facility shall at all times have a valid Medical Marihuana Facility permit issued by the City of the Village of Douglas pursuant to Ordinance No.____, as amended, and a State operating license as issued by LARA pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
 - c. No marihuana facilities operating or purporting to operate prior to March 31, 2018, shall be deemed to have been a legally existing use nor shall the operations of such marihuana facility be deemed a legal nonconforming use.
 - d. A property owner or operator of a medical marihuana facility shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any applicable amendment thereto.
 - e. Discontinuation of a State medical marihuana facility license shall be also considered a discontinuance of a medical marihuana facility, at which time any permit granted by the City pursuant to this Ordinance would be considered ineffective.
 - f. Operation and Safety/Security Plans; In addition to the materials required for Site Plan Review in Article 24, an application for a medical marihuana facility shall also include a comprehensive facility operation and safety plan. This document shall contain, at minimum, a safety/security plan indicating how the applicant will comply with the requirements of this Ordinance and any other applicable law, rule or regulation. The security system, shall

be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each facility. The security plan must include the following security measures:

- 1) Cameras. The medical marihuana facility shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to medical marihuana or cash maintained by the medical marihuana facility. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of ninety (90) days in a secure offsite location in the City or through a service over a network that provides on- demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the City of the Village of Douglas Police Department upon request, and updated within seventy-two (72) hours of any change of such location. Security cameras shall be directed to record only the subject property and may not be directed to public rights-of-ways as applicable, unless required to comply with licensing requirements of the State of Michigan.
- 2) Use of Safe for Storage. The medical marihuana facility shall install and use a safe for storage of any processed medical marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of use of a safe so long as the container is affixed to the building structure.
- 3) Alarm system. The medical marihuana facility shall install and use an alarm system that is monitored by a company that is staffed twenty-four (24) hours a day, seven (7) days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two (72) hours of any change of monitoring company.
- 4) Lighting. A lighting plan showing the lighting outside of the medical marihuana facility for security purposes and compliance with applicable City requirements;
- 5) Disposal. A plan for disposal of any medical marihuana or medical marihuana-infused product, including any/all byproducts and/or waste products that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal. The disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
- 6) Ventilation. A plan for ventilation of the medical marihuana facility that describes the

ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business.

- 7) Regulated Materials. A description of all toxic, flammable or other regulated materials that will be used or kept at the medical marihuana facility along with the location of such materials, and how such materials will be stored. All chemicals or hazardous substances used in the growing, processing, testing or storage of medical marihuana shall be stored and used in strict compliance with manufacturer recommendations and all applicable federal, State or local regulations.
- g. Prior to making a modification to a structure that would require a building permit, change of use, or which would alter or change items required by this subsection, the permit holder shall submit to the City and have an approved completed Zoning Review Application on the form provided by the City.
 - h. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marihuana facility and any adjacent business.
 - i. In order to be eligible for a City permit, the medical marihuana facility must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. No medical marihuana facility shall operate, nor shall be issued a certificate of occupancy, until the appropriate State operating license is obtained from LARA and submitted to the City of the Village of Douglas.
 - j. A medical marihuana facility as defined by this ordinance, or activities associated with the licensed transporting and sales of medical marihuana, shall not be permitted as a home occupation or accessory use, nor may they include accessory uses, except as otherwise provided in this ordinance and permitted by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
 - k. Unless otherwise provided or exempted by this Section, medical marihuana facilities shall comply with all other applicable standards of this Ordinance.
 - l. The permit required by Ordinance ___ of the City of the Village of Douglas and the State of Michigan shall be prominently displayed on the premises of a medical marihuana facility;
 - m. Parking shall comply with Article 19 of this Ordinance.
 - n. All medical marihuana facilities shall provide landscaping as required by Article 21 of this Ordinance.
 - o. The nonconforming provisions of Article 15 shall apply to all medical marihuana facilities

1. Visibility of activities; Signage.

- a. Signage for Medical marihuana facilities shall comply with the requirements of the City of the Village of Douglas Sign Ordinance and the requirements of this subsection. All signage and advertising for a medical marihuana facility shall also comply with all applicable provisions of this Code and the State of Michigan. Where there is a conflict between the standards of the Douglas Sign Ordinance and the state Standards, the more restrictive standards shall control.
- b. Marihuana products must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.
- c. Warning Signs: There shall be posted in a conspicuous location inside of each facility at least one legible sign containing the content of this section warning that:
 - 1) The possession, use or distribution of marihuana is a violation of federal law;
 - 2) It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by marihuana; and
 - 3) No one under the age of eighteen (18) is permitted on the medical marihuana facility premises.
- d. All activities of medical marihuana facilities, including, without limitation, displaying, manufacturing, selling, and storage of medical marihuana and medical marihuana-infused products shall be conducted indoors and out of public view. No medical marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises
- e. Medical Marihuana facilities shall not have a walk-up window or a drive-thru window service.

2. Control of Emissions.

- a. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a medical marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, State and local laws and regulations.
- b. Medical marihuana facilities shall be equipped with an activated carbon filtration system or other comparable odor control system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The facility shall not emanate odors at any time that are readily detectible at the property line.

- c. No person, tenant, occupant, or property owner shall permit the emission of medical marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
- d. Whether or not a medical marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

3. Siting Criteria. Medical marihuana facilities shall be in accordance with the following stipulations.

- a. No medical marihuana facility shall be eligible to be issued a permit unless at the time of application for such permit, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the City Zoning Ordinance as required for the specific type of medical marihuana facility for which permitting is being sought. (C-2 and L-1)
- b. A Permit Holder shall not operate a marihuana facility at any place in the City other than the address provided in the application on file with the City Clerk.
- c. A medical marihuana facility shall not be located:
 - 1) Within 50 feet of any residential zoning district or land use.
 - 2) Within 1,000 feet of the property line of any public or private school, college or university, any nursery school, day nursery, licensed day care center or any other building or location either rented or used in any way for the care or instruction of children under 18 years of age
 - 3) Within 500 feet of the property line of any church, house of worship or other religious facility or institution.
 - 4) Within 500 feet of any public park, publically owned building or recreational area commonly used by minor children.
 - 5) Within 500 feet of a public library.
 - 6) In an area that has been designated as an historic area by the city, county or state.
 - 7) Within 500 feet of another medical marihuana facility.
 - 8) The distance measurement provided for in this section shall be a straight line from the property line of the medical marihuana facility to the property line of the location from which it is to be separated.

4. Medical Marihuana Facilities, including Provisioning Centers and Secure Transporters

- a. Shall only be permitted in buildings located on parcels within the C-2 (General Commercial District) or the L-1 (Light Industrial District);
- b. Unless otherwise permitted, public or common areas of the medical marihuana facility must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. No medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
- c. Medical marihuana products shall not be smoked, ingested, or otherwise be consumed in the building or on the property occupied by the medical marihuana facility.
- d. The exterior appearance of a medical marihuana facility shall remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area. The exterior shall be maintained as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area. New buildings shall be constructed in accordance with the adopted plans and policies of the City of the Village of Douglas.
- e. Doors and windows to a secure transporter shall remain closed, except for the minimum time necessary to load and unload product.

Section 4. Repeal of Section 26.21, Special Use Provisions for Medical Marihuana Facilities
Repeal Section 26.21 "Medical Marijuana Growing Operation".

Effective Date. This Ordinance shall be effective twenty (20) days after its publication, or a publication of a summary thereof, in a newspaper of general circulation in the City.

Ordinance Offered by: _____

Ordinance Supported by: _____

Ayes:

Nays:

Abstain:

Absent:

ORDINANCE DECLARED _____.

Linda Anderson, Mayor

Date:

Jean E. Neve, City Clerk

Date:

Ordinance Adoption Date: _____ 2018

Ordinance Effective Date: _____ 2018 (20 days after adoption and publication)

1st Reading: _____

2nd Reading and Enactment: _____

Publication of Notice: _____

Enactment: _____