



**To: City Council**

**From: Nicholas Wikar  
Planning and Zoning Administrator**

**Date: April 14, 2021**

**Subject: An Ordinance to Amend the Zoning Ordinance  
of the City of the Village of Douglas – 2<sup>nd</sup> Reading  
(Ordinance 01-2021)**

The administration of zoning requires routine review and maintenance of local ordinances, and at times the development of standards that result in a more desirable community and quality of life. This proposed amendment to the City of the Village of Douglas Zoning Ordinance is being brought to City Council by the Planning and Zoning Administrator acting as the “Applicant.” This amendment responds to petitions and a list of known errors or conflicts in regulation within the Definitions, Table of Land Uses and their related provisions, and Special Use Standards, on behalf of the City of Douglas.

In recent years, City Council has approved several amendments to the Zoning Ordinance (including numerous land divisions and applications for rezoning) that have not been codified into the Ordinance itself. Most recently in January 2020, City Council completed the process of repealing Chapter 113 of the Code of Ordinances, replacing it with Ordinance No. 01-2020 and Ordinance No. 02-2020, which overhauled the City’s marihuana policies without codifying those changes in the Ordinance. This appears to have occurred with each variation or version of marihuana provisions since 2012 -each being similarly neglected or hastily adopted, with the Ordinance still reflecting some land use classifications and standards repealed and replaced numerous times since. Without consistent attention, audit, and maintenance, considerable difficulty is lent to interpretation and administration of the provisions therein. Without attention, the Ordinance lacks completeness in areas, presents inconsistency between others, and results in conflicting regulations occurring throughout.

Since adoptions of the Marihuana Facilities ordinances of 2020, the Department has been forced to consider and respond to other indicators that amendment of the Zoning Ordinance is necessary. In recent months, the Department of Planning and Community Development has received numerous petitions by property owners and those with vested rights to rezone and/or amend land uses for properties in the immediate vicinity of each other, and with a higher frequency in some districts more than others. The Planning Commission has made recommendation in favor of petitions that the City Council shall consider, related to pending applications including but not limited to:

1. Petition for amendment to Section 3.11 Table of Land Uses and for the creation/clarifying of Definitions and Performance Standards for Marine Storage.

2. Petition for amendment to Section 16.34 Marihuana Facilities, to regulate curbside and pick-up activity with the intent of limiting nuisances to adjacent properties by extending the existing Drive-In/Drive-Through Establishment provisions to eligible Marihuana Facilities uses in the C-2 General Commercial District.
3. Petition to rezone any remaining parcels zoned R-2 Residential District within the St. Peter's Subdivision to the surrounding R-4 Harbor Residential District, reflecting all with future amendment to the Zoning Map -consistent with 1.) *all* adjacent properties within and on three of the four sides of that Subdivision zoned R-4; 2.) the Our Douglas Vision Master Plan; and 3.) the City of the Village of Douglas Future Land Use Map.

Each of these petitions received unanimous support of Planning Commissioners since January 2021. Furthermore, the Zoning Board of Appeals in late 2020 reviewed two application for variance, ruling in-favor for both -one of which unanimously granted variance against the scope of regulation pertaining to Places of Public Assembly. When taken into consideration, all factors mentioned herein meet the standards for amendments to the Zoning Ordinance, as named in Section 28.01 Intent and Purpose.

With intent to address these and other concerns immediately, a limited internal audit of the Ordinance resulted in this amendment package being brought for Review for Approval by City Council. It is the interest of the Department to address any remaining concerns regarding these amendments through Council discussion and the opportunity of the Second Reading. The goal is to arrive at workable and acceptable outcomes to get the approval of amendments brought, with any necessary alteration or conditions of approval. Amongst those for immediate consideration are: 1.) the desire to recodify and correct error in Ordinance No. 02-2009, as amended; 2.) to codify and amend Section 16.34 Marihuana Facilities (Ordinance No. 02-2020) for provisions that mitigate nuisances of curbside/pick-up service to adjacencies; 3.) to provide Special Use Standards for new and existing use classifications; and 4.) to clarify certain provisions of the Ordinance and repeal all ordinances or parts of ordinances in conflict therewith.

*There is limited financial burden or cost associated with this amendment to and codification of the Zoning Ordinance of the City of the Village of Douglas beyond that of an hourly rate for the time dedicated by City Staff toward the development, legal review, and publication of these provisions.*

**It is recommended the Douglas City Council approve or approve with conditions Ordinance 01-2021; an amendment to the City of the Village of Douglas Zoning Ordinance, Ordinance No. 02-2009, as amended, and codified through 2015.**

**CITY OF THE VILLAGE OF DOUGLAS  
ALLEGAN COUNTY, MICHIGAN  
ORDINANCE NO. 01-2021**

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

An Ordinance to amend the City of the Village of Douglas Zoning Ordinance; to recodify and correct error in Ordinance No. 02-2009, as amended; to codify and amend Section 16.34 Marihuana Facilities (Ordinance No. 02-2020); to provide Special Use Standards for new and existing use classifications; to clarify certain provisions of the ordinance; and, to repeal all ordinances or parts of ordinances in conflict therewith.

**THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN AS  
FOLLOWS:**

**Section 1. Amendment of Table of Contents.** Table of Contents (pages i-vi) of Ordinance No. 02-2009 is hereby amended to correct numbering/error in the Ordinance; to conform with Ordinance 01-2020 and Repealer to replace Chapter 113; and to meet public need for new or additional land uses in conformance Ordinance No. 02-2020 and the additional provisions herein Ordinance 01-2021, recodifying pages 24-31, 104, 123-236 which shall read as follows:

|  |                 |
|--|-----------------|
| <b>Section 2.15 Definitions Beginning with the Letter "N":</b>         | <b>Page 27</b>  |
| <b>Section 2.16 Definitions Beginning with the Letter "O":</b>         | <b>Page 28</b>  |
| <b>Section 2.17 Definitions Beginning with the Letter "P":</b>         | <b>Page 29</b>  |
| <b>Section 2.18 Definitions Beginning with the letter "Q":</b>         | <b>Page 31</b>  |
| <b>Section 16.17 Reserved for Future Use:</b>                          | <b>Page 104</b> |
| <b>Section 16.34 Marihuana Facilities:</b>                             | <b>Page 123</b> |
| <b>Section 26.21 Marine Hardware Sales and Service/Marine Storage:</b> | <b>Page 216</b> |
| <b>Section 26.34 Short-Term Rental Units:</b>                          | <b>Page 230</b> |
| <b>Article 27: Planned Unit Development District:</b>                  | <b>Page 236</b> |

*(See attached: Exhibit "A" – TABLE OF CONTENTS)*

**Section 2. Amendment of Article 2: Definitions; Section 2.04 Definitions Beginning with the Letter “C”.** Section 2.04 of Ordinance No. 02-2009 is hereby amended to codify definitions in conformance with Ord. 02-2020, Section 1.

*(See attached: Exhibit “B”, Page 1 of 9 - CITY PERMIT OR PERMIT.)*

**Section 3. Amendment of Article 2: Definitions; Section 2.13 Definitions Beginning with the Letter “L”.** Section 2.13 of Ordinance No. 02-2009 is hereby amended to codify definitions in conformance with Ord. 02-2020, Section 1.

*(See attached: Exhibit “B”, Pages 2 & 3 of 9 – LARA; LICENSEE.)*

**Section 4. Amendment of Article 2: Definitions; Section 2.14 Definitions Beginning with the Letter “M”.** Section 2.14 of Ordinance No. 02-2009 is hereby amended to codify definitions in conformance with Ord. 02-2020, Section 1.

*(See attached: Exhibit “B”, Pages 4, 5, 6 of 9 - MARIHUANA FACILITY; MARIHUANA-INFUSED PRODUCT; MARIHUANA RETAILER; MARIJUANA.)*

**Section 5. Amendment of Article 2: Definitions; Section 2.14 Definitions Beginning with the Letter “M”, to Add New/Clarify Existing Land Use.** Section 2.14 of Ordinance No. 02-2009 is hereby amended to add the new/existing land use which shall read as follows:

**Section 2.14 Definitions Beginning with the Letter “M”:**

*MARINE STORAGE. A boat building or enclosed storage establishment in which marine equipment and boats or other watercraft and their accessories are stored.*

**Section 6. Amendment of Article 2: Definitions; Section 2.17 Definitions Beginning with the Letter “P”.** Section 2.17 of Ordinance No. 02-2009 is hereby amended to codify definitions in conformance with Ord. 02-2020, Section 1.

*(See attached: Exhibit “B”, Pages 7 & 8 of 9 - PERSON; PROVISIONING CENTER.)*

**Section 7. Amendment of Article 2: Definitions; Section 2.20 Definitions Beginning with the Letter “S”.** Section 2.20 of Ordinance No. 02-2009 is hereby amended to codify definitions in conformance with Ord. 02-2020, Section 1.

*(See attached: Exhibit “B”, Page 9 of 9 - STATE MARIHUANA LICENSE.)*

**Section 8. Amendment of Article 3: Zoning Districts and Maps; Section 3.11 Table of Land Uses.** Section 3.11 “Uses Permitted by Right and Special Land Uses” of the City of the Village of Douglas Zoning Ordinance (Ord. 02-2009) is hereby amended to correct error in duplicative and/or repealed regulations, shall add new, reflect existing, and correct conflicting land uses.

*(See attached: Exhibit “C” - Section 3.11 Table of Land Uses)*

**Section 9. Amendment of Article 16: General Provisions; to Create Section 16.17 Reserved for Future Use.** To correct error in the numbering sequence assigned to sections within Article 16: General Provisions, Ordinance No. 02-2009 is hereby amended, to name the missing section for future use to read as follows:

**Section 16.17 Reserved for Future Use.**

*(See attached: Exhibit “D” – Excerpt, Article 16: General Provisions, Page 104)*

**Section 10. Amendment of Article 16: General Provisions; to Codify and Amend Section 16.34 Marihuana Facilities and Additional Conditions Applied.** Section 16.34 of Ordinance No. 02-2009 is hereby amended to codify General Provisions for Marihuana Facilities in conformance with Ordinance No. 02-2020, Section 1. Amendment of Section 16.34 is necessary to correct error in the numbering of provisions 4 through 6, with Section 16.34(6)(f)

amended given the existing Special Use Standards for Drive-In/Drive-Through Establishments, to provide regulatory clarity for activities related new/existing curbside and pick-up services, to read as follows:

**Section 16.34 Marihuana Facilities.**

6) *Marihuana Facilities – Additional conditions.*

- f. *A Marihuana Facility zoned C-2 shall be permitted to provide curbside service or utilize a drive-through, pick-up, or walk-up window with a Special Use Permit, subject to the provisions of Section 26.12 of this Ordinance.*

*(See attached: Exhibit “E” – Excerpt, Article 16: General Provisions, Section 16.34 Marihuana Facilities)*

**Section 11. Amendment of Article 26: Special Use Standards; Section 26.21 Marine Hardware Sales and Service/Marine Storage, Add New/Clarify Existing Land Use.** Section 26.21 of Ordinance No. 02-2009 is hereby amended, necessary to correct error -replacing the Medical Marijuana Growing Operation land use classification repealed within Chapter 113 (Ordinance No. 01-2020). Section 26.21 shall be amended to provide Special Use Standards for new and existing Marine Hardware Sales and Service/Marine Storage uses, to read as follows:

**Section 26.21 Marine Hardware Sales and Service/Marine Storage.**

- 1) *Permitted Locations. Marine Hardware Sales and Service/Marine Storage shall be permitted by Special Use Permit in the R-4 Harbor Residential, C-2 General Commercial, and L-1 Light Industrial Districts.*
- 2) *Prohibited Locations. Marine Hardware Sales and Service/Marine Storage shall not be permissible in the R-4 Harbor Residential District, where the principal building is a single-family dwelling on fifty (50) percent or more of the adjacent properties.*
- 3) *Site Requirements:*
  - a) *Shall not exceed the Site and Building placement standards of the underlying zoned district.*
  - b) *If located in the R-4 Harbor Residential District, the entire site excluding the portion occupied by the building and landscaping, shall be surfaced with concrete, bituminous surfacing, or other poured/paved permeable surfacing to control dust and provide adequate drainage.*
  - c) *Shall conform with the standards of Article 18: Access Control and*

*Private Roads.*

- d) Parking Space Requirements. *Shall provide one (1) vehicle and trailer parking space for each 1600 square feet of the gross floor area or every three (3) boats or watercraft stored at the facility, whichever is greater, plus one (1) standard parking space for each employee on the largest work shift.*
- e) *Light, sound, and activities shall not have any adverse effect on adjacent properties or public rights-of-way.*
- 4) Buffer Requirements. *All exterior lighting and off-street parking and loading areas on properties in the R-4 Harbor Residential shall be in accordance with Section 19.05.*
- 5) Performance Standards.
  - a) *All marine equipment, boats, watercraft and accessories (including trailers and tow equipment) on site shall be stored indoors.*
  - b) *Temporary outdoor staging, movement, and parking of marine accessories, equipment, boats and watercraft is permissible, but shall not remain static or unmoved for more eighteen (18) consecutive hours and shall not be permissible overnight.*
  - c) *All Marine Hardware Sales and Service/Marine Storage activities and hours of operation conducted on the site of non-waterfront properties in the R-4 Harbor Residential District shall be limited to occurring between 5AM and 9PM, daily.*

**Section 12. Amendment of Article 26: Special Use Standards; Section 26.27 Place of Public Assembly, Clarify Existing Land Use.** Section 26.27 of Ordinance No. 02-2009 is hereby amended to clarify the applicability of existing Special Use Standards for Places of Public Assembly, to read as follows:

**Section 26.27 Place of Public Assembly.**

**1) Locational Requirements:**

- a) *Small Places of Public Assembly are permitted by Special Use Permit in the R-1, R-2, and R-4 districts.*
- b) *Large Places of Public Assembly are permitted by Special Use Permit in the R-4, R-5, and R-6 districts.*

**2) Performance Standards.**

- a) *Small Places of Public Assembly*
  - i. *All signs shall be in compliance with the provisions of Section 16.26 of this Ordinance.*
  - ii. *All exterior lighting shall be in accordance with Section 19.05(6) and 24.03(9) hereof.*
  - iii. *All off-street parking shall be in compliance with Article 19 of this Ordinance.*

- iv. *Landscaping and Buffering shall be provided in accordance with Article 21 of this Zoning Ordinance.*
- b) *Large Places of Public Assembly*
  - i. *Large Places of Public Assembly shall be in compliance with the provisions of Section 26.27(2)(a) of this Ordinance.*
  - ii. *A Large Place of Public Assembly shall be adjacent to or accessed primarily from a major street segment, as defined herein.*

**Section 13. Amendment of Article 26: Special Use Standards; Section 26.34 Short-Term Rental Units, Clarify Existing Land Use.** Section 26.34 of Ordinance No. 02-2009 is hereby amended to clarify existing Special Use Standards and their applicability to Short-Term Rental Units zoned C-1, to read as follows:

**Section 26.34 Short-Term Rental Units.**

- 1) Locational Requirements: *Short-Term Rental Units are permitted by Special Use Permit in the C-1 Village Center District, specifically approved by the Planning Commission.*
- 2) Site Requirements: *The parcel must be large enough to meet all the requirements of a lot in this district and the requirements below.*
- 3) Performance Standards.
  - a) *Short-Term Rental Units shall be in compliance with the provisions of Section 16.33 of this Ordinance.*
  - b) *All signs shall be in compliance with the provisions of Section 16.26 of this Ordinance.*
  - c) *All parking shall be in compliance with the provisions of Article 19 of this Ordinance.*
  - d) *Landscaping and Buffering shall be provided in accordance with Article 21 of this Zoning Ordinance.*
  - e) *All exterior lighting shall be in accordance with Section 19.05(6) and 24.03(9) hereof.*

**Section 14. Severability; Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.



**Section 15. Repealer.** All other ordinances or portions of ordinances inconsistent with this Ordinance are hereby repealed.

**Section 16. Publication.** Within fifteen (15) days of its adoption, this Ordinance or a notice of adoption summarizing this Ordinance, as required by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

**Section 17. Effective Date.** This Ordinance shall become effective twenty (20) days after the date of publication.

Ordinance Offered by: Seabert

Ordinance Supported by: Van Loon

Ayes: Donovan, Miller, Mooradian, North, Seabert, Van Loon, Lion

Nays: None

Abstain: None

Absent: None

**ORDINANCE DECLARED ADOPTED.**

\_\_\_\_\_  
Patricia Lion, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pamela Aalderink, CMC, City Clerk

\_\_\_\_\_  
Date

Ordinance Adoption Date: April 19, 2021

Ordinance Effective Date: May 26, 2021 (20 days after adoption and publication)

## **CERTIFICATE**

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of the Village of Douglas at a meeting held on April 19, 2021 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the City Charter and the Open Meetings Act, Public Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Pamela Aalderink, CMC, City Clerk

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## **EXHIBIT "A"**

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## EXHIBIT "B"

- b. Child Group Day Care Home. A private home in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- c. Child Care Center. A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

CHILD FOSTER FAMILY FACILITY. Means the following:

- a. Foster Care Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty- four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- b. Foster Care Family Group Home. A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CHURCH. See religious facility.

CITY PERMIT OR PERMIT. Unless the context requires a different meaning, means a valid permit that is issued under Chapter 113 of the City of the Village of Douglas Code of Ordinances.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

COLUMBARIUM. A building or structure substantially exposed above ground intended to be used for the interment of remains of a deceased person.

COMMON PARTY WALL. A wall shared in common between abutting dwelling units, between abutting nonresidential principal structures, or between a principal structure and a garage or similar attached structure.

## EXHIBIT "B"

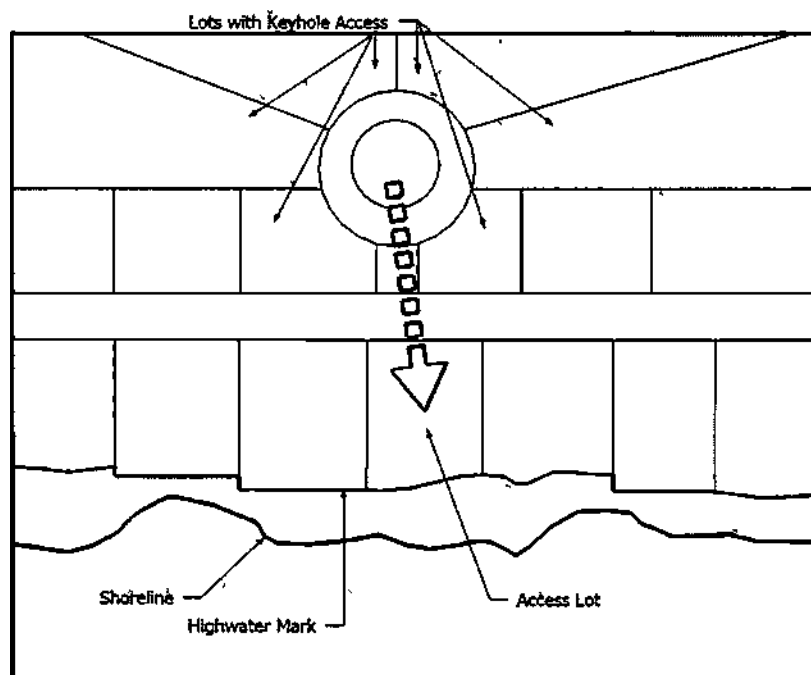
**JUNK YARD/AUTO SALVAGE.** Any area of land including building thereon which is used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging of machinery of vehicles not in running condition, and for the sale of parts thereof. Two (2) or more motor vehicles stored outside without current license plates for a period of thirty (30) days shall constitute a junkyard.

### **Section 2.12 Definitions Beginning with the Letter "K":**

**KENNEL.** Any lot or premises used for breeding, commercial sale, boarding, or treatment of more than four (4) dogs, cats, or other domestic pets.

**KEYHOLE DEVELOPMENT.** A type of land use in which one shoreline lot serves as an access point for several other nearby lots which do not have direct waterfront access.

**Figure 2-5 Keyhole Development**



### **Section 2.13 Definitions Beginning with the Letter "L":**

**LARA.** The Michigan Department of Licensing and Regulatory Affairs.

**LABORATORY.** A facility for scientific laboratory research in technology intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, heat transfer, and radiation research facilities.

## EXHIBIT "B"

**LAND DIVISION.** A land division as defined in the Land Division Act of the State of Michigan, being Public Act 288 of 1967, as amended.

**LAUNDRY ESTABLISHMENT.** A facility where patrons wash and/or dry clothing or other fabrics in machines operated by the patron.

**LIBRARY.** A public facility for the use, but not sale, of literary, musical, artistic or reference materials.

**LICENSEE.** As used in the context of Marihuana, a person holding a State Marihuana License.

**LIGHT INDUSTRY.** Any industrial or warehousing operation that meets the standards of this Ordinance; and which is totally contained inside an enclosure and whose operation is totally screened from view, and which does not create excessive off-site noise or pollution and does not make excessive demands on public roads, water and sewage facilities or other community facilities.

**LIVESTOCK.** Cattle, sheep, goats, swine, horses, poultry, and other animals or fowl, which are being produced primarily for use as food, feed or fiber.

**LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

**LOT.** A plat, plot or parcel of land occupied, or designed to be occupied by one building and the accessory buildings or permitted uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat and includes a condominium unit in a condominium subdivision where land is associated with the structure.

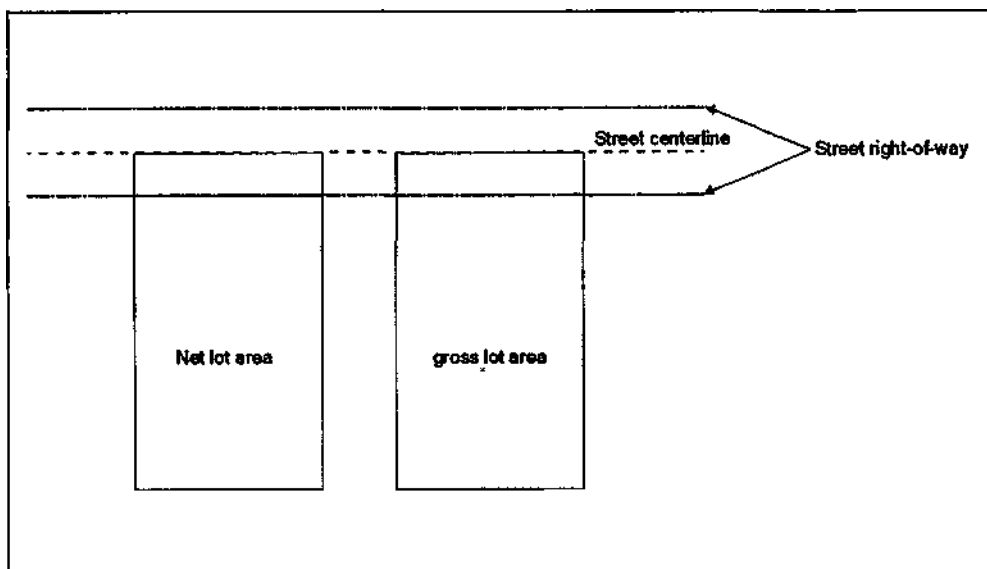


Figure 2-6  
Net and  
Gross Lot  
Area

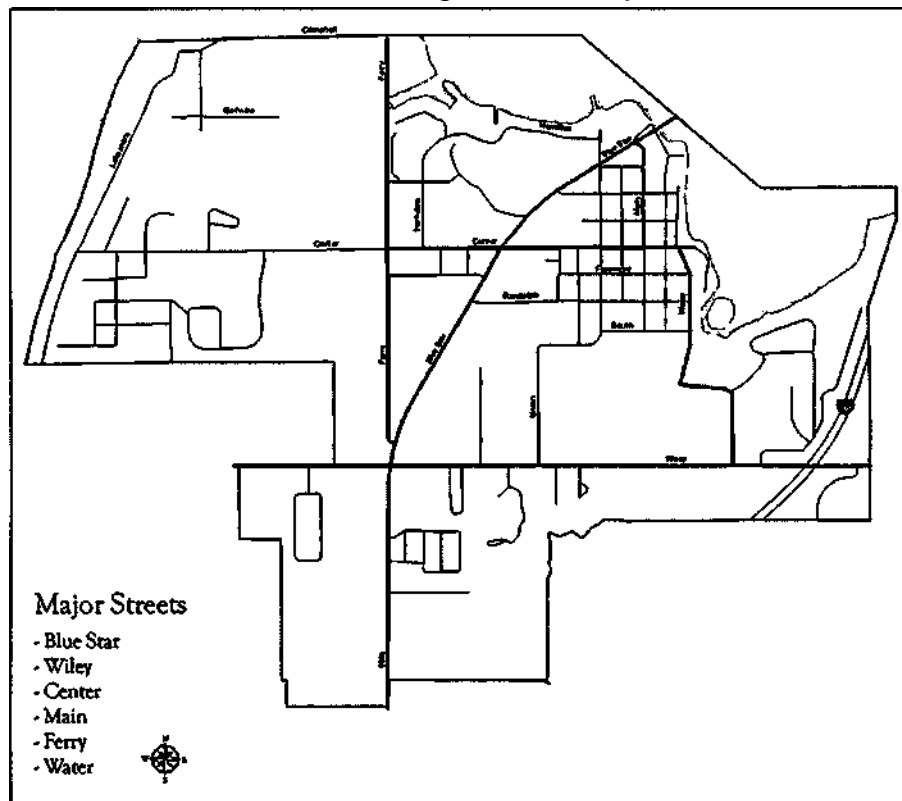
## EXHIBIT "B"

LOT, WATERFRONT. A lot abutting a lake, pond, stream or river. While the structure may be oriented to "front" on the water, the front of the structure for the purposes of this Ordinance shall be that portion facing the front lot line.

### **Section 2.14 Definitions Beginning with the Letter "M":**

MAJOR THOROUGHFARE. A public street as identified on Figure 2-10.

Figure 2-10 Major Streets



MANUFACTURED HOUSING. A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular homes.

MARIHUANA FACILITY. A location at which a Licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act and has obtained a Permit for the location issued by the City of the Village of Douglas. The City limits the Marihuana Facilities to Provisioning Centers, Retailers, and Secure Transporters as defined in the MMFLA or in the MRTMA.

## EXHIBIT "B"

**MARIHUANA-INFUSED PRODUCT.** A topical formulation, tincture, beverage, edible substance, or similar product containing any usable Marihuana that is intended for human consumption in a manner other than smoke inhalation, as further defined by the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act, as applicable. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

**MARIHUANA RETAILER.** A Licensee that is a commercial entity located in this State that purchases Marihuana from a Marihuana Grower or Marihuana Processor, or Marihuana-Infused Processor, and sells, supplies, or provides Marihuana to customers as further defined by and in compliance with the Michigan Regulation and Taxation of Marihuana Act.

**MARIJUANA.** See definition of Marihuana.

**MARINA.** An establishment with a waterfront location for the refueling and dockage of watercraft used for recreational purposes, and providing repair services for such craft including removal of watercraft from the water or removal of inboard or outboard engine(s) from the watercraft. A marina may provide uncovered storage. Marinas may include, as accessory uses, a restaurant or snack bar, laundry or sanitary facilities, sundries store, or other customary accessory facilities including but not limited to boat building and charter fishing. A marina may include facilities for boat or motor rental, mechanical or structural repair as noted above, or boat hauling.

**MARINA, MINOR.** A waterfront establishment whose business is offering the sale or rental of boat dockage. Such an establishment may also provide sanitary pump out service, and a limited retail area for food and/or drink, and marine sporting equipment. The area of the limited retail area shall not exceed 300 square feet.

**MARINE HARDWARE SALES AND SERVICE.** A marine retail sales and service use in which boats and other watercraft and their accessories are sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

**MARINE STORAGE.** A boat building or enclosed storage establishment in which marine equipment and boats or other watercraft and their accessories are stored.

**MASTER DEED.** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**MAUSOLEUM.** A building containing above ground tombs for the internment of remains of a deceased person.

**MEDICAL OR DENTAL OFFICE.** A facility operated by one or more physicians,

## EXHIBIT "B"

dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

**MEDICAL MARIJUANA GROWING OPERATION.** A facility where a "Primary Caregiver" who is legally registered by the Michigan Department of Licensing and Regulatory Affairs may lawfully grow, cultivate and harvest medical marijuana on behalf of up to (5) "qualifying patients" who are also legally registered by the Department with the growing and maintenance of medical marijuana in accordance with the Michigan Medical Marihuana Act of 2008. Any establishment involved in the growing of more than 12 plants upon one property parcel shall be classified as a growing operation.

**MEDICAL USE.** the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the use of marijuana to treat or alleviate a registered "qualifying patient's" debilitating medical condition.

**MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA:** The Medical Marihuana Facilities Licensing Act, as amended, MCL 333.27101 et seq., also referred to as the MMFLA, and the administrative rules authorized by the MMFLA.

**MICHIGAN MEDICAL MARIHUANA ACT or MMMA:** The Michigan Medical Marihuana Act, as amended, MCL 333.26421 et seq., also referred to as the MMMA, and the administrative rules authorized by the MMMA.

**MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT or MRTMA:** The Michigan Regulation and Taxation of Marihuana Act, as amended, MCL 332.27951 et seq., also referred to as MRTMA, and the administrative rules authorized by the MRTMA.

**MINI STORAGE (WAREHOUSE) FACILITIES.** A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

**MOBILE HOME.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, recreational vehicles or travel trailers. (From Public Act 96 of 1987).

**MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a

## EXHIBIT "B"

maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

**PARKING SPACE.** Any space used for the off-street or on premises parking of motor vehicles.

**PERSON.** means the entities included in the definition of "person" in Section 15.12 of the City of the Village of Douglas City Code, in addition to the entities included in the definition of "person" in the MMFLA and the MRTMA.

**PERSONAL SERVICE ESTABLISHMENT.** An establishment which offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, laundry cleaning, pressing, and tailoring, shoe repair and other similar establishments. This shall not include a medical or dental office.

**PLACE OF PUBLIC ASSEMBLY:** Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

- a. Place of Public Assembly, Large: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
- b. Place of Public Assembly, Small: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

**PLANNED UNIT DEVELOPMENT.** Planned Unit Development (PUD) includes cluster zoning, plan development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. It is a form of land development comprehensively planned as an entity via a site plan which may permit flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such development may contain, residential, nonresidential or a mixture of land uses as provided by the individual zoning district.

**PLAT.** A map of a subdivision of land recorded with the County Register of Deeds pursuant to the Land Division Act of 1967 or a prior statute.



## EXHIBIT "B"

**PRIMARY CAREGIVER.** A person who is at least 21 years old and has agreed to assist a qualifying patient, to whom he or she is connected through the Michigan Department of Licensing and Regulatory Affairs registration process for the use of medical marihuana in accordance with State law.

**PRINCIPAL BUILDING.** The main building on a lot in which the principal use exists or is served by.

**PRINCIPAL USE.** The main use to which the premises are devoted and the main purpose for which the premises exist.

**PRIVATE RECREATIONAL FACILITIES.** Non-municipally owned recreation centers, private clubs, lodges and related facilities. These buildings and related facilities are owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members usually pay dues and meet prescribed qualifications for membership.

**PRIVATE ROAD.** Any right-of-way or area set aside to provide vehicular access to two or more dwellings or within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

**PROFESSIONAL SERVICE ESTABLISHMENT.** An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.

**PROVISIONING CENTER.** means a Licensee that is a commercial entity located in the City 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. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through LARA's Marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this chapter.

**PUBLIC FACILITIES.** Any facility, including but not limited to buildings, property, recreation areas, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.

**PUBLIC SEWER.** A pipe located in a public right-of-way or easement which transports sewage to a sewage treatment plant that is owned by a municipality.

**PUBLIC UTILITIES.** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.



## **EXHIBIT "B"**

**SHORT-TERM RENTAL UNIT.** A dwelling unit which is rented to a person for less than 31 consecutive days, or is advertised to be rented for any period less than 31 days.

**SIGN.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any street.

**SITE PLAN.** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**SITE PLAN REVIEW.** The submission of plans and scaled drawing(s) illustrating existing conditions and proposed uses and structures for review for conformance with this ordinance, as part of the process of securing a zoning permit.

**SOLID WASTE.** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercials and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

**SPECIAL LAND USE.** A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article 25). Approval for establishing a special use is indicated by issuance of a Special Use Permit.

**SPECIAL USE PERMIT.** A permit issued by the City Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in Article 25.

**STATE MARIHUANA LICENSE.** As used in the context of Marihuana, or unless the context requires a different meaning, "license" means a state operating license that is issued under the Medical Marihuana Facilities Licensing Act or a state license under the Michigan Regulation and Taxation of Marihuana Act.

**STOCKADE FENCING:** Fence style which uses rough sawn lumber produced from the curved exterior of trees to produce fence boards, or a fence using poles or logs as fencing material, or a style of fencing which tapers the vertical fence

## EXHIBIT "C"

| Section 3.11 Table of Land Uses                  |     |     |     |     |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Uses Permitted by Right and Special Land Uses    |     |     |     |     |     |     |     |     |     |
| (R=Use by Right; S=Special Land Use)             |     |     |     |     |     |     |     |     |     |
| USE  | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | C-1 | C-2 | L-1 |
| Accessory Use, when accessory to a permitted use | R   | R   | R   | R   | R   | R   | R   | R   | R   |
| Adult Day Care Facility                          |     |     |     | S   | S   |     |     | S   |     |
| Adult Foster Care Facility                       |     |     |     | S   | S   |     |     |     |     |
| Amusement Center                                 |     |     |     |     |     |     |     | S   |     |
| Animal Grooming                                  |     |     |     |     |     |     | S   | R   | R   |
| Antique Stores                                   |     |     |     |     |     |     | R   | R   |     |
| Art Gallery                                      |     |     |     |     |     |     | R   |     |     |
| Automobile/Boat Sales                            |     |     |     |     |     |     |     | R   |     |
| Automobile Service and Minor Repair Station      |     |     |     |     |     |     |     | S   | R   |
| Automobile Service and Major Repair Station      |     |     |     |     |     |     |     | S   | R   |
| Bed and Breakfast                                |     | S   | S   | S   | S   |     |     |     |     |
| Buildings assoc, w/ public facilities            | S   | S   | S   | S   | S   | S   |     |     |     |
| Cemetery/Mausoleum                               | S   | S   | S   | S   | S   | S   |     |     |     |
| Child Care Center                                |     |     |     | S   | S   |     |     | S   |     |
| Communication Tower                              |     |     |     |     |     |     |     | S   | S   |
| Conservation Area, Public or Private             | R   | R   |     |     |     |     |     |     |     |
| Contractor's Establishment                       |     |     |     |     |     |     |     |     | R   |
| Convalescent or Nursing Home                     |     |     |     | S   | S   | S   | S   | S   |     |
| Day Care, Group (7-12 clients)                   |     |     |     |     |     |     |     |     |     |
| Distribution Center                              |     |     |     |     |     |     |     |     | R   |
| Drive-In/Drive-Through Establishments            |     |     |     |     |     |     |     | S   |     |
| Dry Cleaning Establishment                       |     |     |     |     |     |     |     | R   |     |
| Dwelling, One Family                             | R   | R   | R   | R   | R   |     |     |     |     |
| Dwelling, Two-Family                             |     |     | R   | R   | R   |     |     |     |     |
| Dwelling, Multiple-Family                        |     |     |     | S   | R   |     |     |     |     |
| Essential Public Services                        | R   | R   | R   | R   | R   | R   | R   | R   | R   |
| Family Day Care Home                             | R   | R   | R   | R   | R   | R   |     |     |     |
| Farm Implement Dealer                            |     |     |     |     |     |     |     |     | R   |
| Farm Market                                      |     |     |     |     |     |     | R   | S   |     |

## EXHIBIT "C"

| USE   | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | C-1 | C-2 | L-1 |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Freight Yards/Truck Terminal                              |     |     |     |     |     |     |     |     | R   |
| Funeral Home  |     |     |     |     |     |     |     | R   |     |
| Gas Station   |     |     |     |     |     |     |     | R   |     |
| Golf Course/Country Club                                  | S   | S   |     |     |     |     |     |     |     |
| Greenhouse  |     |     |     |     |     |     |     | S   | R   |
| Ground Floor Residential                                  | R   | R   | R   | R   | R   | R   | S   |     |     |
| Health Spa  |     |     |     |     |     |     |     | R   |     |
| Home Occupation, Major                                    | S   | S   | S   | S   |     |     |     |     |     |
| Home Occupation, Minor                                    | R   | R   | R   |     |     |     |     |     |     |
| Hotel/Motel   |     |     |     |     |     |     |     | S   |     |
| Junkyard/ Auto Salvage                                    |     |     |     |     |     |     |     |     | S   |
| Kennel  |     |     |     |     |     |     |     | S   | R   |
| Laboratories  |     |     |     |     |     |     |     |     | R   |
| Laundry Establishment                                     |     |     |     |     |     |     |     | R   |     |
| Library   |     |     |     |     |     |     | R   | R   |     |
| Manufacturing, Compounding,<br>Processing and/or Assembly |     |     |     |     |     |     |     |     | R   |
| Marihuana Facility  |     |     |     |     |     |     |     | R   | R   |
| Marina  |     |     |     | S   |     |     |     |     |     |
| Marina, Minor   |     |     | S   |     |     |     |     |     |     |
| Marine Hardware Sales and<br>Service/Marine Storage       |     |     |     |     |     |     | S   | S   | S   |
| Medical/Dental Office                                     |     |     |     |     |     |     |     | R   |     |
| Mini Storage  |     |     |     |     |     |     |     |     | S   |
| Mobile Home Park  |     |     |     |     |     | R   |     |     |     |
| Motel/Hotel   |     |     |     |     |     |     |     | S   |     |
| Movie Theater   |     |     |     |     |     |     | S   | R   | R   |
| Museum  |     |     |     |     |     |     | R   |     |     |
| Neighborhood Parks  | R   | R   | R   | R   | R   | R   | R   | R   | R   |
| Nursery, Plant Materials                                  |     |     |     |     |     |     |     | R   |     |
| Office Building   |     |     |     |     |     |     | R   | R   |     |
| Open Air Business   |     |     |     |     |     |     |     | S   |     |
| Outdoor Public Recreation                                 | R   | R   | R   | R   | R   | R   | R   | R   |     |
| Personal Service Establishment                            |     |     |     |     |     |     | R   | R   |     |
| Place of Public Assembly, Small                           | S   | S   |     | S   |     |     |     |     | R   |
| Place of Public Assembly, Large                           |     |     |     | S   | S   | S   |     |     | R   |
| Private Recreation Facilities                             |     |     |     |     |     |     |     | S   |     |
| Professional Service Establishment                        |     |     |     | S   |     |     | R   | R   |     |

**EXHIBIT "C"**

| USE  | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | C-1 | C-2 | L-1 |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Recreation Facility, Commercial                    |     |     |     |     |     |     |     | S   | R   |
| Research and Development                           |     |     |     |     |     |     |     |     | R   |
| Residential Use of Accessory Building              |     |     | S   | S   | S   |     |     |     |     |
| Residential Above Retail or Office                 |     |     |     |     |     |     | R   | R   |     |
| Restaurant   |     |     |     |     |     |     | R   | R   |     |
| Retail Business or Retail Sales                    |     |     |     |     |     |     | R   | R   |     |
| School   | S   | S   | S   | S   | S   |     |     |     |     |
| Service Establishment Accessory to a Principal Use |     |     |     |     |     |     |     |     | R   |
| Sexually Oriented Business                         |     |     |     |     |     |     |     | S   | S   |
| Short-Term Rental Units                            | R   | R   | R   | R   | R   | R   | S   |     |     |
| Showroom   |     |     |     |     |     |     | R   | R   | R   |
| Studio for Performing/Visual Arts                  |     |     |     | S   |     |     | R   | R   |     |
| Tattoo or Piercing Parlor                          |     |     |     |     |     |     |     | S   | S   |
| Trade and Industrial School                        |     |     |     |     |     |     |     |     | R   |
| Urgent Care Facility                               |     |     |     |     |     |     |     | R   | R   |
| Vehicle Wash Facility                              |     |     |     |     |     |     |     | S   | R   |
| Veterinary Clinic                                  |     |     |     |     |     |     |     | S   | R   |
| Warehouse  |     |     |     |     |     |     |     |     | R   |
| Wholesale Facility                                 |     |     |     |     |     |     |     |     | R   |
| Wind Energy Conversion System                      | R   | R   | R   | R   | R   | R   | R   | R   | R   |

## ***EXHIBIT "D"***

affecting construction and safety measures deemed necessary by the Zoning Administrator.

- 3) Fencing: Yard areas with pools are to be fenced to discourage unsupervised access.
  - a) Such fencing is to be a minimum of five (5) feet high, and equipped with a self-closing and self-latching gate.
  - b) Latching devices are to be located at a minimum height of four feet above the ground.
  - c) Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured.
- 4) Sanitation: Any swimming pool shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health, the County Health Department or the City to protect the public health shall be conformed with.
- 5) Placement: No swimming pool shall be located in an easement.
- 6 Setbacks: No swimming pool shall be located in any required front yard.
- 7) Lighting: No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- 8) Overhead wiring: Service drop conductors and any other open overhead wiring shall not be installed above a swimming pool.

### **Section 16.17 Reserved for Future Use**

### **Section 16.18 Keeping of Animals**

- 1) Wild Animals: No wild or vicious animal shall be kept permanently or temporarily in any district in the City except in an AAZPA (American Association of Zoological Parks and Aquariums) accredited facility.
- 2) Domestic Pets: The keeping of domestic pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided that the number of pets does not exceed those for which the kennel provisions of this Ordinance apply and the General Law Ordinance of the City. Livestock are not considered household pets.

### **Section 16.19 Maintenance of Junk Prohibited**

## **EXHIBIT "E"**

- 4) The use of outdoor yard areas, open decks, pools and the like shall not result in the production of excessive off-site noise, odor or other external disturbances. Any such violation shall be enforced as a nuisance under the City of the Village of Douglas General Code of Ordinances.
- 5) The parking of motorized vehicles, trailers and recreational equipment shall be in keeping with the provisions of this chapter and the City of the Village of Douglas General Code of Ordinances at all times.
- 6) A group of people not defined as a family are permitted to rent a short-term rental unit.
- 7) In no event shall the owner of the short-term rental unit or their agent rent an individual room in the short-term rental unit to a person, family, or other group of persons, nor shall the renter so sublet any room.
- 8) Any finding of responsibility or conviction for more than one violation of the City Code of Ordinances in a given calendar year involving a short-term rental unit may result in the rental occupancy certificate being revoked by the City Zoning Administrator (or such other city official as designated by the City Council). Any such revocation of a rental occupancy certificate may be appealed to the City Council for good cause so long as a written Notice of Appeal is filed with the city within ten (10) days of the date of revocation.
- 9) Any sale or transfer of the property automatically causes any existing rental occupancy certificate to be null and void and the new property owner must apply for a new rental occupancy certificate.

### **Section 16.34 Marihuana Facilities**

General Regulations for all Marihuana Facilities.

- 1) Intent.
  - a) It is the intent of this Section to provide for appropriate locations and reasonable restrictions for Marihuana Facilities allowed by the Medical Marihuana Facilities Licensing Act, MLC 333.27101 *et seq.* and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* with respect to local zoning and land use, and to permit the sale and distribution of Marihuana consistent with applicable State statutes. These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
  - b) It is also the intent of this section to protect the health, safety, and general welfare of Persons and property by limiting land uses related to Marihuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of Persons in the district, or other uses allowed in each district.
- 2) Words and Phrases:

Words and phrases contained in the Michigan Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.27101 *et seq.* or the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 *et seq.*, or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* ("MRTMA"), shall have the same meanings in this Code, as applicable. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA, MMMA, or MRTMA, but if any definition in Article VIII conflicts with the definition in the MMFLA, MMMA, or MRTMA, then the definition in those state acts shall apply.

The following provisions relate to 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.

- 3) 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 the 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 licensing pending the resolutions of the legal issue in question.
  - b) An operator of a Marihuana Facility shall at all times have a valid Marihuana Facility permit issued by the City of the Village of Douglas and a State operating license as issued by LARA pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* and/or the Michigan Regulation and Taxation of Marihuana act, MCL 333.27951 *et seq.*
  - c) A property owner or operator of a *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.
  - d) In addition to the materials required for Site Plan Review in Article 24, an application for a Marihuana Facility shall also include a comprehensive facility operation and safety plan that addresses Marihuana, customers, employees, and neighboring residents, offices, or businesses. 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 systems identified below and contained in the security plan, 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:
    - (i) Cameras. The 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 Marihuana or cash maintained by the Marihuana Facility. Cameras shall record operations of the business, 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 recorded to and maintained for a minimum of thirty (30) 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.
    - (ii) Alarm system. The 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.
    - (iii) Lighting. A lighting plan showing the lighting outside of the Marihuana Facility for security purposes and compliance with applicable City requirements.
    - (iv) Use of Safe for Storage. The Marihuana Facility shall install and use a safe

## EXHIBIT "E"

for storage of any processed 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 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.

- (v) Disposal Plan. A disposal plan shall be designed to protect against any Marihuana being ingested on the premises by any person or animal. Disposal of any Marihuana, including any/all byproducts and/or waste products shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it or otherwise exist in non-conformance with local and state laws. The plan shall indicate how any Marihuana will be rendered unusable and how the waste and byproduct will be stored until disposed of.
  - (vi) Ventilation. A plan for ventilation of the Marihuana Facility should include the methods to be used to contain all smoke, odors, debris, dust, fluids and other substances within the building. 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. The Facility shall not emanate smoke, odors, debris, dust, fluids and other substances that are readily detectible at the property line and interfere with the reasonable and comfortable use and enjoyment of another's property. In the event that any odors, debris, dust, fluids or other substances exit a Marihuana Facility, 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 laws and regulations.
  - (vii) Regulated Materials. A description of all toxic, flammable or other regulated materials that will be used or kept at the Marihuana Facility along with the location of such materials, and how such materials will be stored. All chemicals or hazardous substances used in the storage of Marihuana shall be stored and used in strict compliance with manufacturer recommendations and all applicable federal, State or local regulations.
  - (viii) Operations. An operations statement that describes, but is not limited to, the life-cycle of Marihuana and Marihuana-Infused Products entering, stored on, and leaving the site. This may include a description of how deliveries are handled, methods of storage, cash handling, a business floor plan, or other pertinent information.
- e) Unless higher performance is required by applicable law, there must be a minimum of a one- hour fire separation wall between a Marihuana Facility and any adjacent business.
  - f) In order to be eligible for a City permit, the 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 MMMA, MCL 333.26421 et seq.; the MMFLA, 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 Marihuana Facility shall operate, until the appropriate State operating license is obtained from LARA and submitted to the City of the Village of Douglas and receives a permit from the City.



## **EXHIBIT "E"**

- g) A Marihuana Facility as defined by this ordinance, or activities associated with the licensed transporting and sales of 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 Michigan laws concerning Marihuana.
  - h) The permit required by the City of the Village of Douglas and the license required by the State of Michigan shall be prominently displayed on the premises of a Marihuana Facility;
  - i) The nonconforming provisions of Article 15 shall apply to all Marihuana Facilities.
  - j) Parking shall comply with Article 19 of this Ordinance.
  - k) All Marihuana Facilities shall provide landscaping as required by Article 21 of this Ordinance.
- 4) Visibility of activities: Signage and Advertising.
- a. Signage for 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 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, this code, 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. Marketing 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:
    - (i) The possession, use or distribution of Marihuana is a violation of federal law; and
    - (ii) It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by Marihuana;
  - d. All activities of Marihuana Facilities, including, without limitation, displaying, manufacturing, selling, and storage of Marihuana and Marihuana-infused products shall be conducted indoors and out of public view. No Marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
- 5) Siting Criteria.
- Marihuana Facilities shall be in accordance with the following stipulations.
- a. 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 the zoning and separation distances from other uses as set forth in the City Zoning Ordinance.
  - b. A permit holder shall not operate a Marihuana Facility at any place in the City other than the address provided in the permit application on file with the City Clerk.
  - c. A Marihuana Facility shall not be located:
    - (i) Within 50 feet of any residential zoning district.
    - (ii) Within 1,000 feet 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
    - (iii) Within 500 feet of any church, house of worship or other religious facility or institution.
    - (iv) Within 500 feet of any public park, publicly owned building or recreational area commonly used by minor children.
    - (v) Within 500 feet of a public library.

## ***EXHIBIT "E"***

- (vi) No Lot containing a Marihuana Facility within the City shall be located within 2,250 feet of any Lot in the City on which another Marihuana Facility is located.
- (vii) In an area that has been designated as an historic area by the city, county or state.
- (viii) The distance measurement provided for in this section shall be a straight line from the property line of the Marihuana Facility to the nearest property line of the location from which it is to be separated.

6) Marihuana Facilities – Additional conditions.

- 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. A maximum of two State Operating Licenses shall be utilized per Lot, except that a Marihuana Provisioning Center and/or Marihuana Retailer may not co-locate with a Secure Transporter.
- c. Unless otherwise permitted, public or common areas of the Marihuana Facility must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. No Marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
- d. Marihuana Products shall not be smoked, ingested, or otherwise be consumed in the building or on the property occupied by the Marihuana Facility.
- e. The exterior appearance of a 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.
- f. A Marihuana Facility zoned C-2 shall be permitted to provide curbside service or utilize a drive-through, pick-up, or walk-up window with a Special Use Permit, subject to the provisions of Section 26.12 of this Ordinance.
- g. Doors and windows to a secure transporter shall remain closed, except for the minimum time necessary to load and unload product.