NORTHFIELD TOWNSHIP PLANNING COMMISSION
NOTICE OF REGULAR MEETING
December 05, 2018 at 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADOPTION OF AGENDA**
5. **CALL TO THE PUBLIC**
6. **CLARIFICATIONS FROM COMMISSION**
7. **CORRESPONDENCE:**
8. **PUBLIC HEARINGS:**
9. **REPORTS OF COMMITTEES**
   - **A. Board of Trustees**
   - **B. ZBA**
   - **C. Staff**
   - **D. Planning Consultant**
   - **E. Parks and Recreation**
   - **F. Downtown Planning Group**
10. **UNFINISHED BUSINESS:**
    - A. Further Discussion Northfield Township Master Plan
11. **NEW BUSINESS:**
12. A. Case #JPC180009 - Recommend to Approve, Approve with Conditions or Deny the request of LFC Property: LittleFish, 8425 Main Street. The applicants proposed use is a professional/general office use for commercial sign systems.
    Parcel number: B-02-08-327-002 and is zoned GC-General Commercial.

    B. Discussion on Recreational Medical Marijuana

13. **APPROVAL OF PRECEDING MINUTES:** November 7, 2018 Regular Meeting
14. **FINAL CALL TO THE PUBLIC**
15. **COMMENTS FROM THE COMMISSIONERS**
16. **ANNOUNCEMENT:** Next Regular Meeting – December 19, 2018
17. **ADJOURNMENT**

This notice is posted in compliance with PA 267 Of 1976 as amended (open meetings act) MCLA 41.7 2A (2) (3) and the Americans with Disabilities Act. (ADA) Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Office, (734) 449-5000 seven days in advance.

MCKENNA

Memorandum

TO: Northfield Planning Commission

FROM: Paul Lippens, Director of Urban Design and Mobility
Irvin Wyche, Assistant Planner

SUBJECT: **Summary of Outreach at Township Hall, 10/17/18.**

DATE: November 29, 2018

This is a summary of the comments received during the Northfield Master Plan Open House on October 17, 2018.

A. GOAL PREFERENCE SUMMARY

There are eight goals in the Township Master Plan and the participants were asked to put a dot next to the goal they valued the most. Participants could place a sticky note commenting about a goal and place it in the corresponding column for the goal. Ideas and potential projects for each goal were written on the sticky notes by the participants. Using a green, yellow, red, or blue dot residents marked their most important goal and placed sticky notes in the column. Below are the goals and the number of dots for each goal. If there was a comment for that goal it was included after the listing of dots.

I. Goal 1

Maintain the rural character and preserve the local characteristics of Northfield Township including a viable, stable agricultural industry by encouraging the retention and preservation of farmland and agricultural production as well as the preservation of general open space in the underdeveloped areas of the Township.

- 91 dots

II. Goal 2

Systematic preserve open spaces and greenways to maintain the quality of life in Northfield Township, to preserve critical environmental areas, and to maintain rural character.

- 50 green dots

III. Goal 3

Guide residential development in a manner which will create, preserve and enhance a quality living environment for existing and future Township residents.

- 70 dots

Sticky Note Comment

DETROIT
28 West Adams Street
Suite 1000
Detroit, Michigan 48226

O 313.888.9882
F 248.596.0930
MCKA.COM

- Maintain rural character and #3

IV. Goal 4

Preserve and strengthen the existing character of downtown area as a historic, pedestrian-scale community, with traditional site and architectural design creating an aesthetically memorable place with vibrant streetscapes and community spaces that engage the waterfront.

- 23 dots

Sticky Note Comment

- Yes! Please see suggestion for “agrihood” on big idea board. Beauty is important for now, and for future generations.

V. Goal 5

Encourage development pf a mix of commercial, office, service and multiple-family residential uses in three (3) specific locations that are situated for this use.

- 9 dots

Sticky Note Comment

- That is important but needs to be done on a scale that is in keeping up what we have already

VI. Goal 6

Promote quality, job producing economic development within the Township that serves the needs of the Township residents.

- 12 dots.

VII. Goal 7

Provide a variety of safe, efficient modes of transportation to meet the needs of Township residents and visitors.

- 6 dots.

Sticky Note Comment

- Is there a way to make cycling stops on rural roads?

VIII. GOAL 8

Provide timely, efficient, and quality public services to Township residents.

- 9 dots

IX. Goals Ranked From Highest to Lowest Priority

- Goal 1 has the most dots with a total of 91 dots
- Goal 3 has the second most dots with 70.
- Goal 2 has 40 dots and has the third most dots.
- Goal 4 with 23 dots.
- Goal 6 has the 12 dots and has the fifth most dots.
- Goal 5 and 8 both have 9 dots
- Goal 7 has the least number of dots at 6

B. FUTURE LAND USE PREFERENCE FEEDBACK

I. Residential Areas

Residential Uses	# of dots	Comments
Low Density		
Agricultural productions	10	
Single-family residences in either clustered or conventional subdivision/site condominium development	11	
Parks, open spaces, and conservation	24	
Medium Density		
Single-family residents in either clustered or conventional subdivision/site condominium development	11	
Two-family dwellings	2	
Parks, open spaces and conservation areas	15	
High Density		
Single-family residences, attached and detached	15	
Two-family dwelling		
Apartments	2	
Innovative housing projects, including senior and assisted living options	10	"Innovative" small building for artists lofts/studios
Parks, open spaces, and conservation areas	11	Community involvement in parks – open
Community support facilities such as churches, schools, and public buildings	3	

II. Preferred Future Land Use

6 Mile Interchange	# of dots	Comments
Medium Density Residential		
Single-family residences in either clustered or conventional subdivision/site condominium development	26	
Two-family dwellings	2	
Parks, open spaces, and conservation areas	23	
Highway Commercial		
Gasoline, diesel, and fuel stations		
Lodging		
Restaurants	8	
Are there uses that should be encouraged?	• Public access to Horseshoe Lake • Preserve Natural Areas and undeveloped parcels • Parks are wonderful, but how much will our taxes go up for that? • Preserve Heron Nest side behind former gas station	

III. Preferred Future Land Use

Agriculture Preservation Areas	# of dots	Comments
Farming operations, and similar uses of land	55	
Low density clustered single-family residential development where a minimum of seventy percent (70%) of buildable area is permanently preserved as dedicated open space	10	
Single-family dwellings on parcels 5 aces in size or greater	34	
Scenic road corridors, defined by tree-lined borders and narrow road widths.	20	

Landscape features such as orchards, outbuildings such as silos and barns fences, and sound farm structures	19	
Scenic views consisting of natural and cultural features	16	
Are there other uses that should be encourages	• Consider combining scenic views and scenic corridors • Can roads be made safer for cyclists/walkers?	

IV. Preferred Future Land Use

N. Territorial Interchange and Whitmore Lake Road	**# of dots**	**Comments**
Emphasize office research and retail land uses in keeping with the "jobs node" concept of the Central sub-area	24	
As appropriate consider a limited amount of industrial uses	9	
As appropriate promote high density residential uses as part of an overall mixed-use development project and only as a part of an overall PUD	1	
Encourage buildings to be built closer to the road right-of-way with reduced front yard setback when developed as a mixed-use PUD		
Encourage an increased building height with residential and/or office land uses on the upper floors	1	
Are there other uses that should be encourages	• Mixed use near road, higher density transitioning to low density housing • Shopping, restaurants, commercial, businesses • No strip malls • If residential, keeping with "farmhouse" vernacular of the area • Restaurants at corner • Whitmore Lake Rd. south of North Territorial Rd. should have one zoning. Revised zoning should encourage light industrial allowing for business in trade, etc.	

C. INNOVATIVE DESIGN TREATMENTS – VISUAL PREFERENCE

Green Infrastructure/Low Impact Design	# of dots	Comments
Percolation Trench	2	
Parking Lot Biorentention/Rain Garden	14	
Curbless Street with Infiltration Trench	10	
Parking Lot with Porous Pavement	12	
Sidewalk Rain Garden	9	
Low Impact Public Spaces	2	

D. DESIGN TREATMENTS – VISUAL PREFERENCE

	# of dots	Comments
Landscaping		
Neighborhood Commercial/Office	18	
Large Office/Industrial	4	
Screening		
Louvered Enclosure	1	
Masonry Gated Enclosure	16	
Signage		
Decorative Monument Sign	18	Unfortunately everything presented here is bland, dead. The monument sign could be beneficial but it is not. These look the same – more sculpture, more color, more dimension, more personally
Decorative Pole Sign	2	We deserve better than any of these!!! Where are the historic character traits from goals?

E. BIG IDEA BOARD

This is a categorization of the ideas on the Big Idea Board from Northfield Open House Master Plan meeting. Categories were created based on trends in ideas and on the similarity of the issues that were addressed by the ideas. An example, would be comments regarding more single-family homes and more apartments would be categorized as housing.

I. Downtown additions/comments

- Music Concerts in New Park Downtown
- Improve connectivity of sidewalks downtown(x2)
- Downtown clean up and sidewalk repair program
- Quality vs. Quantity. Get downtown going!(x2)
- Figure how to bring high speed internet downtown.
- Post office downtown
- Fix downtown benches maintenance program
- Development will attract new business downtown. Growth is necessary for the existing merchants to survive.
- Spend the $ to upgrade downtowns
    - Jobs #1

II. Schools

- Fix the schools
- If you want to grow fix the school
- Fix the schools
- Love UiL Schools Great teachers and goals(x3)
- Schools need
    - Tools to circulated stature
    - PR campaign to increase their quality
- Offer a skilled trade school(x6)
- “maker center” teen area in 75 Barker up Kiwanis, can teach skilled trade here

III. Paths/bikes lanes

- Greater connectivity to bike paths and public parks. Connect to Livingston City Trails.
- Bike path, Barker to M-dot lot
- All communities connected VIA walkways(x2)
- Create paved Bike trail along E. Shore drive. Sidewalk from, oakwood to main.
- Designated bikeways or sharrows around the lake
- East Shore- Side walks in very bad shape. Parks for disabled, kids, walkers; not shoulder or roads, need path for non-motorized vehicles and motorized wheelchairs, so people aren’t limited in ability to get around town.
- I have progressive MS and need to exercise, and there is no path outside my sub for me to ride my trike

- Land Preservation, connect w/ non-motorized paths!
- Sidewalk from oakwood to Main St. is in disrepair

IV. **Road Improvement**

- Pave North South roads(x2)
- Pave intersection of paved and unpaved street, like main street and Dartmoor. They have to grade it all of the time.
- Restore 75 Barker(x3)
- Pave gravel/ asphalt intersection
- Save 75 Barker Road
- Put more money into roads the base is coming up
- 35 mph speed limit on dirt road

V. **Public Access/Accessibility**

- What does “public access” to lake mean to you?
- Featured public lake accesses near 8-mile interchange and commercial center.
- Beach or Public waterfront access depending on environmental impact
- Open house was not handicap accessible tough to see boards.
- Access to our Beautiful lake. Public access that is.
- Public Access to water at park we own now! We don’t need a developer to enjoy our park(x2)
- Need Someone to survey the people in the township that need services accessibility. There must be people that need services to be independent. Maybe a group that advises on senior services and handicapped accessibility
- Buy more shore line for beach
- Beachfront Park(x5)
- Public transportation
- Keep Park for Township

VI. **Northfield Neighbors**

- Stop Complaining about the ghost of the past – Northfield Neighbors
- We don’t believe the Northfield Neighbors have the best interest of our township
- I don’t believe Northfield neighbors represents Northfield Township

VII. **Housing Types**

- Need housing choices to match demographics
- No more senior apartments (condos ok)
- Multi-family in hamlet and major highway interchange(x2)
- Condos!
- CO Housing and Tiny Houses to Density existing residential Areas
- More Single-Family Homes

- “agrihood” (instead of lockwood’s proposal):
    - Preserves majority of open space
    - They could have capacity routes
    - Barn style houses that are elegant, preserve rural character of area
    - Green house-elegant
    - Involves his students in farm
    - Artists lofts/ studios to bring in creative types studio spaces should have classroom/gallery space to teach, have exhibits
    - Outdoor style preschool(they’re gaining in popularity)
    - A development like this has lower impact on land, roads and sewers and encourages interaction among different generations.

VIII. Land preservation/Gwrowth

- Land Preservation
- Land Preservation to support our vibrant farms and home businesses that are an important part of our economy and quality of life(x2)
- Growth
- Growth? What Kind? Where? Who Pays?
- In 25 Years, Northfield TWP. Could look like the rest of mega growth communities or be truly unique with natural roads and farms the central park of SE Michigan!(x2)
- Maintain Small Town Charm(x2)
- Stay small quality character
- Creative ideas. Landscaping. Please look at “Bridge of Flowers” in Shellburne Falls, MA

IX. Commercial development

- Need better balance of commercial to residential
- Active encouragement to upgrade properties in town and outside of town(x2)
- Kiwanis Thrift Shop(x3)
- Incentivize small business growth in arts, tourism(x3)
- Better Grocery Store
- Detroit Free Press June 15, 2015 Top 25 Michigan suburbs to Raise a Family
    - Northfield TWP is #11!!! Would more development move us up or down the scale?
- Local Currency to support Township Businesses
- Can we invite trader joes to move to the hearty clear mall across the bridge?

X. Community Ideas

- Find way to get more community participation
- Accept the Positives(x2)
    - Focus on
        - How to be better
    - Not attack inform solutions

    - Stay with the Board
- Northfield Village will inspire the community and restore a sense of pride to our residents.

XI. **Taxes**

- Lower taxes(x2)
- Need more commercial tax payers

MCKENNA

Memorandum

TO: Northfield Planning Commission

FROM: Paul Lippens, Director of Urban Design and Mobility
Irvin Wyche, Assistant Planner

SUBJECT: **Summary of Outreach at Whitmore Lake Highschool, 10/24/18.**

DATE: November 29, 2018

the This is a summary comments received at the Northfield Master Plan Open House at the Whitmore Lake Highschool on October 24, 2018.

A. GOAL PREFERENCE SUMMARY

There are eight goals in the Northfield Township Master Plan and the participants were asked to put a dot next to the goal they valued the most. Participants could place a sticky note commenting about a goal and place it in the corresponding column for the goal. Ideas and potential projects for each goal were written on the sticky notes by the participants. Participants used dots to their most important goal and placed sticky notes in the column. Below are the goals and the number of dots for each goal. If there was a comment for that goal it was included after the listing of dots.

I. **Goal 1**

Maintain the rural character and preserve the local characteristics of Northfield Township including a viable, stable agricultural industry by encouraging the retention and preservation of farmland and agricultural production as well as the preservation of general open space in the underdeveloped areas of the Township.

- 0 dots

II. **Goal 2**

Systematic preserve open spaces and greenways to maintain the quality of life in Northfield Township, to preserve critical environmental areas, and to maintain rural character.

- 1 dot

III. **Goal 3**

Guide residential development in a manner which will create, preserve and enhance a quality living environment for existing and future Township residents.

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- 1 dot

IV. **Goal 4**

Preserve and strengthen the existing character of downtown area as a historic, pedestrian-scale community, with traditional site and architectural design creating an aesthetically memorable place with vibrant streetscapes and community spaces that engage the waterfront.

- 3 dots

V. **Goal 5**

Encourage development pf a mix of commercial, office, service and multiple-family residential uses in three (3) specific locations that are situated for this use.

- 1 dot

VI. **Goal 6**

Promote quality, job producing economic development within the Township that serves the needs of the Township residents.

- 0 dot

VII. **Goal 7**

- 1 dot

VIII. **GOAL 8**

Provide timely, efficient, and quality public services to Township residents.

- 0 dot

IX. **Goals Ranked From Lowest to Highest Priority**

- Goal 1, 6, and, 8 had zero dots.
- Goal 2, 3, 5, and, 7 had 1 dot
- Goal 4 had three dots.

B. FUTURE LAND USE PREFERENCE FEEDBACK

I. Residential Area as described in the Current Future land use plan

Participants were asked to place a dot next to their preferred future land use. Below are the options and number of dots placed next to the land uses.

Low Density residential

For single family residential the options were Agricultural productions, Single-Family residence in either clustered or conventional subdivision/site condominium development

- Agricultural productions
  - 0 dots
- Single-Family residence in either clustered or conventional subdivision/site condominium development
  - 1 dot
- Parks open spaces and conservations areas
  - 5 dots

Medium density residential

For medium density residential the options were Single-Family residence in either clustered or conventional subdivision/site condominium development, Two-family dwelling Parks open space and conservation area

- Single-Family residence in either clustered or conventional subdivision/site condominium development
  - 5 dots
- Two-family dwelling
  - 2 dots
- Parks open space and conservation area
  - 1 dot

high density residential

The categories for high density residential were, Single-family residential, attached and detached, Two-family dwellings, Apartments, Innovative housing projects, including senior and assisted living options, parks open spaces, and conservation areas; and, Community support facilities such as churches, schools, and public buildings. A question at the end asked if other uses should be encouraged.

- Single-family residential, attached and detached
  - 0 dots
- Two-family dwellings
  - 0 dots
- Apartments
  - 0 dots
- Innovative housing projects, including senior and assisted living options
  - 3 dots
- Parks open spaces, and conservation areas
  - 0 dots
- Community support facilities such as churches, schools, and public buildings.
  - 1 dot

II. 6-mile interchange as described in the current future land use plan

Participants were asked to put a dot next to their preferred land uses in generalized land use categories. The future land uses are Medium Density Residential, and Highway Commercial. The options for medium density residential were, Single-family residences in either clustered or conventional subdivision/ site condominium development, Two Family dwellings, Parks, opens spaces, and conservation areas. The options for Highway Commercial were, Gasoline, diesel, and fuel stations, restaurants, and lodging

Medium Density Residential

- Single-family residences in either clustered or conventional subdivision/ site condominium development
    - 4 dots
- Two Family dwellings
    - 0 dots
- Parks, opens spaces, and conservation areas
    - 3 dots

Highway Commercial

- Gasoline, diesel, and fuel stations,
    - 0 dots
- Restaurants
    - 2 dots
- Lodging
    - 0 dots

Sticky Note Responses to Question

Are there other uses that should be encouraged?

- Offices professional business on highway commercial
- Unique shops clustered together

III. North Territorial / Whitemore lake road Interchange Area

Participants were asked what their preferred land use was. Only one option received responses.

- Emphasize office research and retail land uses in keeping with the “jobs node” concept of the Central sub-area
    - 8 dots

Sticky Note Responses to Question

Are there other uses that should be encouraged?

- Nothing- I moved here to not be surrounded by concrete jungles

IV. Agricultural preserVation areas

Participants were asked what their preferred future land uses are? The options and responses are listed below.

- Farming operations and similar uses of land
  - 2 dots
- Low density clustered single-family development where a minimum of fifty percent (50%) of buildable area is permanently preserved as dedicated open space.
  - 3 dots
- Single family dwellings on parcels 5 acres or greater.
  - 0 dots
- Scenic road corridors, defined by tree-lined borders and narrow road widths;
  - 4 dots
- Landscaped features such as orchards, out buildings such as silos or barns fences, and sound farm structures
  - 1 dot
- Scenic view consisting of natural and scenic features
  - 0 dots

Sticky Note Responses to Question

Are there other uses that should be encouraged?

- Bring Agri west of Spencer single family on 5 acres
- Provide open space in low/ wet areas not suitable for(res.) development

C. VISUAL PREFERENCE GREEN INFRASTRUCTURE/ LOW IMPACT DESIGN

Residents were asked to place a dot below their preferred design treatment. Various green infrastructure was displayed in pictures. The options were, Percolation Trenches, Parking Lot Bioretention/ Rain Garden, Curbless Street with Infiltration Trench, Parking lot with Porous Pavers, Sidewalk Rain garden, Low impact Public Space

- Percolation Trenches
  - 1 dot
- Parking Lot Bioretention/ Rain Garden
  - 4 dots
- Curbless Street with Infiltration Trench
  - 3 dots
- Parking lot with Porous Pavers
  - 1 dot
- Sidewalk Rain garden
  - 1 dot
- Low impact Public Space
  - 5 dots

D. VISUAL PREFERENCE DESIGN TREATMENTS

Participants were asked to place a dot next to the picture they preferred in a given situation. Landscaping, screening, and signage were the categories. For landscaping the options were Neighborhood Commercial/Office and Large office/ Industrial. For screening the options were Fenced enclosure and Masonry enclosure. The options for signs were Garden Mounted Sign and Pole Sign.

Landscaping

- Neighborhood Commercial/ Office
  - 11 dots
- Large office Industrial
  - 3 dots

Screening

- Fenced Enclosure
  - 0 dots
- Masonry Enclosure,
  - 10 dots

Signs

- Garden Mounted Sign
  - 9 dots
- Pole Sign
  - 2 dots

E. BIG IDEA BOARD

Feedback was provided by residents on a Big Idea Board. That board is still on display in the Township Office and will be summarized for an upcoming Planning Commission Meeting.

Application # SPC 180009 ~~SPADMIN180006~~

NORTHFIELD TOWNSHIP

SITE PLAN REVIEW APPLICATION

PROJECT NAME: LFC PROPERTY: LITTLEFISH

PROJECT ADDRESS: 8425 MAIN STREET WHITMORE LAKE, MI

Applicant Information: SAME AS OWNER	**Owner Information:**
Name:	Name: ERIC MATTHEWS
Address:	Address: 5373 MILITARY AVE BRIGHTON 48116
Phone:	Phone: 734 637 5844
Email:	Email: ANGELMATTHEWS@COMCAST.NET

If the applicant is not the property owner, then a statement from the owner **MUST** be attached authorizing the application.

Proof of ownership **OR** Statement if applicant is not owner is attached. ☐

If applicant is not the owner, describe applicant's interest in the property

PROPERTY DESCRIPTION

Legal Description: ☐ Attached ☐ On Site Plan

Parcel ID(s): B02 08 327 002

Description of Proposed Use: RETAIL PROJECT IS TENANT BUILDOUT FOR LITTLEFISH DESIGN. LITTLEFISH SELLS COMMERCIAL SIGN SYSTEMS.

Total Acreage of Site: .5 ACRES

Total Floor Area: 1600 SQ. FT.

Existing: 1600 SQ. FT.

Proposed: 1600 SQ FT.

Height of Structure(s) (in stories & feet): ONE STORY - 12 FEET 7 INCHES

Sanitary Facilities: ☒ Sewer ☐ Septic

Water: ☐ Municipal ☒ Private Well

Zoning Classification(s):

☐ RC ☐ AR ☐ LR ☐ SR1 ☐ SR2 ☐ MR ☐ VC ☐ LC ☒ GC ☐ ES ☐ HC ☐ GI ☐ LI ☐ Other _____

SITE PLAN REVIEW OPTIONS

Administrative Site Plan Review:

☐ Expansion or reduction of an existing, conforming structure less than 2,000 sq. ft. / 5% of floor area

☐ Additional parking, loading / unloading spaces and landscape improvements

☒ OTHER: INTERIOR TENANT BUILD OUT

Site Plan Review:

☐ New Construction

☐ Building Addition

Development Plan Review:

☐ Planned Unit Development

☐ Planned Residential Development

☐ Site Condominium Plan

Amendment to Approved Site Plan or Development Plan:

☐ Site Plan

☐ Development Plan

Site or Development Plan Review in conjunction with: ☐ Rezoning Request ☐ Special Land Use Request

Application # _____

AUTHORIZED SIGNATURE	
I hereby state that all of the above statements and all of the accompanying information are true and correct.	
Applicant's Signature: _____ Date: July 30 2018	
FOR OFFICE USE ONLY	
Application Received Date:	**Planning Commission Received Date:**
Planning Commission Action: ☐ Approved Date: _____ ☐ Denied Date: _____	
Expiration Date: _____	
Fee Received: ☐ Cash ☐ Check #_____	

RECEIVED
SEP 19 2018
NORTHFIELD TOWNSHIP

BENCHMARKS
(ENTER DATUM HERE)

BM #301
SPIKE IN NORTH SIDE OF POWER POLE.
ELEV. – 909.73

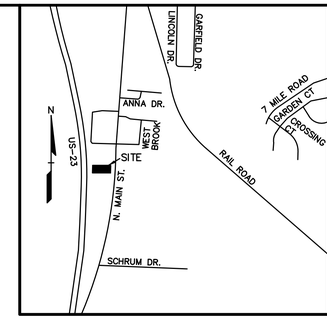
FLOODPLAIN NOTE:
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE 'X', AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP NUMBER 26161C0092E DATED APRIL 3, 2012.

SITE PLANS FOR

LITTLEFISH DESIGN

8425 MAIN STREET

NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MI



LOCATION MAP – NOT TO SCALE

No.	BY	CHK	DESCRIPTION	REV. PER OWNER	DATE
1	SAP				10/23/18

REVISIONS

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60666
LICENSED PROFESSIONAL ENGINEER

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

3 FULL WORKING DAYS BEFORE YOU DIG CALL 811
Know what's below Call before you dig
MISS DIG System, Inc.
1-800-482-7171 www.missdig.org
(OUTSTATE)

OWNER/APPLICANT:

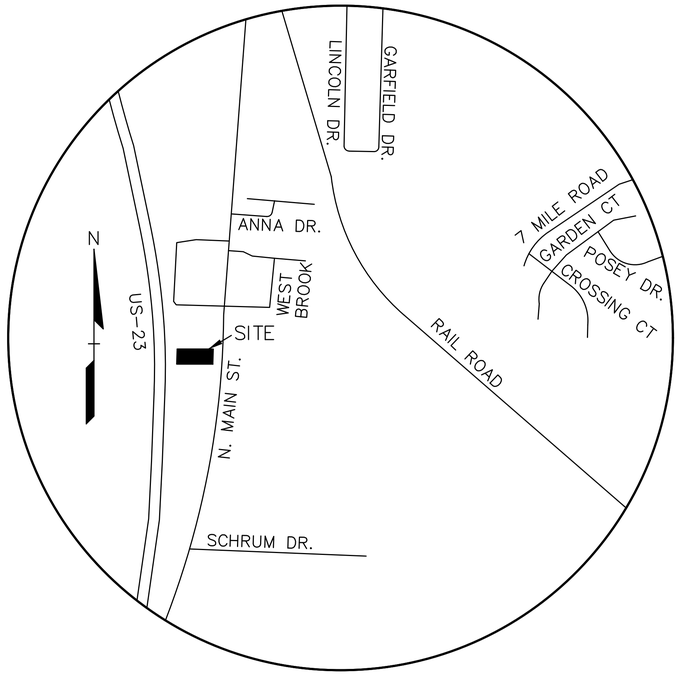
ANGELA MATTHEWS
122 SOUTH MAIN STREET
ANN ARBOR, MI 48104
PHONE: (734) 637–5895
EMAIL: angelamatthews@comcast.net

CIVIL ENGINEER:

PEA, INC.
7927 NEMCO WAY, SUITE 115
BRIGHTON MI, 48116
CONTACT: SCOTT PERUSKI, PE
PHONE: (248) 509–7234
EMAIL: speruski@peainc.com

LANDSCAPE ARCHITECT:

PEA, INC.
7927 NEMCO WAY, SUITE 115
BRIGHTON, MI 48116
CONTACT: JEFF SMITH, R.L.A., LEED AP
PHONE: (517) 546–8583
EMAIL: jsmith@peainc.com



LOCATION MAP
1"=500'

INDEX OF DRAWINGS:

C–0.0	COVER SHEET
C–1.0	TOPOGRAPHIC SURVEY
C–2.0	SITE PLAN
C–3.0	GRADING PLAN
C–4.0	TRUCK TURNING PLAN
C–5.0	NOTES AND DETAILS
L–1.0	LANDSCAPE PLAN AND DETAILS

PROJECT NARRATIVE AND PROPOSED USE DESCRIPTION:

LITTLEFISH DESIGN SPECIALIZES IN WAYFINDING SYSTEMS. THESE SYSTEMS ARE TAILORED TO HEALTHCARE AND BUSINESS OFFICE ENVIRONMENTS. LITTLEFISH OFFERS DESIGN, COORDINATION AND INSTALLATION SERVICES.

LEGAL DESCRIPTION
(Per Washtenaw County Clerk Records, L.5258 P.69)

PARCEL ID B 02–08–327–002

The North 99 feet of the following described property, to–wit:
Beginning at a point 2627 feet South of the Northwest corner of Section 8, Town 1 South, Range 6 East, Michigan, that being an old established line between the North half and the South half of Section 8; thence running East along the said line fence, 32 rods to the c nter of the concrete road running from Whitmore Lake to Ann Arbor; thence South in the center. of said highway, 15 rods; thence West parallel with said line fence 32 rods; thence North 15 rods to the place of beginning, Excepting and Reserving therefrom the North 100 feet of said land, being a part of the Northwest Quarter of the Southwest Quarter of Section 8, To\vn 1 South, Range 6 East, Township of Northfield, County of Washtenaw and State of Michigan; also excepting and reserving therefrom that land deeded to Charles M. Ziegler as State Highway Commissioner of the State of Michigan, and recorded in Ciber 789 Of Records, on Page 354, -Washtenaw County Records. INTENDING TO CONVEY HEREBY TITLE TO PROPERTY ALSO DESCRIBED
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NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260–TOPOBASE.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\X–BASE–18260.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\TBLK–18260.DWG

PEA, Inc.
7927 Nemco Way, Ste. 115
Brighton, MI 48116
t: 517.546.8583
f: 546.546.8973
www.peainc.com

LITTLEFISH DESIGN
122 SOUTH MAIN STREET SUITE 275
ANN ARBOR, MI 48104

COVER SHEET
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	DN.	SUR.	P.M.
SAP	SAP	PEA	THD

S:\PROJECTS\2018\2018-260 little fish office building- mul\DWG\site plans\COVER-18-260.DWG

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 500'

DRAWING NUMBER:
C-0.0

BENCHMARKS
(ENTER DATUM HERE)

BM #301
SPIKE IN NORTH SIDE OF POWER POLE.
ELEV. – 909.73

FLOODPLAIN NOTE:
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE 'X', AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP NUMBER 26161C0092E DATED APRIL 3, 2012.

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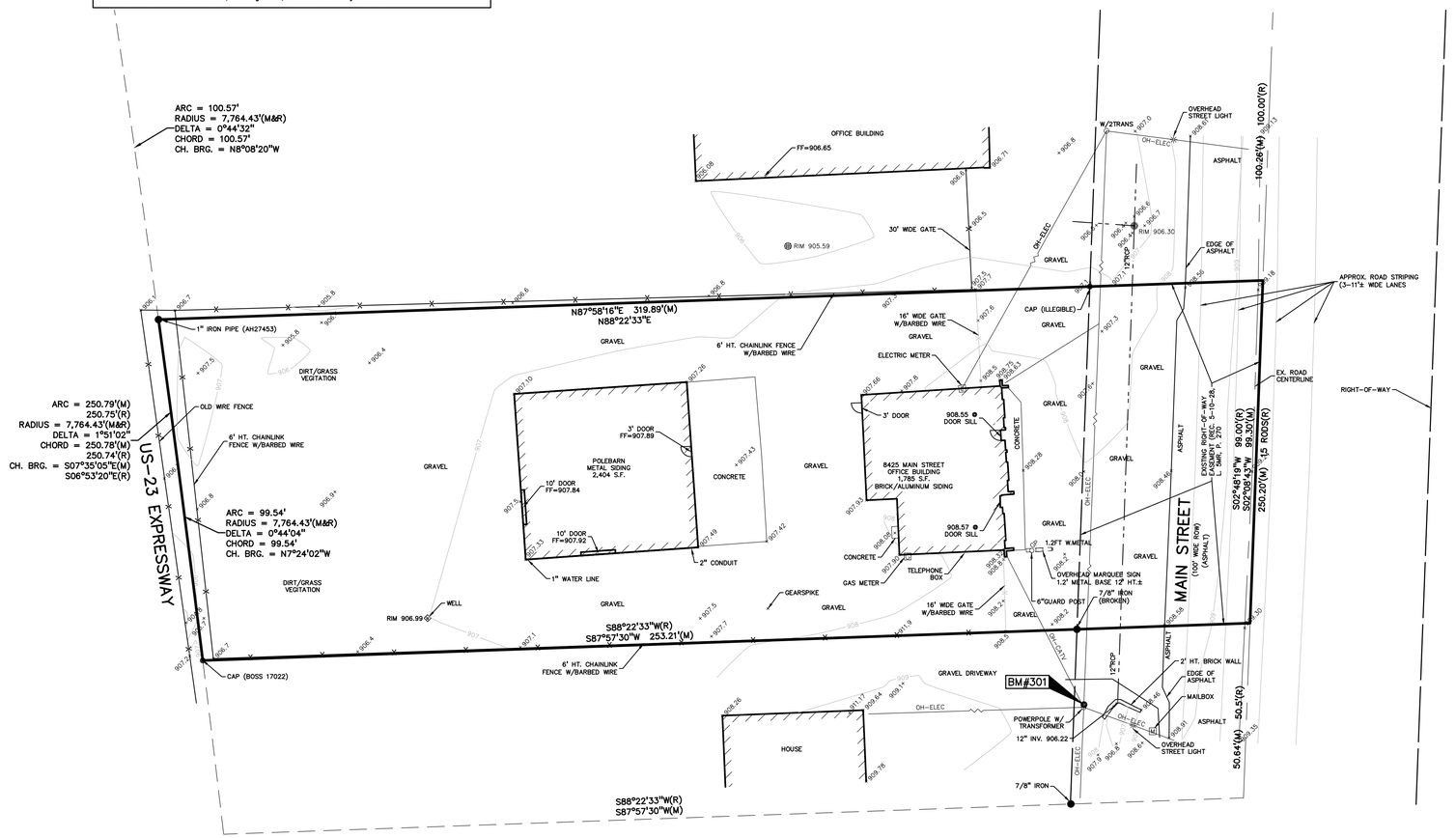
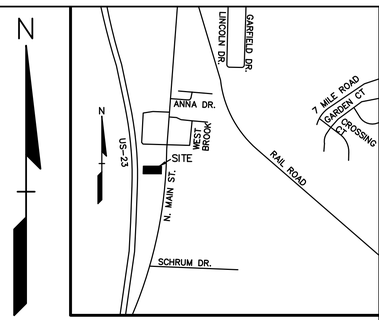
GRAPHIC SCALE
−20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.





LOCATION MAP – NOT TO SCALE

LEGEND

IRON FOUND	BRASS PLUG SET
IRON SET	MONUMENT FOUND
NAIL FOUND	MONUMENT SET
NAIL & CAP SET	SEC. CORNER FOUND
	R RECORDED
	M MEASURED
	C CALCULATED

EXISTING	PROPOSED
ELEC., PHONE OR CABLE TV GUY. LINE, POLE & GUY WIRE	
UNDERGROUND CABLE TV, CATV PEDESTAL	
TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE	
ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE	
GAS MAIN, VALVE & GAS LINE MARKER	
WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE	
SANITARY SEWER, CLEANOUT & MANHOLE	
STORM SEWER, CLEANOUT & MANHOLE	
COMBINED SEWER & MANHOLE	
SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN	
POST INDICATOR VALVE	
WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF	
MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE	
UNIDENTIFIED STRUCTURE	
816.06 SPOT ELEVATION	905.20
670 CONTOUR LINE	
FENCE	
GUARD RAIL	
STREET LIGHT	
SIGN	
CONC. CONCRETE	STD DUTY
ASPH. ASPHALT	STD DUTY
GRAVEL GRAVEL SHOULDER	

REVISIONS				
No.	BY	CHK	DESCRIPTION	DATE
1	SAP		REV. PER OWNER	10/23/18

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60666
LICENSED PROFESSIONAL ENGINEER

CAUTION!!
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LITTLEFISH DESIGN
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ANN ARBOR, MI 48104

TOPOGRAPHIC SURVEY
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	DN.	SUR.	P.M.
SAP	SAP	PEA	THD

S:\PROJECTS\2018\2018-260 Files Fair office building-Inc\DWG\site plan\[C-1.0(TOPO-18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
C-1.0

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
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XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\TBLK-18260.DWG

BENCHMARKS
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ELEV. – 909.73

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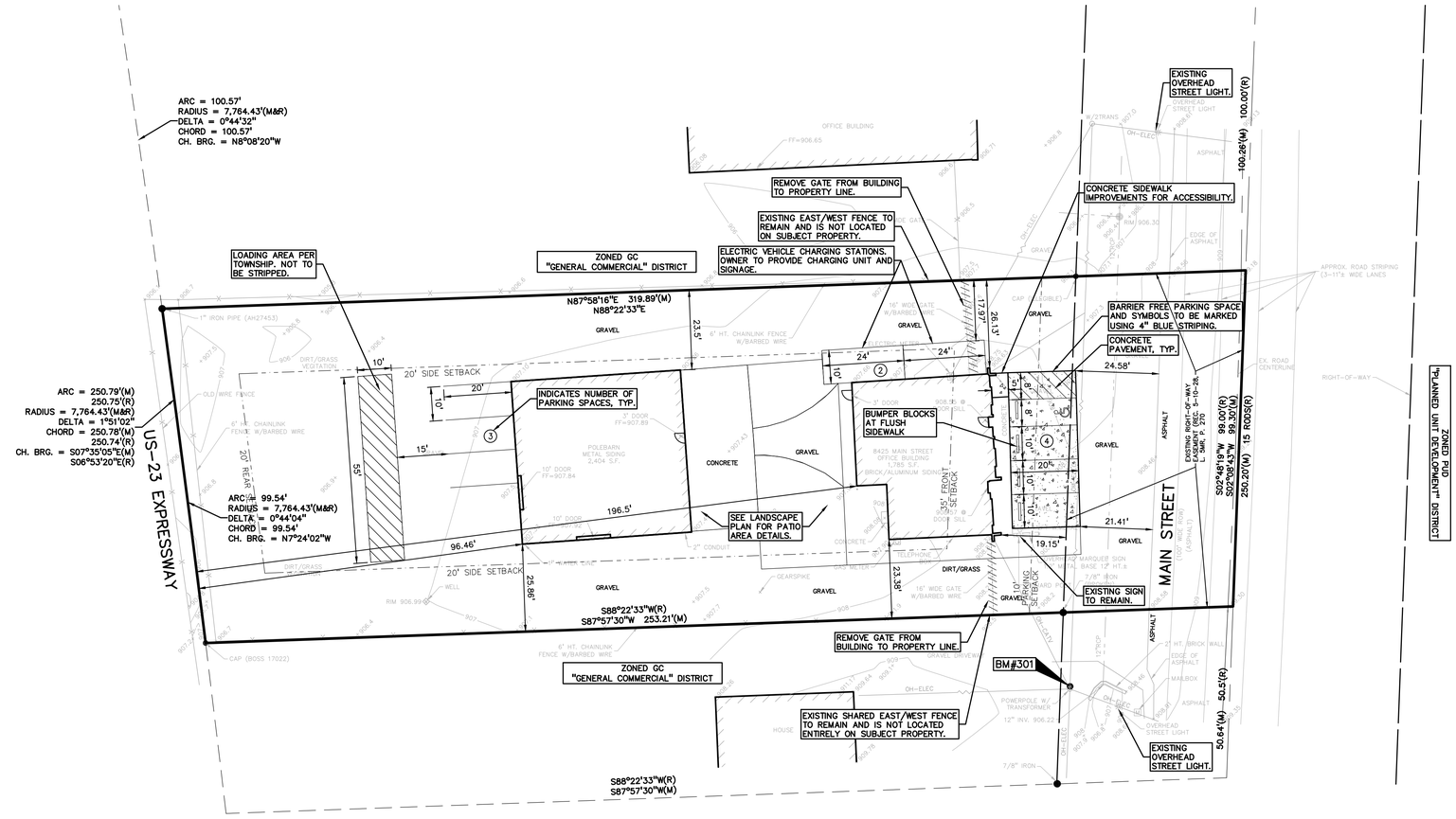

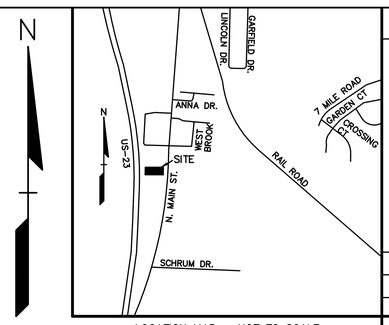

LOCATION MAP – NOT TO SCALE

LEGEND

● IRON FOUND	⅋ BRASS PLUG SET
⊠ IRON SET	⊙ MONUMENT FOUND
✱ NAIL FOUND	⊗ MONUMENT SET
⌀ NAIL & CAP SET	SEC. CORNER FOUND
	R RECORDED
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	C CALCULATED

EXISTING	PROPOSED
–OH–ELEC–	ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
–UG–CATV–	UNDERGROUND CABLE TV, CATV PEDESTAL
–UG–PHONE–	TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
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	SIGN
CONC.	CONCRETE STD DUTY
ASPH.	ASPHALT STD DUTY
GRAVEL	GRAVEL SHOULDER

TRASH DISPOSAL NOTE:
ALL TRASH/WASTE DISPOSAL WILL BE PROVIDED BY CURB SIDE PICKUP.

EXTERIOR MECHANICAL EQUIPMENT NOTE:
NO ADDITIONAL MECHANICAL EQUIPMENT THAT WOULD REQUIRE SCREENING IS LOCATED ON SITE.

OUTDOOR STORAGE NOTE:
NO OUTDOOR STORAGE OF MATERIALS OR EQUIPMENT SHALL BE ALLOWED PER TOWNSHIP REGULATIONS.

SITE DATA TABLE:

SITE AREA: 0.594 ACRES (25,905 SQ.FT.) NET AND GROSS

ZONING: GC, GENERAL COMMERCIAL

EXISTING USE: RETAIL (EQUIPMENT SERVICES COMPANY)
PROPOSED USE: PROFESSIONAL OFFICE WITH RETAIL SALES

BUILDING INFORMATION:
MAXIMUM ALLOWABLE BUILDING HEIGHT = 45 FEET
EXISTING BUILDING HEIGHT = 14± FEET (AT TOP OF PARAPET, 1 STORY)

EXISTING MAIN BUILDING FOOTPRINT AREA = 1,785 SQ.FT.
EXISTING BARN FOOTPRINT AREA = 2,404 SQ.FT.

EXISTING BUILDING LOT COVERAGE = 16.2% (INC. BOTH STRUCTURES, 25% MAXIMUM ALLOWED)

SETBACK REQUIREMENTS:

GC ZONING DISTRICT:

FRONT SETBACK (EAST):	35 FEET REQUIRED	19.15', EXISTING NON–CONFORMING
SIDE SETBACK (NORTH):	20 FEET REQUIRED	26.13' MAIN, 23.50' BARN EXISTING
SIDE SETBACK (SOUTH):	20 FEET REQUIRED	23.38' MAIN, 25.86' BARN EXISTING
REAR SETBACK (WEST):	20 FEET REQUIRED	196.50' MAIN, 96.46' BARN EXISTING
PARKING SETBACK	10 FEET REQUIRED	EXISTING NON–CONFORMING

PARKING CALCULATIONS:
PROFESSIONAL AND BUSINESS OFFICE & RETAIL USES = 1 SPACE PER 200 S.F. G.F.A.
TOTAL RETAIL PARKING REQUIRED = 1,785/200 = 8.9 SPACES (INC. 1 ACCESSIBLE SPACE)

TOTAL EXISTING PARKING = APPROX. 5 SPACES IN FRONT OF MAIN BUILDING.

TOTAL PROPOSED PARKING SPACES = 9 SPACES INC. 1 ACCESSIBLE SPACE

LOADING CALCULATIONS:
LOADING REQUIRED = 1 SPACE (10'X55' MINIMUM) PER 5,000 SQ.FT. GROSS FLOOR AREA
LOADING PROVIDED = 1 SPACE (10'X55') AT REAR OF SITE

SITE SOILS INFORMATION:
ACCORDING TO THE USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY FOR WASHTENAW COUNTY, THE SITE CONSISTS OF THE FOLLOWING SOIL TYPES:

BnB – BOYER LOAMY SAND, 1 TO 6 PERCENT SLOPES
WoA – WASEPI SANDY LOAM, 0 TO 4 PERCENT SLOPES

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\X-BASE-18260.DWG
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No.	BY	CHK	DESCRIPTION	DATE
1	SAP		REV. PER OWNER	10/23/18

REVISIONS

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60668
LICENSED PROFESSIONAL ENGINEER

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SITE PLAN
LITTLEFISH OFFICE BUILDING
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DES.	DN.	SUR.	P.M.
SAP	SAP	PEA	THD

S:\PROJECTS\2018\2018-260 files\ file office building–Revit\DWG\site plans\[C-2.0]SITE–18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
C-2.0

BENCHMARKS
(ENTER DATUM HERE)

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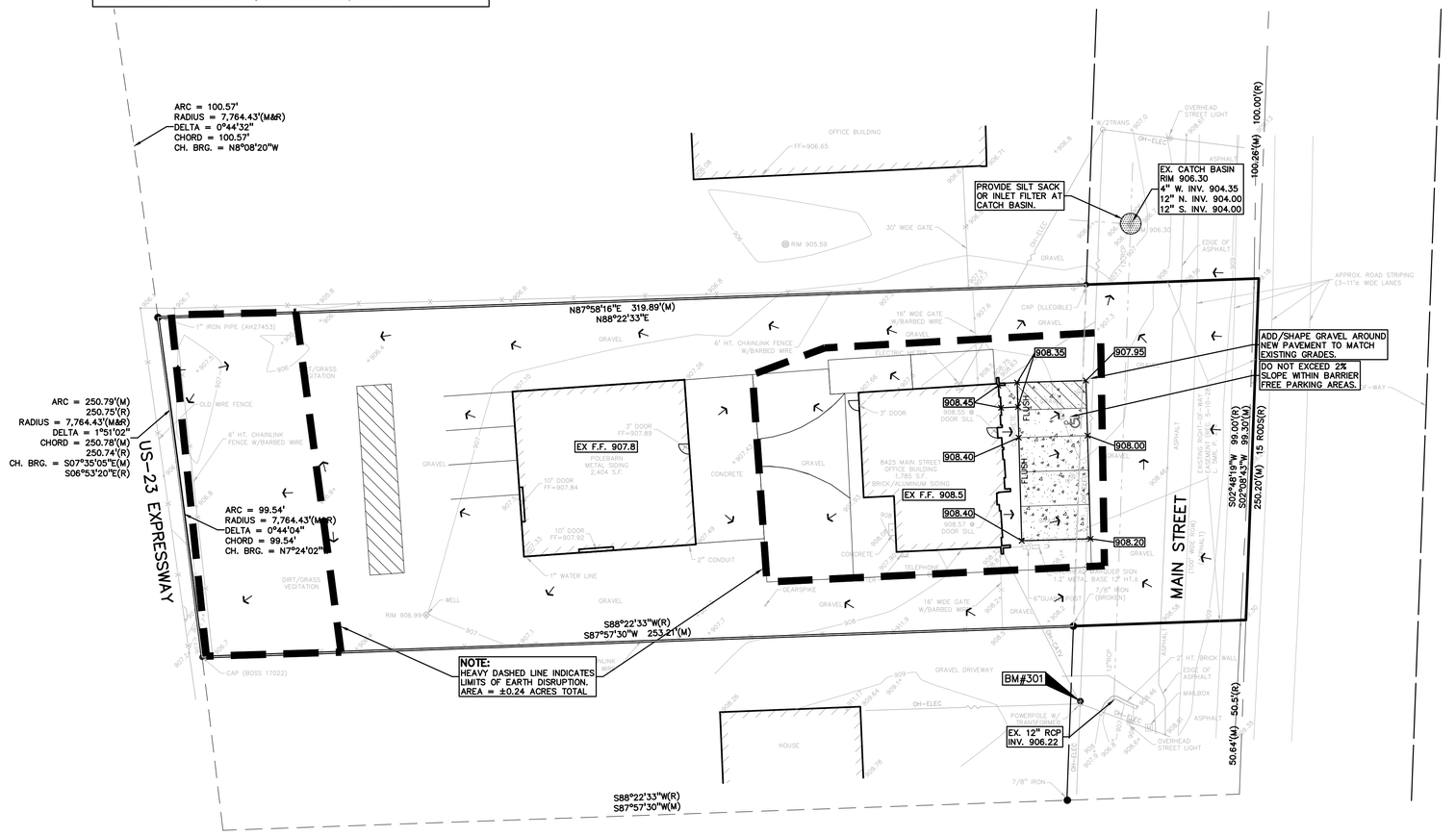

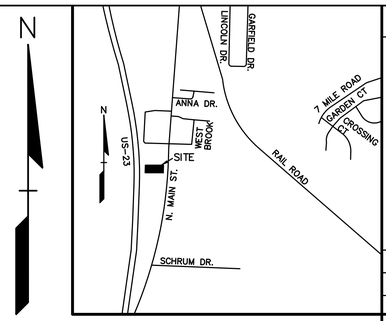

LOCATION MAP – NOT TO SCALE

LEGEND

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- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- BRASS PLUG SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER FOUND
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING	PROPOSED	
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-UG-CATV-		UNDERGROUND CABLE TV, CATV PEDESTAL
-UG-PHONE-		TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
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		SIGN
CONC.		CONCRETE
ASPH.		ASPHALT
GRAVEL		GRAVEL SHOULDER

STD DUTY
STD DUTY

GENERAL GRADING AND EARTHWORK NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT

1. CONTRACTOR TO FIELD VERIFY ALL EXISTING TREES AND BRUSH AND REMOVE ALL THAT ARE NECESSARY TO GRADE SITE.
2. ALL GRADES ARE TO TOP OF PAVEMENT/SIDEWALK UNLESS OTHERWISE NOTED.
3. THE STAGING OF CONSTRUCTION ACTIVITIES SHALL OCCUR ONLY WITHIN THE SITE BOUNDARIES. ANY CONSTRUCTION ACTIVITIES OUTSIDE OF THE SITE BOUNDARIES SHALL BE AT THE SOLE RESPONSIBILITY AND RISK OF THE CONTRACTOR.
4. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL MEET THE REQUIREMENTS OF THE NORTHFIELD TOWNSHIP AND WASHTENAW COUNTY. AN EROSION CONTROL PERMIT MUST BE SECURED FROM THE COUNTY PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL NOTE EXISTING UNDERGROUND UTILITIES WITHIN AND ADJACENT TO THE SITE. BACKFILL FOR EXISTING UTILITY TRENCHES SHALL BE EXAMINED CRITICALLY. ANY TRENCHES FOUND TO HAVE SOFT, UNSTABLE OR UNSUITABLE BACKFILL MATERIAL, IN THE OPINION OF THE GEOTECHNICAL ENGINEER, THAT ARE TO BE WITHIN THE ZONE OF INFLUENCE OF PROPOSED BUILDINGS OR PAVEMENT SHALL BE COMPLETELY EXCAVATED AND BACKFILLED WITH SUITABLE MATERIAL.

SYMBOLS: GRADING

PROPOSED SPOT GRADE ELEVATION.
ALL GRADES INDICATED
ARE TOP OF PAVEMENT OR SIDEWALK
UNLESS OTHERWISE NOTED.
94.50

EARTHWORK BALANCING NOTE:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPORTING OR EXPORTING ALL MATERIALS AS REQUIRED TO PROPERLY GRADE THIS PROJECT TO THE FINISHED ELEVATIONS SHOWN ON THE APPROVED PLANS. THE CONTRACTOR SHALL MAKE THEIR OWN DETERMINATION OF CUT AND FILL QUANTITIES AND ALLOW FOR REMOVAL OF EXCESS OR IMPORTATION OF ADDITIONAL MATERIAL AT NO ADDITIONAL COST TO THE OWNER.

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
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No.	BY	CHK	REV. PER OWNER	DATE
1	SAP		DESCRIPTION	10/23/18

REVISIONS

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60668
LICENSED PROFESSIONAL ENGINEER

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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t: 517.546.8583
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www.peainc.com

LITTLEFISH DESIGN
122 SOUTH MAIN STREET SUITE 275
ANN ARBOR, MI 48104

GRADING PLAN
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	DN.	SUR.	P.M.
SAP	SAP	PEA	THD

S:\PROJECTS\2018\2018-260 little fish office building-ph1\DWG\site plans\[C-1.0]PAGE - 18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
C-3.0

BENCHMARKS
(ENTER DATUM HERE)

BM #301
SPIKE IN NORTH SIDE OF POWER POLE.
ELEV. – 909.73

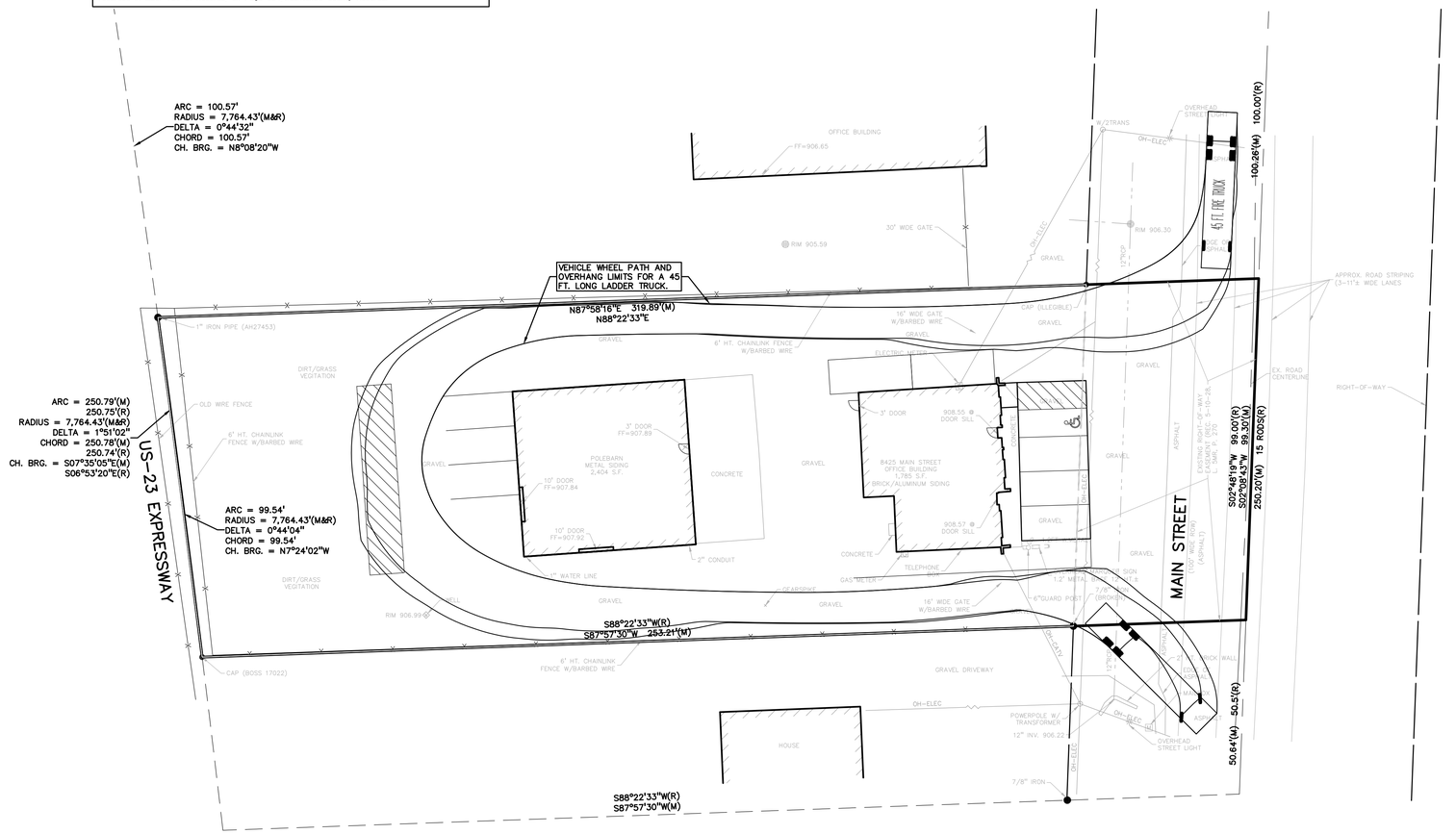
FLOODPLAIN NOTE:
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE 'X', AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP NUMBER 26161C0092E DATED APRIL 3, 2012.

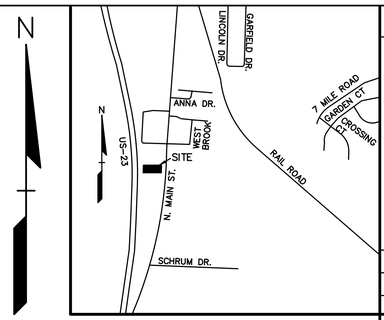
LEGAL DESCRIPTION
(Per Washtenaw County Clerk Records, L.5258 P.69)

PARCEL ID B 02-08-327-002

The North 99 feet of the following described property, to-wit:
Beginning at a point 2627 feet South of the Northwest corner of Section 8, Town 1 South, Range 6 East, Michigan, that being an old established line between the North half and the South half of Section 8; thence running East along the said line fence, 32 rods to the c nter of the concrete road running from Whitmore Lake to Ann Arbor; thence South in the center. of said highway, 15 rods; thence West parallel with said line fence 32 rods; thence North 15 rods to the place of beginning, Excepting and Reserving therefrom the North 100 feet of said land, being a part of the Northwest Quarter of the Southwest Quarter of Section 8, To\vn 1 South, Range 6 East, Township of Northfield, County of Washtenaw and State of Michigan; also excepting and reserving therefrom that land deeded to Charles M. Ziegler as State Highway Commissioner of the State of Michigan, and recorded in Liber 7'89 Of Records, on Page 354, ·Washtenaw County Records. INTENDING TO CONVEY HEREBY TITLE TO PROPERTY ALSO DESCRIBED
AS : The South 99 feet of the North 199 feet of the following described property: "beginning at a point 2627 feet South of the Northwest corner of Section 8. Northfield Township, Washtenaw County, Michigan, that being an old established line between the Nolth Half and the South half of Section 8; thence running East along the said fence line 32 rods to the center of the concrete road running from \\hitmore Lake to Ann Arbor; thence South in the center of said highway, 15 rods; thence West parallel with said line fence 32 rods; thence North 15 rods to the place of beginning, being a part of the Northwest Quarter of the Southwest Quarter of Section 8, Northfield Township, Washtenaw County, Michigan," excepting and reserving therefrom that land deeded to Charles M. Ziegler as State Highway Commissioner of the State of Michigan, and recorded in Liber 789 of Records, on Page 354;Washtenaw County Records.

GRAPHIC SCALE
−20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.





LOCATION MAP – NOT TO SCALE

LEGEND

- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- ⅞ BRASS PLUG SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER FOUND
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING	PROPOSED	
-OH-ELEC-		ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
-UG-CATV-		UNDERGROUND CABLE TV, CATV PEDESTAL
-UG-PHONE-		TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
-UG-ELEC-		ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE
		GAS MAIN, VALVE & GAS LINE MARKER
		WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
		SANITARY SEWER, CLEANOUT & MANHOLE
		STORM SEWER, CLEANOUT & MANHOLE
		COMBINED SEWER & MANHOLE
		SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN
		POST INDICATOR VALVE
		WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
		MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
		UNIDENTIFIED STRUCTURE
816.06	905.20	SPOT ELEVATION
670		CONTOUR LINE
-X-X-X-		FENCE
		GUARD RAIL
		STREET LIGHT
		SIGN
CONC.		CONCRETE
ASPH.		ASPHALT
GRAVEL		GRAVEL SHOULDER

STD DUTY
STD DUTY

No.	BY	CHK	REV. PER OWNER DESCRIPTION	DATE
1	SAP			10/23/18

REVISIONS

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60666
LICENSED PROFESSIONAL ENGINEER

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LITTLEFISH DESIGN
122 SOUTH MAIN STREET SUITE 275
ANN ARBOR, MI 48104

TRUCK TURNING PLAN
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	DN.	SUR.	P.M.
SAP	SAP	PEA	THD

S:\PROJECTS\2018\2018-260 litte fish office building-thd\DWG\site plans\(C-4.0)TRUCK-18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
C-4.0

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\X-BASE-18260.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\TRUCK-18260.DWG

GENERAL NOTES:

1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF NORTHFIELD TOWNSHIP AND WASHTENAW COUNTY.
2. THE CONTRACTOR MUST CONTACT THE ENGINEER SHOULD THEY ENCOUNTER ANY DESIGN ISSUES DURING CONSTRUCTION. IF THE CONTRACTOR MAKES DESIGN MODIFICATIONS WITHOUT THE WRITTEN DIRECTION OF THE DESIGN ENGINEER, THE CONTRACTOR DOES SO AT HIS OWN RISK.
3. ALL NECESSARY PERMITS, TESTING, BONDS AND INSURANCES ETC., SHALL BE PAID FOR BY THE CONTRACTOR. THE OWNER SHALL PAY FOR ALL TOWNSHIP INSPECTION FEES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL DURING THE PERIODS OF CONSTRUCTION. THIS SHALL BE CONSIDERED INCIDENTAL TO THE JOB.
5. THE CONTRACTOR SHALL NOTIFY MISS DIG (811) AND REPRESENTATIVES OF OTHER UTILITIES IN THE VICINITY OF THE WORK A MINIMUM OF 72 HOURS PRIOR TO START OF CONSTRUCTION (EXCLUDING WEEKENDS AND HOLIDAYS) FOR LOCATION AND STAKING OF ON-SITE UTILITY LINES. IF NO NOTIFICATION IS GIVEN AND DAMAGE RESULTS, SAID DAMAGE WILL BE REPAIRED AT SOLE EXPENSE OF THE CONTRACTOR. IF EXISTING UTILITY LINES ARE ENCOUNTERED THAT CONFLICT IN LOCATION WITH NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.
6. CONTRACTOR TO VERIFY THAT THE PLANS AND SPECIFICATIONS ARE THE VERY LATEST PLANS AND SPECIFICATIONS AND FURTHERMORE, VERIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED. ALL ITEMS CONSTRUCTED BY THE CONTRACTOR PRIOR TO RECEIVING FINAL APPROVAL, HAVING TO BE ADJUSTED OR RE-DONE, SHALL BE AT THE CONTRACTORS EXPENSE. SHOULD THE CONTRACTOR ENCOUNTER A CONFLICT BETWEEN THESE PLANS AND/OR SPECIFICATIONS, THEY SHALL SEEK CLARIFICATION IN WRITING FROM THE ENGINEER BEFORE COMMENCEMENT OF CONSTRUCTION. FAILURE TO DO SO SHALL BE AT SOLE EXPENSE TO THE CONTRACTOR.
7. ALL PROPERTIES OR FACILITIES IN THE SURROUNDING AREAS, PUBLIC OR PRIVATE, DESTROYED OR OTHERWISE DISTURBED DUE TO CONSTRUCTION, SHALL BE REPLACED AND/OR RESTORED TO THE ORIGINAL CONDITION BY THE CONTRACTOR.
8. MANHOLE, CATCH BASIN, GATE VALVES AND HYDRANT FINISH GRADES MUST BE CLOSELY CHECKED AND APPROVED BY THE ENGINEER BEFORE THE CONTRACTOR'S WORK IS CONSIDERED COMPLETE.
9. CONTRACTOR SHALL REMOVE AND DISPOSE OF OFF-SITE ANY TREES, BRUSH, STUMPS, TRASH OR OTHER UNWANTED DEBRIS AT THE OWNER'S DIRECTION, INCLUDING OLD BUILDING FOUNDATIONS AND FLOORS. BURNING OF TRASH, STUMPS OR OTHER DEBRIS SHALL NOT BE PERMITTED.
10. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADING, SIGNAGE, LIGHTS AND TRAFFIC CONTROL DEVICES TO PROTECT THE WORK AND SAFELY MAINTAIN TRAFFIC IN ACCORDANCE WITH LOCAL REQUIREMENTS AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION). THE DESIGN ENGINEER, OWNER, CITY AND STATE SHALL NOT BE HELD LIABLE FOR ANY CLAIMS RESULTING FROM ACCIDENTS OR DAMAGES CAUSED BY THE CONTRACTOR'S FAILURE TO COMPLY WITH TRAFFIC AND PUBLIC SAFETY REGULATIONS DURING THE CONSTRUCTION PERIOD.
11. ALL EXCAVATIONS SHALL BE SLOPED, SHORED OR BRACED IN ACCORDANCE WITH MI-OSHA REQUIREMENTS. THE CONTRACTOR SHALL PROVIDE AN ADEQUATELY CONSTRUCTED AND BRACED SHORING SYSTEM FOR EMPLOYEES WORKING IN AN EXCAVATION THAT MAY EXPOSE EMPLOYEES TO THE DANGER OF MOVING GROUND.

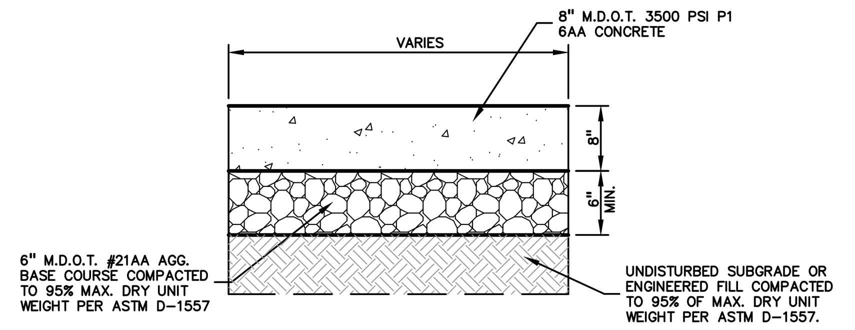
PAVING NOTES:

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF NORTHFIELD TOWNSHIP.
2. IN AREAS WHERE NEW PAVEMENTS ARE BEING CONSTRUCTED, THE TOPSOIL AND SOIL CONTAINING ORGANIC MATTER SHALL BE REMOVED PRIOR TO PAVEMENT CONSTRUCTION.
3. ON-SITE FILL CAN BE USED IF THE SPECIFIED COMPACTION REQUIREMENTS CAN BE ACHIEVED. IF ON-SITE SOIL IS USED, IT SHOULD BE CLEAN AND FREE OF FROZEN SOIL, ORGANICS, OR OTHER DELETERIOUS MATERIALS.
4. THE FINAL SUBGRADE/EXISTING AGGREGATE BASE SHOULD BE THOROUGHLY PROOFROLLED USING A FULLY LOADED TANDEM AXLE TRUCK OR FRONT END LOADER UNDER THE OBSERVATION OF A GEOTECHNICAL/PAVEMENT ENGINEER. LOOSE OR YIELDING AREAS THAT CANNOT BE MECHANICALLY STABILIZED SHOULD BE REINFORCED USING GEOGRIDS OR REMOVED AND REPLACED WITH ENGINEERED FILL OR AS DICTATED BY FIELD CONDITIONS.
5. SUBGRADE UNDERCUTTING, INCLUDING BACKFILLING SHALL BE PERFORMED TO REPLACE MATERIALS SUSCEPTIBLE TO FROST HEAVING AND UNSTABLE SOIL CONDITIONS. ANY EXCAVATIONS THAT MAY BE REQUIRED BELOW THE TOPSOIL IN FILL SECTIONS OR BELOW SUBGRADE IN CUT SECTIONS, WILL BE CLASSIFIED AS SUBGRADE UNDERCUTTING.
6. SUBGRADE UNDERCUTTING SHALL BE PERFORMED WHERE NECESSARY AND THE EXCAVATED MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR. ANY SUBGRADE UNDERCUTTING SHALL BE BACKFILLED WITH SAND OR OTHER SIMILAR APPROVED MATERIAL. BACKFILL SHALL BE COMPACTED TO 95% OF THE MAXIMUM UNIT WEIGHT (PER ASTM D-1557) UNLESS OTHERWISE SPECIFIED.
7. BACKFILL UNDER PAVED AREAS SHALL BE AS SPECIFIED ON DETAILS.
8. ANY SUB-GRADE WATERING REQUIRED TO ACHIEVE REQUIRED DENSITY SHALL BE CONSIDERED INCIDENTAL TO THE JOB.
9. FINAL PAVEMENT ELEVATIONS SHOULD BE SO DESIGNED TO PROVIDE POSITIVE SURFACE DRAINAGE. A MINIMUM SURFACE SLOPE OF 1.0 PERCENT IS RECOMMENDED.
10. CONSTRUCTION TRAFFIC SHOULD BE MINIMIZED ON THE NEW PAVEMENT. IF CONSTRUCTION TRAFFIC IS ANTICIPATED ON THE PAVEMENT STRUCTURE, THE INITIAL LIFT THICKNESS COULD BE INCREASED AND PLACEMENT OF THE FINAL LIFT COULD BE DELAYED UNTIL THE MAJORITY OF THE CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED. THIS ACTION WILL ALLOW REPAIR OF LOCALIZED FAILURE, IF ANY DOES OCCUR, AS WELL AS REDUCE LOAD DAMAGE ON THE PAVEMENT SYSTEM.

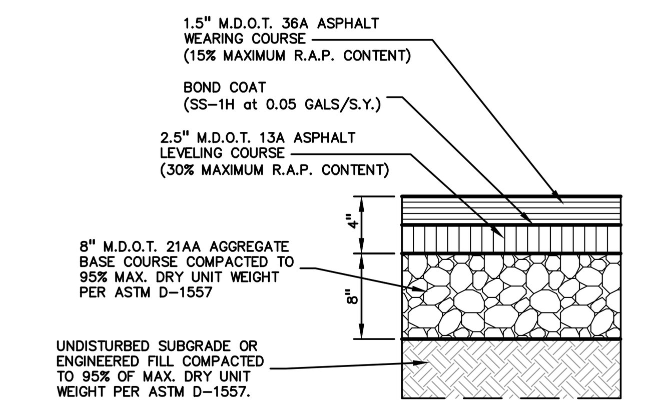
GENERAL BARRIER FREE NOTES:

THE FOLLOWING NOTES PROVIDE AN OUTLINE OF SOME OF THE REQUIREMENTS CONTAINED WITHIN THE "STANDARDS FOR ACCESSIBLE DESIGN – AMERICANS WITH DISABILITIES ACT 2010", AND "ACCESSIBLE AND USEABLE BUILDINGS AND FACILITIES", ICC/ANSI A117.1-2009. THE CONTRACTOR IS RESPONSIBLE FOR ALL OF THE REQUIREMENTS PRESENTED WITHIN THESE DOCUMENTS, WHICH ARE AVAILABLE IN FULL UPON REQUEST.

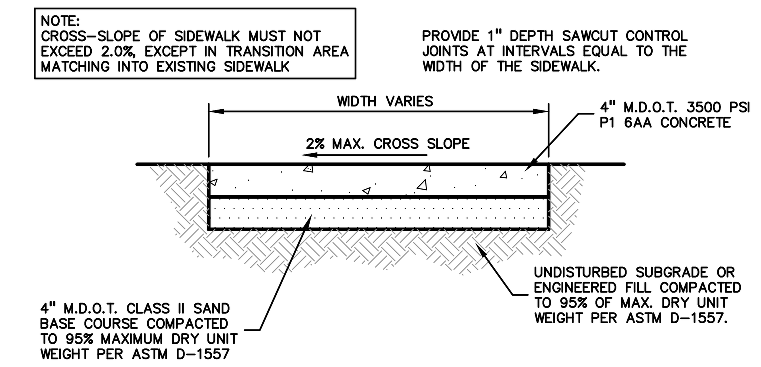
1. AN ACCESSIBLE ROUTE CONSISTS OF WALK SURFACES, CURB RAMPS AND RAMPS. AT LEAST ONE ACCESSIBLE ROUTE SHALL BE PROVIDED WITHIN THE SITE FROM ACCESSIBLE PARKING SPACES, ACCESSIBLE PASSENGER LOADING ZONES, PUBLIC STREETS AND SIDEWALKS, AND PUBLIC TRANSPORTATION STOPS TO THE BUILDING OR FACILITY ENTRANCE THEY SERVE.
2. THE RUNNING SLOPE OF ALL WALKING SURFACES SHALL NOT EXCEED 5% (1:20) AND THE CROSS-SLOPE SHALL NOT EXCEED 2% (1:48).
3. WALKING SURFACES MUST BE LEVEL WITH PERMITTED VERTICAL CHANGES IN LEVEL NOT TO EXCEED 1/4", OR BEVELED CHANGES IN LEVEL NOT TO EXCEED 1/2". REFER TO DETAIL DET-8 THIS SHEET. ANY CHANGE IN LEVEL GREATER THAN 1/2" MUST BE RAMPED.
4. TURNING SPACES ALONG ACCESSIBLE ROUTES MUST BE AT LEAST 5 FEET WIDE IN ALL DIRECTIONS AND NOT EXCEED 2% SLOPE (1:48) IN ANY DIRECTION.
5. ACCESSIBLE ROUTES WILL BE DESIGNED TO BE A MINIMUM OF 5 FEET WIDE. THE MINIMUM CLEAR WIDTH IS 3 FEET.
6. RAMPS ALONG ACCESSIBLE ROUTES WILL HAVE A RUNNING SLOPE GREATER THAN 5% (1:20) AND LESS THAN 8.3% (1:12).
7. THE CROSS-SLOPE OF RAMP RUNS SHALL NOT EXCEED 2% (1:48)
8. THE MINIMUM CLEAR WIDTH OF ANY RAMP IS 36 INCHES.
9. CURB RAMPS ALONG ACCESSIBLE ROUTES SHALL NOT RISE MORE THAN 6 INCHES, NOR BE STEEPER THAN 8.3% (1:12). APPROACHING SLOPES TO THE RAMP CANNOT EXCEED 5%, WHICH INCLUDES SIDEWALKS, PAVEMENT, GUTTERS ETC.
10. IF CURB RAMP SIDES ARE FLARED, THE FLARES SHALL NOT BE STEEPER THAN 10% (1:10).
11. LANDINGS ARE REQUIRED AT THE TOP OF ALL CURB RAMPS. THE CLEAR LENGTH OF THE LANDING SHALL BE A MINIMUM OF 36" AND WILL BE AS WIDE AS THE CURB RAMP.
12. CURB RAMPS SHALL BE LOCATED OR PROTECTED TO PREVENT THEIR OBSTRUCTION BY PARKED VEHICLES.
13. HANDRAILS ARE NOT REQUIRED ON CURB RAMPS.
14. WHERE DETECTABLE WARNING IS REQUIRED AT CURB RAMPS, THE DETECTABLE WARNING SHALL BE 24" MINIMUM IN DEPTH AND SHALL EXTEND THE FULL WIDTH OF THE RAMP. THE DETECTABLE WARNING SHALL BE LOCATED SO THE EDGE NEAREST THE CURB IS 6 INCHES MINIMUM AND 8 INCHES MAXIMUM FROM THE CURB LINE.
15. FOR EVERY SIX OR FRACTION OF SIX ACCESSIBLE PARKING SPACES, ONE VAN ACCESSIBLE SPACE SHALL BE PROVIDED.
16. ACCESSIBLE PARKING SPACES SHALL BE LOCATED ON THE SHORTEST ACCESSIBLE ROUTE FROM PARKING TO A BUILDING ENTRANCE. IF THERE IS MORE THAN ONE ACCESSIBLE ENTRANCE, PARKING SHALL BE DISPERSED ALONG THE SHORTEST ACCESSIBLE ROUTE TO THE ACCESSIBLE ENTRANCES.
17. BARRIER FREE CAR PARKING SPACES SHALL BE A MINIMUM OF 8 FEET WIDE WITH AN ACCESS AISLE 5 FEET WIDE MINIMUM. VAN ACCESSIBLE PARKING SPACES SHALL BE AT LEAST 11 FEET WIDE WITH A 5' WIDE ACCESS AISLE. VAN ACCESSIBLE SPACES ARE ALSO ACCEPTABLE WITH AN 8 FOOT WIDTH AND 8 FOOT WIDE ACCESS AISLE. THE ACCESS AISLE IN ALL CASES MUST EXTEND THE FULL LENGTH OF THE PARKING SPACE.
18. SURFACE SLOPES WITHIN THE PARKING SPACES AND AISLES SHALL NOT EXCEED 2% (1:48)
19. ACCESSIBLE AREAS INCLUDING PARKING SPACES, AISLES AND PATHWAYS, REQUIRE A MINIMUM VERTICAL CLEARANCE OF 98 INCHES.
20. ACCESSIBLE PARKING SPACES ARE REQUIRED TO BE IDENTIFIED BY SIGNS. THE SIGNS SHALL INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. VAN PARKING SPACES ARE REQUIRED TO BE DESIGNATED AS "VAN ACCESSIBLE". REFER TO DETAILS ON THIS SHEET.



CONCRETE PAVEMENT DETAIL
NOT TO SCALE



PAVEMENT ALTERNATE: STANDARD DUTY ASPHALT DETAIL
NOT TO SCALE



CONCRETE SIDEWALK
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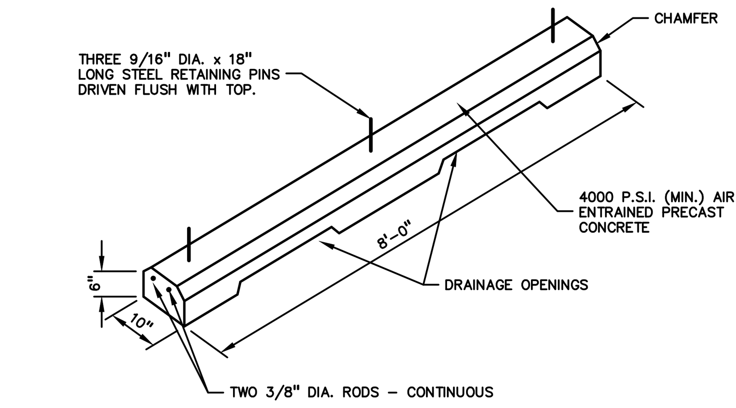
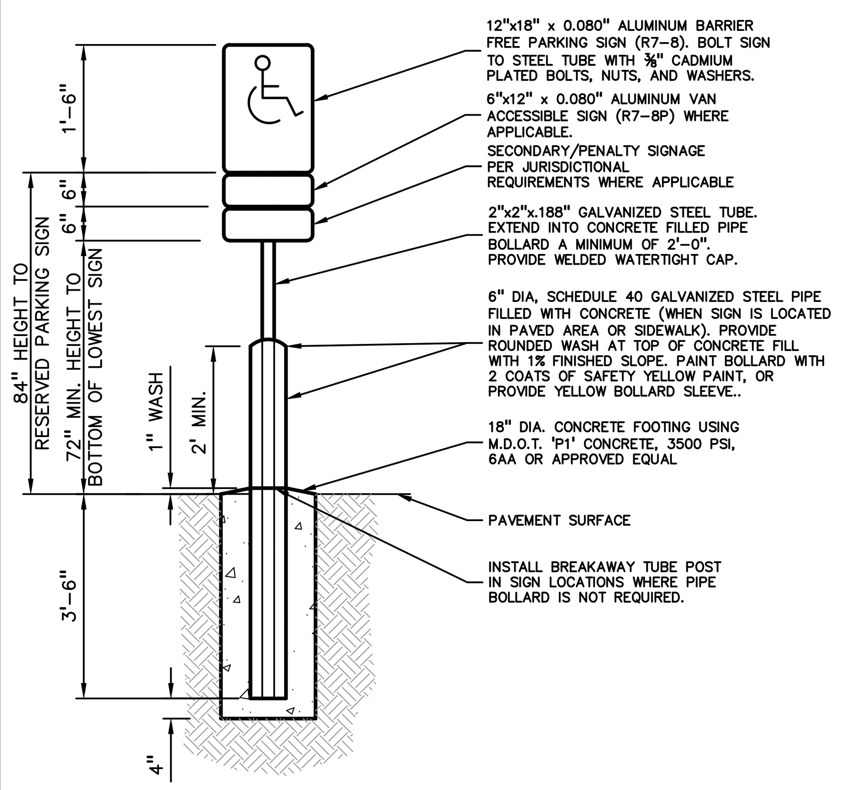


CONCRETE PARKING BUMPER
NOT TO SCALE

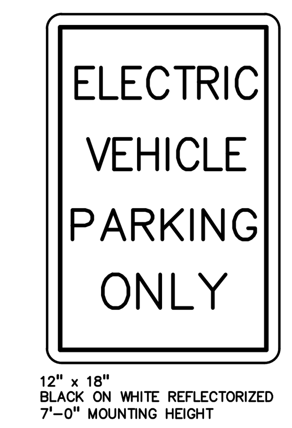
BARRIER FREE SIGN NOTES:

1. ONE SIGN IS REQUIRED AT EACH BARRIER FREE PARKING SPACE.
2. ALL SIGNS SHALL COMPLY WITH THE LATEST STANDARDS OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD).
3. WHEN TWO BARRIER FREE PARKING SPACES ARE ADJACENT AND FACING EACH OTHER, TWO SIGNS ARE REQUIRED, BUT CAN BE MOUNTED ON THE SAME POST.
4. SIGN POSTS SHALL BE 2" NOM. SQUARE 14-GAUGE GALVANIZED STEEL TUBE WITH 7/16" HOLES AT 1" CENTERS. POSTS SHALL TELESCOPE INSIDE ANCHOR POSTS A MINIMUM OF 12".
5. ANCHOR POSTS SHALL BE 2.25" NOM. SQUARE 12-GAUGE GALVANIZED STEEL POST, A MINIMUM OF 3 FEET LONG.
6. IF THESE NOTES AND DETAILS CONFLICT WITH LOCAL CODES AND ORDINANCES, THE STRICTER REQUIREMENT SHOULD BE USED.
7. ALTERNATE MATERIALS MAY BE USED IF IN COMPLIANCE WITH A.D.A. GUIDELINES AND LOCAL REQUIREMENTS.



BARRIER FREE SIGN AND POST DETAIL
NOT TO SCALE

VAN ACCESSIBLE PARKING SIGN DETAIL
NOT TO SCALE



ELECTRIC VEHICLE PARKING SIGN DETAIL
NOT TO SCALE

NOT FOR CONSTRUCTION

XREF: S:PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
XREF: S:PROJECTS\2018\2018260\DWG\SITE PLAN\X-BASE-18260.DWG
XREF: S:PROJECTS\2018\2018260\DWG\SITE PLAN\TBLK-18260.DWG

REVISIONS

No.	BY	CHK	DESCRIPTION	DATE
1	SAP		REV. PER OWNER	10/23/18

STATE OF MICHIGAN
SCOTT A. PERUSKI
ENGINEER
No. 60666
LICENSED PROFESSIONAL ENGINEER

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LITTLEFISH DESIGN
122 SOUTH MAIN STREET SUITE 275
ANN ARBOR, MI 48104

DETAILS AND NOTES
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	SAP	DN.	SAP	SUR.	PEA	P.M.	THD

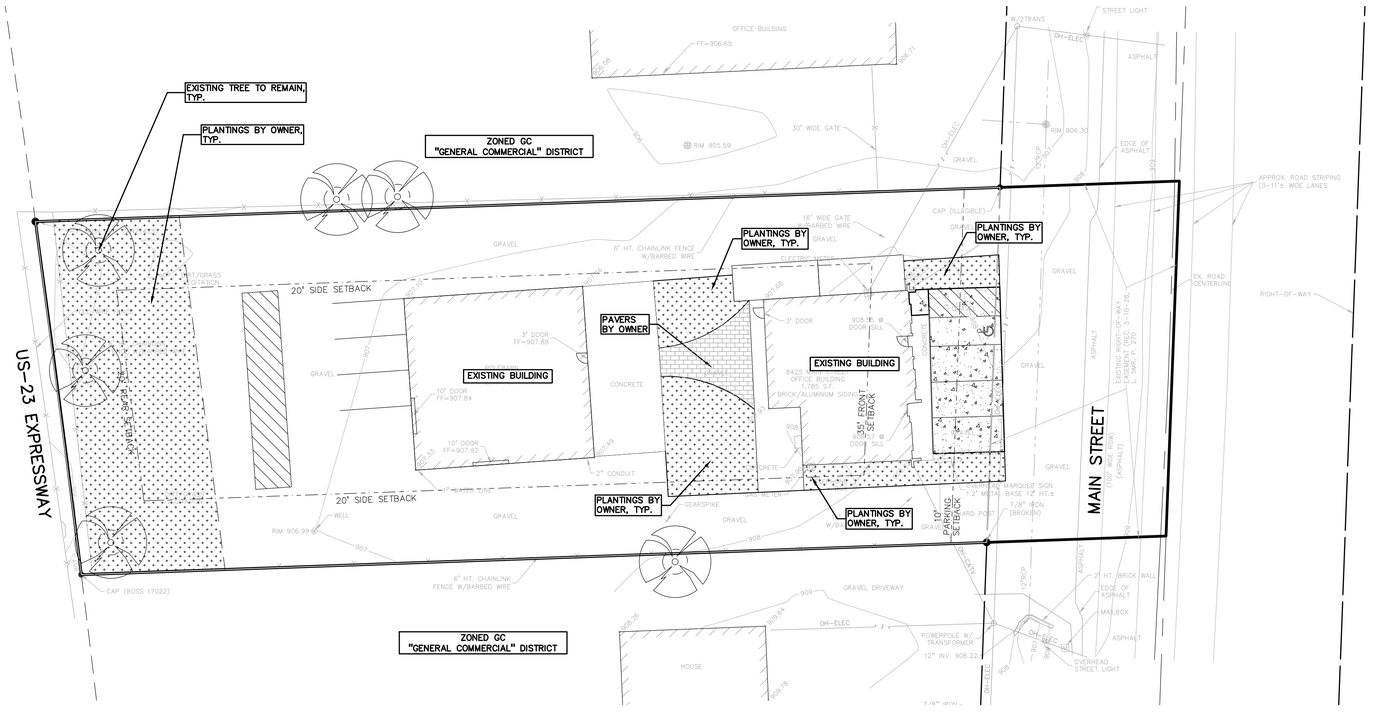
s:\PROJECTS\2018\2018-260 little fish office building-thd\DWG\site plans\(C-5.0)DETAILS-18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
C-5.0



GRAPHIC SCALE

−20 0 10 20 40 80

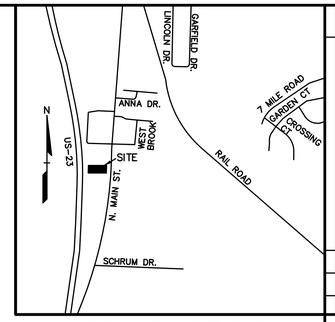
(IN FEET)
1 inch = 20 ft.

N

KEY:

= PLANTINGS BY OWNER

= EXISTING TREES TO REMAIN



LOCATION MAP – NOT TO SCALE

LANDSCAPE CALCULATIONS:

PER CITY OF NORTHFIELD TOWNSHIP ZONING ORDINANCE

PARKING LOT LANDSCAPE:

REQUIRED: 1 TREE / 8 CARS; 9 CARS/8 = 2 TREE REQ'D.

PROVIDED: 3 EXISTING TREES ON SITE.

NOTES: PER NORTHFIELD TOWNSHIP:
PLANT MATERIAL SHALL NOT BE PLANTED WITHIN 3' OF FENCE OR PROPERTY LINE.

NO TREES AND SHRUBS SHALL BE PLANTED IN CONFLICT WITH OVERHEAD UTILITY, FIRE HYDRANTS, CATCH BASINS OR MANHOLES AND UNDERGROUND UTILITIES.

EXISTING PLANT MATERIALS THAT ARE UNSIGHTLY, DEAD, DYING OR UNHEALTHY MUST BE REMOVED AND REPLACED.

ALL LAWN & LANDSCAPE SHALL BE MAINTAINED IN A REASONABLE HEALTHY CONDITION, FREE FROM REFUSE AND DEBRIS. ALL UNHEALTHY AND DEAD MATERIAL SHALL BE REPLACED WITHIN 1 YEAR OF DAMAGE OR DEATH OR NEXT APPROPRIATE PLANTING PERIOD.

SEASONAL APPROPRIATE PRUNING SHALL BE DONE WHEN NECESSARY FOR SAFETY OF PEDESTRIANS AND MAINTAINING VEHICULAR SIGHT LINES. TREES SHALL BE REPLACED IF DISEASED OR DEAD.

ALL WATERING TO BE DONE BY HAND BY OWNER AS NEEDED.

RECOMMENDED PLANTING DATES ARE MARCH 1 TO MAY 15 FOR ALL MATERIALS AND OCT. 15 TO DEC. 15, WEATHER PERMITTING, FOR DECIDUOUS MATERIALS.

GENERAL PLANTING NOTES:

1. LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING SITE CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES. CONTACT LANDSCAPE ARCHITECT WITH ANY CONCERNS.
2. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIS/HER PHASE OF WORK. ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION MAY BE LOCATED BY CALLING MISS DIG 1–800–482–7171. ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF CONTRACTOR. CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES ON THE JOB AND SHALL REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNER'S REPRESENTATIVE PRIOR TO COMMENCING.
3. ALL PLANT MATERIAL TO BE PREMIUM GRADE NURSERY STOCK AND SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARD FOR NURSERY STOCK. ALL LANDSCAPE MATERIAL SHALL BE NORTHERN GROWN, NO. 1. GRADE.
4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON LANDSCAPE PLAN PRIOR TO PRICING THE WORK.
5. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.
6. ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
7. ALL SINGLE TRUNK SHADE TREES TO HAVE A CENTRAL LEADER; TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
8. ALL MULTI STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS. ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
9. ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED AND FULL TO THE GROUND, SYMMETRICAL IN SHAPE AND NOT SHEARED FOR THE LAST FIVE GROWING SEASONS.
10. ALL TREES TO HAVE CLAY OR CLAY LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
11. NO MACHINERY IS TO BE USED WITHIN THE DRIP LINE OF EXISTING TREES; HAND GRADE ALL LAWN AREAS WITHIN THE DRIP LINE OF EXISTING TREES.
12. ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
13. IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS.
14. ALL PLANTING BEDS SHALL RECEIVE 4" SHREDDED HARDWOOD BARK MULCH WITH PRE EMERGENT, SEE SPECIFICATIONS. SHREDDED PALETTE AND DYED MULCH WILL NOT BE ACCEPTED.
15. ALL LANDSCAPED AREAS SHALL RECEIVE 4" COMPACTED TOPSOIL.
16. FOR NON–LAWN SEED MIX AREAS, AS NOTED ON PLAN, BRUSH MOW ONCE SEASONALLY FOR INVASIVE SPECIES CONTROL.

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2018\2018260\DWG\18260-TOPOBASE.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\X-BASE-18260.DWG
XREF: S:\PROJECTS\2018\2018260\DWG\SITE PLAN\TBLK-18260.DWG

No.	BY	CHK	DESCRIPTION	DATE
1	SAP		REV. PER OWNER	10/23/18

REVISIONS

STATE OF MICHIGAN
JANET L. EVANS
LANDSCAPE ARCHITECT
NO. 1301
REGISTERED LANDSCAPE ARCHITECT

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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LITTLEFISH DESIGN
122 SOUTH MAIN STREET SUITE 275
ANN ARBOR, MI 48104

LANDSCAPE PLAN
LITTLEFISH OFFICE BUILDING
PART OF THE NW 1/4 OF SECTION 8, T. 1S., R.6E.,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

DES.	SAP	DN.	SRG	SUR.	PEA	P.M.	THD

S:\PROJECTS\2018\2018-260 LITTLE FISH OFFICE BUILDING-TWP\WORK\SITE PLANS\L-1.0 LANDSCAPE-18260.dwg

ORIGINAL ISSUE DATE:
SEPTEMBER 17, 2018

PEA JOB NO. 2018-260

SCALE: 1" = 20'

DRAWING NUMBER:
L-1.0

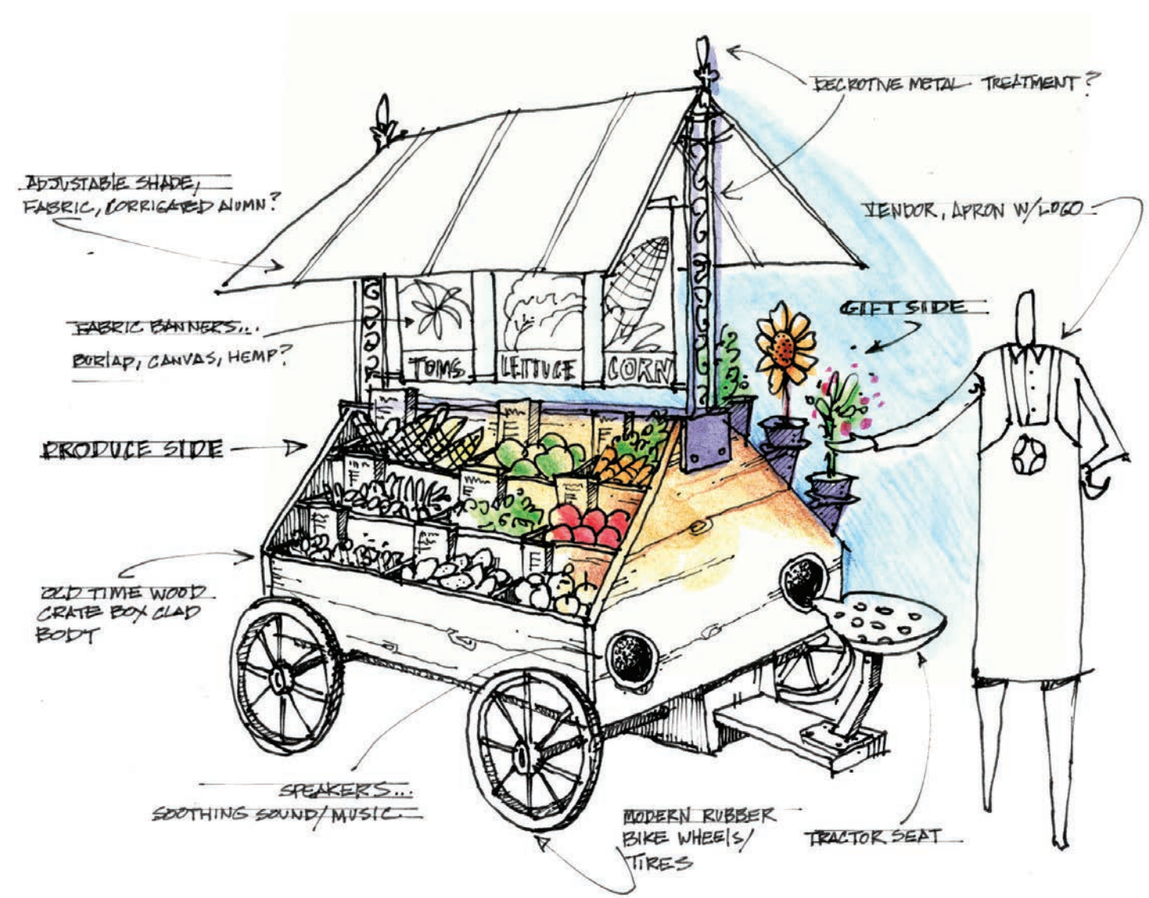
PROJECT OVERVIEW

Whitmore Lake

Building & Site Renovation

10.24.2018

Learn. Think. Make



LITTLEFISH DESIGN

Littlefish Design was founded in January of 2006 by Angela Matthews in Ann Arbor, Michigan. With experience in running environmental design departments for large architectural firms and prior experience of working in fabrication facilities, Angela carefully considered her field of practice. Shifting focus from large retail developments and fabrication details, she began to gain perspective on the larger practice of communicating through the environment. Reaching out to mentors from related design fields, Littlefish formed as a collaborative studio emphasizing the approach of "Learn, Think, Make."

We embrace "Learn, Think, Make." When applied to projects, it means starting with research, observation, open minds and open ears. Learn everything we can from as many perspectives as possible. Ask a thousand questions. Then think. Strategize. Consider how many user touch points exist, what cues are in the environment, how messages are interpreted and how these things relate, reinforce, clarify, and/or conflict. Define the reason and logic behind the existence of elements. Look at the project 100 ways. After thinking about a system, then we begin to conceptualize the form of things. Then make. Make it wonderful, make it intriguing, make it feasible, but mostly, make it once.

When "Learn, Think, Make" is applied to our process as designers, it means constantly learning about industries and learning about ourselves. Thinking about our people and our process, then making changes to maximize effectiveness and find fulfillment in our careers.

We have learned from our clients that one of the most valuable services Littlefish can offer is the organization and administration of environmental communication projects. We gave this learning some hard thought, and decided it was time to make a change. Leaving our studio on Main Street in Ann Arbor, we have invested in a property that holds a personal story, accommodates growth, and has potential for change.

WHITMORE PROPERTY DETAILS

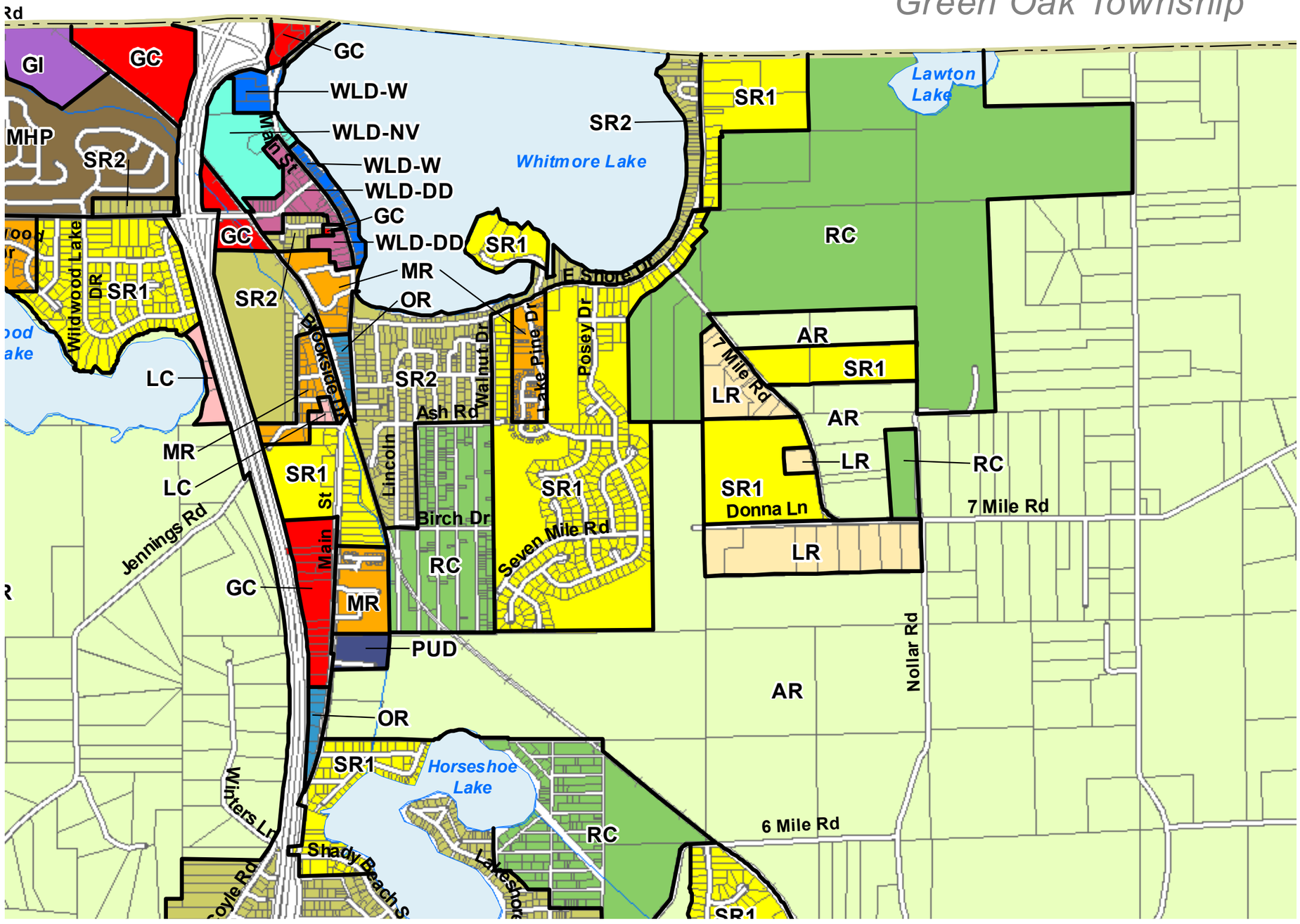
Address: 8425 Main Street Whitmore Lake, MI 48189

- 2 buildings
- Property line:
- Property dimensions
  - 99' East border
  - 253' South border
  - 99' West Border
  - 319' North Border

Existing Conditions

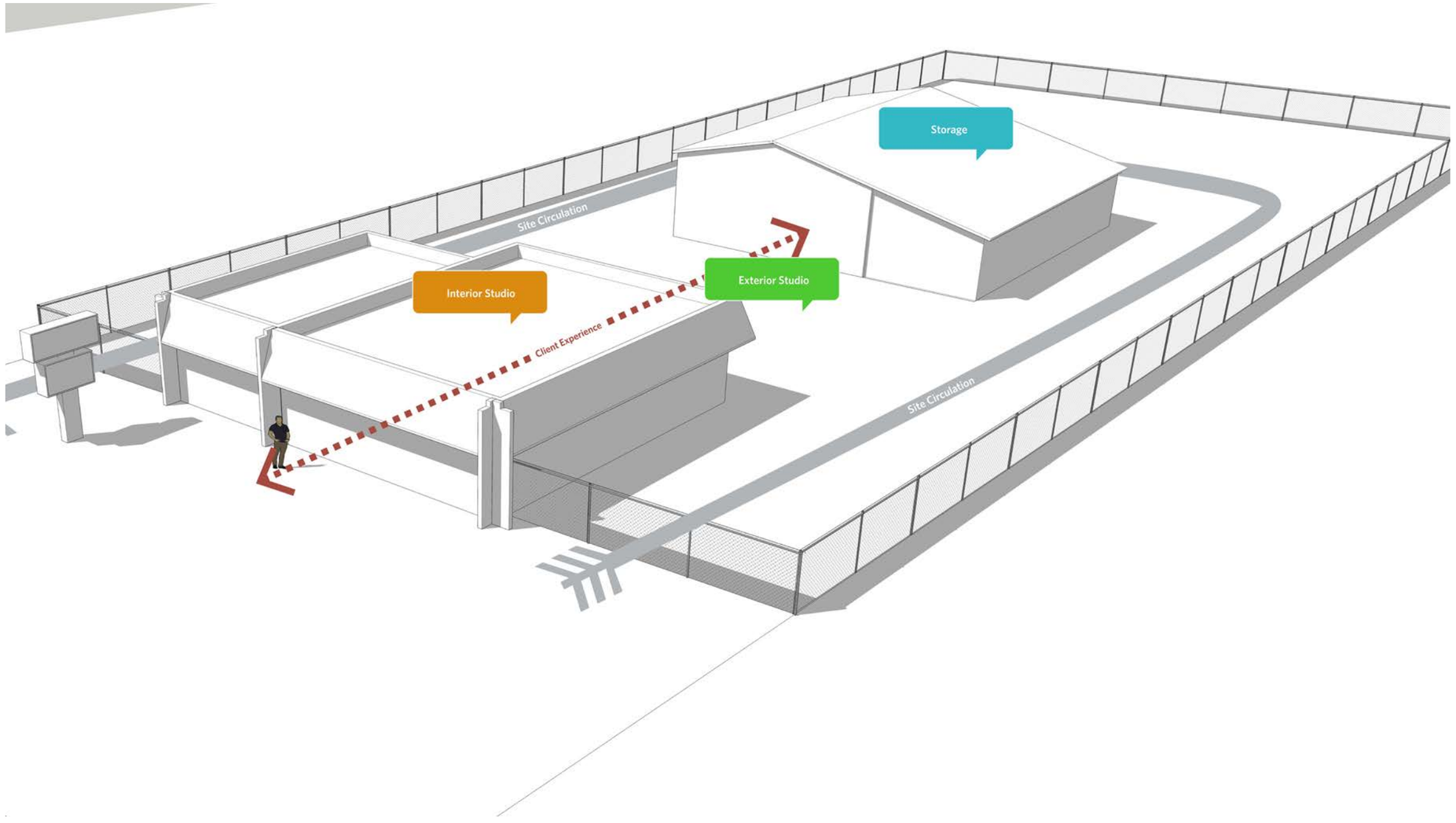
- Multi-year tenant with accumulated rubbish
- Site compacted and gravel
- No landscape or hardscape

Property zoned General Commercial



WHITMORE PROPERTY POTENTIAL

Property can support an interior and exterior studio with a storage facility in beyond.



PARK
PARK
PARK
LIBRARY
RECEPTION
KITCHEN
STORAGE
INTERIOR STUDIO
EV
EV
EXTERIOR STUDIO
EXTERIOR STUDIO
PRODUCT STORAGE
HARDSCAPE
PARK
PARK
PARK
POLLINATOR GARDEN

PROPERTY CONDITION AT PURCHASE

PROPOSED SITE IMPROVEMENTS

WHITMORE PROPERTY CONCPETS

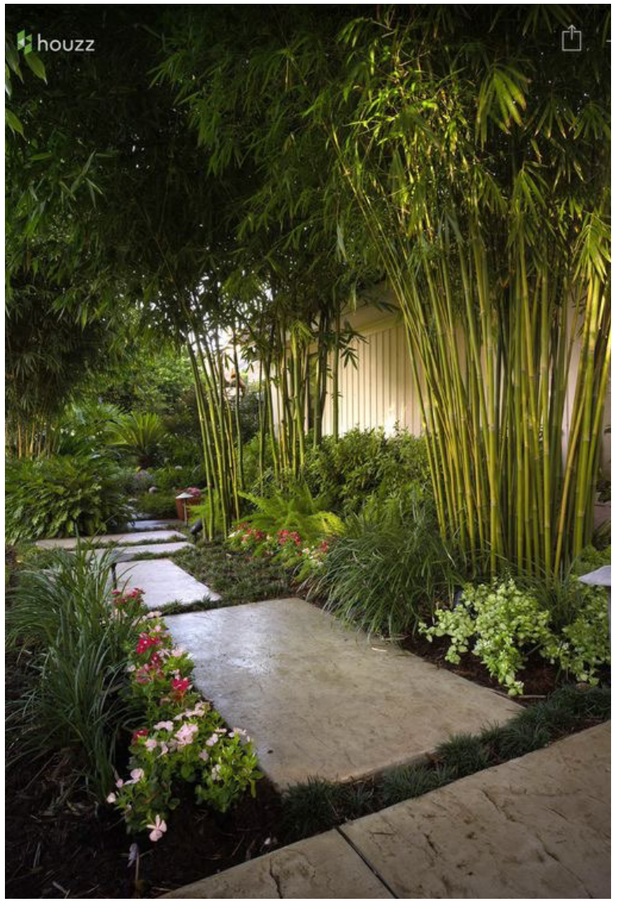
Organizing parking east to west will align with work flow and client experience, allowing for an open and welcoming east facade.

Specific attention will be paid to the east area of the site, as this area is a first face to traffic traveling US 23.

The depicted parking arrangement has considered required emergency circulation lanes, electric vehicle charging, the traveled portion of the ROW and the motoring public, as well as year round maintainence and appearance. Parking on a relatively minimal portion of the property subject to an unimproved ROW

PROPERTY CONDITION AT PURCHASE

PROPOSED EXTERIOR STUDIO AREA



WHITMORE PROPERTY CONCEPTS

Inspriration for base surroundings of exterior studio.

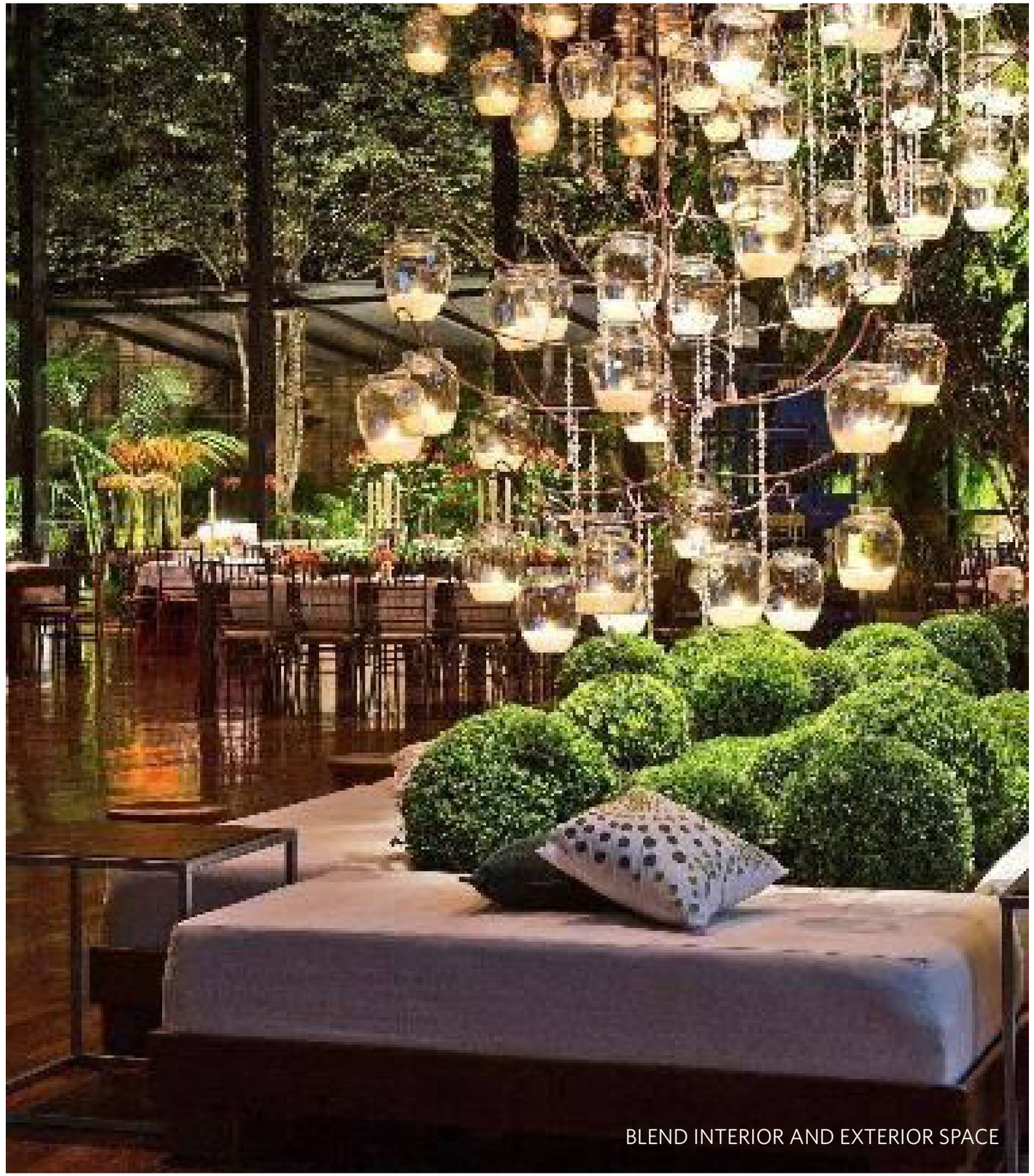
WHITMORE PROPERTY CONCEPTS

Inspriration for hardscaping of exterior studio that will highlight personal story.

PROPOSED EXTERIOR STUDIO AREA

WHITMORE PROPERTY CONCEPTS

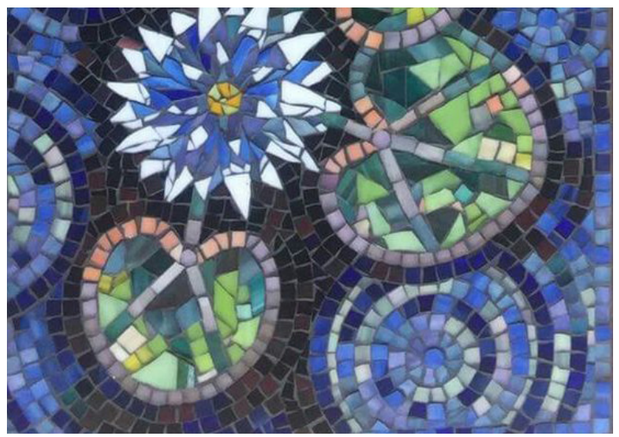
Inspriration for exterior building finishes



BLEND INTERIOR AND EXTERIOR SPACE

RECLAD MANSARD ROOF

EMBRACE ORIGINAL BRICK

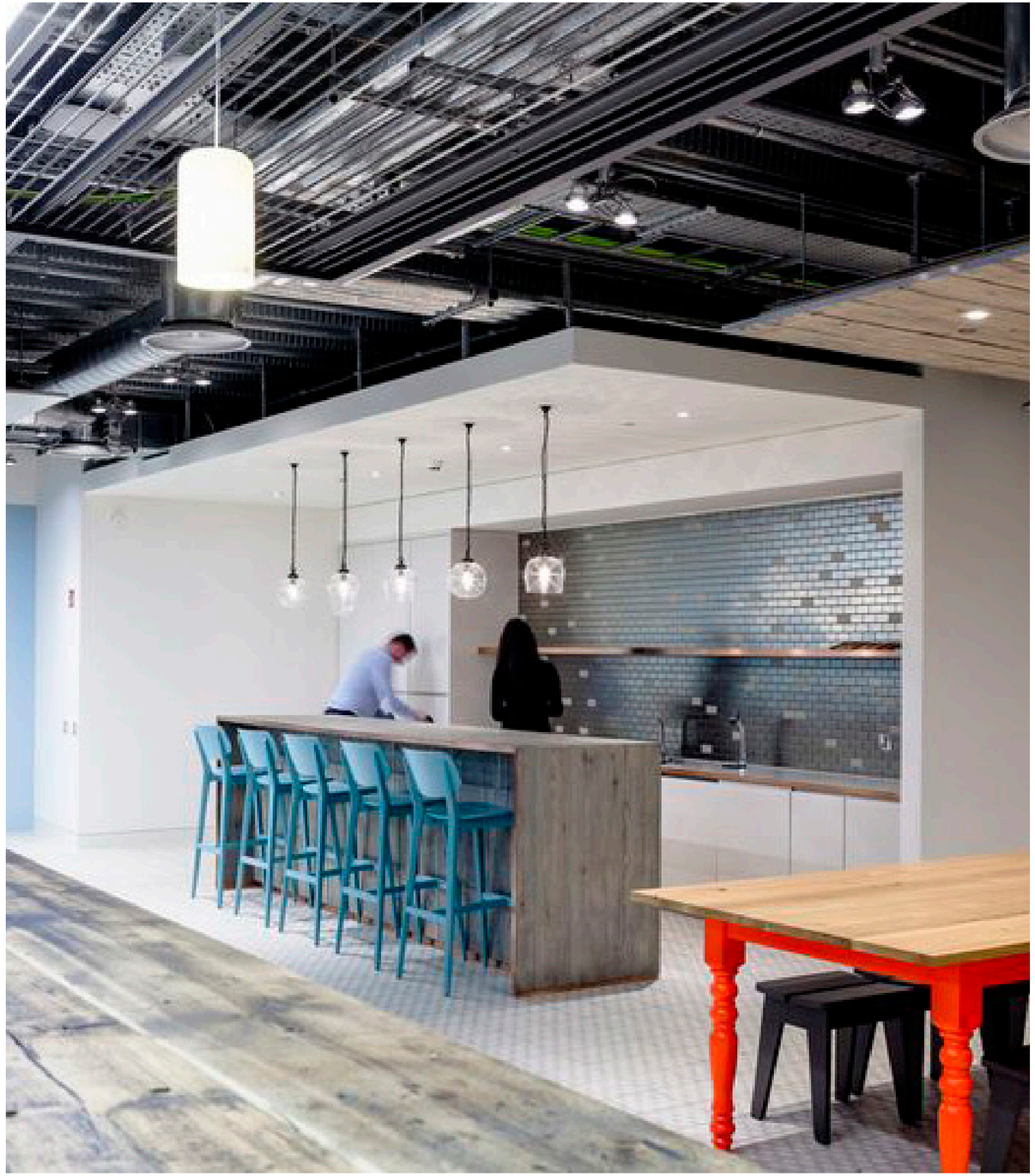


WORK ORGANIZATION

Inspiration for exterior building finishes and organization.

WHITMORE PROPERTY CONCEPTS

Interior studio will be open, creative and collabortive space with a green and sustainable infrastructure.



WHITMORE PROPERTY CONCEPTS

Interior kitchen area will be focal point and flex space.

MCKENNA

October 5, 2018

Mary Bird
Zoning Coordinator
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: **Littlefish Design/8425 Main Street; Administrative Site Plan Review #1; site plan dated 9/17/18.**

Dear Ms. Bird:

We have reviewed the above referenced site plan approval application submitted by Eric Mathews on behalf of Littlefish Design to operate a professional/general office use in the GC (General Commercial) District.

ZONING AND USE

The proposed use is a professional/general office use (graphics and architectural design studio). The application notes that the existing site and structures will remain and will be renovated for the tenant. Professional offices are permitted as principal uses in the GC district per Section 36-390 (2) of the Zoning Ordinance. The site plan notes that the proposed use will also include "retail sales". Clarify what type of sales are intended or proposed i.e., specify materials available for purchase, if it is related to the professional office business, open to general public etc.

Since the proposal does not add any square footage to the structure, *the change of use can be administratively granted by the Zoning Administrator under the provisions of Section 36-865.*

COMMENTS
I have reviewed the site plan submitted for compliance with ordinance standards listed in Section 36-342 (b) and sounds planning and design principles and have the following comments:

1. **Lot Dimensions.** The minimum lot size and width requirement in the GC district are 1 acre and 80 feet, respectively. With a lot area of 0.594 acres and lot width of approximately 99 feet, the site is nonconforming, and would be considered as a non-conforming lot of record. The location of the property line along Main Street must be clarified. The site plan shows the property line extending into several lanes of Main Street right-of-way. If there is an easement it must be so noted.

2. **Setbacks.** The required front, side and rear yard setbacks are 35 feet, 20 feet and 20 feet respectively. The site has a large existing single story building along its frontage, placed at the following setbacks: front – 19.15'; sides 26.13 and 23.38' and rear – 196.5 feet, respectively, making it an existing non-conforming structure. The site also has a barn located towards the rear of the site, which appears to comply with the setbacks. Section 36-901 of the Zoning Ordinance regulates non-conforming structures. The applicant is proposing no expansions to the existing structure; therefore, the non-conformity is not being increased and

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235 East Main Street
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Northville, Michigan 48167
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the use of the structure may continue; however, changes must be made to decrease the degree of non-conformity of the site to the extent feasible.

3. **Pedestrian Circulation.** The site plan indicates a sidewalk on the east side of the office building. The width of the sidewalk must be noted, and it must be designed to a width of 5' to allow for public and barrier free access.

4. **Vehicular circulation.** The site has an expanse of pavement with no green space or defined access drive along its frontage. Access is provided by means of paved area on the north and south sides of the building. We had previously met with the applicant to discuss the improvements that would be required to the site's frontage and access; however, none of those improvements discussed are shown on the site plan proposed. The following items must be addressed:

   a. The frontage cannot remain as pavement with parking spaces encroaching on the public right-of-way. The required setback for parking is 10 feet. While this is an existing non-conformity, it is an issue that can be corrected. The parking must be removed and a landscape area created between the building frontage and the property line.
   b. The circulation drives must be clearly delineated.
   c. All areas of pavement (asphalt or concrete) and gravel need to be clearly differentiated and shown on the plan.
   d. Circulation route must be shown through pavement signage or striping.
   e. The handicap accessible space cannot be placed in a manner that would require the right-of-way for maneuvering. The applicant was previously directed to place the barrier free space aligned north-south, with all other parking placed along the sides and rear of the building. This handicap parking space will likely be within the 10 foot required setback; however the overall nonconformity of the site will be reduced.
   f. Areas of new pavement or grading will require Township Engineer's review and approval.

5. **Parking.** Parking requirement for professional offices is one (1) space per 200 square feet of gross floor area. The following items regarding parking need to be addressed:

   a. Parking calculations noted on the site plan are incorrect. Square footage of the building cannot be reduced to determine parking needs based on "less incidental areas". Gross means entire building footprint.
   b. Parking calculations must be noted for the barn based on its use for storage, assembly etc.
   c. The handicap accessible space must be shown as described in item 4.e, above.
   d. Dimensions of the parallel parking spaces on the north side of the building must be noted in compliance to Ordinance standards.

6. **Loading.** The required loading space is shown dimensioned on the west side of the barn. A truck circulation diagram has been submitted and is acceptable.

7. **Landscaping.** The site has minimal landscaping at the present time. The landscape plan proposes the installation of a new deciduous tree on the west side of the property and indicates several landscape areas on the site with spaces marked "plantings by owner". A few existing trees are shown along the west property line

abutting US-23. The plan includes a notation of landscape maintenance. The following items regarding landscaping must be addressed:

a. The landscape area along the site's frontage must be created between the sidewalk along the building frontage and the property line as discussed previously with the applicant and noted in Comment 4.a, above.
b. The "plantings by owner" must include detailed listing of plant species, number and size at the time of planting. Proposal to plant some seasonal flowers can be noted as such; however the landscaping must also include shrubs, trees and perennials.
c. The plan must provide for a clear separation of landscape area and drive aisles all over the site. Typically concrete curbs are required; however, the applicant had previously discussed some other alternative method of delineating the separation. As proposed, trucks circulating the site are likely to drive over the landscape areas, which is not acceptable.
d. The plan states that landscaping will be irrigated as necessary "until they are established". This is not acceptable. There must be a regular watering schedule to ensure long term viability of the plantings which affects the site's appearance.
e. Manufacturer's cut sheet detail for proposed table and chairs must be submitted.
f. Clarify the surface material for the patio area and provide details for type and color of pavers proposed.

8. **Dumpster.** The site plan includes no dumpster location and trash removal has not been addressed. The site has previous history of dumping and un-authorized outdoor storage. While the note stating that no outdoor storage proposed is acceptable, a dumpster enclosure with gates constructed to the Township's standards must be provided. Typical enclosure details must be noted.

9. **Lighting.** The site plan includes no information regarding site lighting. Location and details of all existing and proposed fixtures must be noted. Light poles along the site's Main Street frontage must be shown on the site plan. All fixtures must be downward directed and shielded with a concealed light source. Existing fixtures without shielding must be replaced or provide with shielding to bring it into compliance.

10. **Signage.** The applicant has provided no information regarding proposed signage for the site. Clarify if any new signage is proposed at this time. If the signage is submitted later there will be an additional sign permit application and fees. We recommend that the information (including but not limited to sign location, size, design and illumination) be submitted at this time for approval as part of the site plan.

11. **Architecture.** The applicant has submitted no elevations. Photographs may be submitted in lieu of elevations if no changes are proposed. The existing building along the site's frontage appears to be in good condition and may require minor upkeep; however the barn appears to need some work done to it. Information regarding any proposed changes to the structures, including but not limited to painting etc., must be noted.

12. **Other.** The following additional items must be addressed:

    a. The site has an existing chain link fence with gates in a state of disrepair all around the property. The site plan notes that the gates are to be removed. In previous discussions the applicant mentioned removing/repairing and/or replacing some portions of the fence; however, the plan does not provide any clarification.
    b. Clarify location of any exterior mechanical equipment and screening.

RECOMMENDATION AND FINDINGS

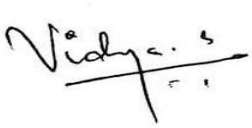
The site plan submitted at this time is deficient in many aspects. Issues and possible solutions previously discussed with the applicant are not reflected in the plans that have been submitted. Issues relating to parking, landscaping, circulation, lighting, architecture etc., are important aspects of a site's overall design and functionality.

The site is not only non-conforming with respect to size, it is also occupied by a non-conforming structure. The Ordinance allows for continued use of non-conforming sites and structures with a goal towards reducing the degree of non-conformity of the site and eventually eliminating the non-conformity. The recommendations included in this letter are feasible within the scope of what is required by the Ordinance.

Therefore, I recommend that the applicant be directed to submit a revised site plan addressing all of the underlined issued noted above prior to being granted any approval.

Respectfully submitted,

McKENNA



Vidya Krishnan
Senior Planner

MCKENNA

November 27, 2018

Mary Bird
Zoning Coordinator
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: **Littlefish Design/8425 Main Street; Site Plan Review #1; site plan dated 9/17/18, and revised 10/23/18.**

Dear Ms. Bird:

We have reviewed the above referenced site plan approval application submitted by Angela Mathews of Littlefish Design to operate a professional/general office use in the GC (General Commercial) District.

ZONING AND USE

The proposed use is a professional/general office use (graphics and architectural design studio). The application notes that the existing site and structures will remain and will be renovated for the tenant. Professional offices are permitted as principal uses in the GC district per Section 36-390 (2) of the Zoning Ordinance. Littlefish Design provides specializes in design build services for wayfinding in the healthcare and business office environments.

Since the proposal does not add any square footage to the structure, the change of use could be administratively granted by the Zoning Administrator under the provisions of Section 36-865; there were several items noted by the Zoning Administrator Planning Commission review

COMMENTS
I have reviewed the site plan submitted for compliance with ordinance standards listed in Section 36-342 (b) and sounds planning and design principles and have the following comments:

1. **Lot Dimensions.** The minimum lot size and width requirement in the GC district are 1 acre and 80 feet, respectively. With a lot area of 0.594 acres and lot width of approximately 99 feet, the site is nonconforming, and would be considered as a non-conforming lot of record. The parcel technically goes to the centerline of the roadway, however, the right-of-way (ROW) easement extends 25 feet in both directions from the centerline. The right-of-way is controlled by Washtenaw County Road Commission (WCRC). As noted in the Township Engineer letter dated 11/26/18, all work in the ROW must be approved and permitted by WCRC, including the parking area which is proposed to extend into the ROW.

2. **Setbacks.** The required front, side and rear yard setbacks are 35 feet, 20 feet and 20 feet respectively. The site has a large existing single story building along its frontage, placed at the following setbacks: front – 19.15'; sides 26.13 and 23.38' and rear – 196.5 feet, respectively, making it an existing non-conforming structure. The site also has a barn located towards the rear of the site, which appears to comply with the setbacks. Section 36-901 of the Zoning Ordinance regulates non-conforming structures. The applicant is

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proposing no expansions to the existing structure; therefore, the non-conformity is not being increased and the use of the structure may continue; however, changes must be made to decrease the degree of non-conformity of the site to the extent feasible.

3. **Pedestrian Circulation.** The site plan indicates a sidewalk on the east side of the office building. The width of the sidewalk is noted at 5 ft.

4. **Vehicular circulation.** The site has an expanse of pavement with no green space or defined access drive along its frontage. The applicant has expressed a desire to keep this non-conforming access configuration with no additional right-of-way landscaping at the front of the site. As mentioned above, the proposed parking configuration encroaches on the Washtenaw County Right-of-Way Easement. We concur with the Township Engineer letter dated 11/26/18, which notes that parking on the front of the building may not be acceptable to Washtenaw County Road Commission. Further, we note that the Township cannot approve improvements within the Right-of-way. We recommend that Planning Commission require applicant provide an approval letter from WCRC for the parking as proposed. If this configuration is not approved the applicant is required to update the site plan to provide landscaping along the right-of-way frontage.

5. **Parking.** Parking requirement for professional offices is one (1) space per 200 square feet of gross floor area. The site plan notes 9 spaces for the 1,785 s. f. building, which meets requirements for the use. No parking is provided for the existing 2,404 s. f. barn on the rear of the property. We believe that the warehousing / storage requirement of 1 space per 2,000 s. f. is most applicable to this use. 1 additional space is required and the parking calculation and site plan must be updated to reflect this requirement.

6. **Loading.** The required loading space is shown dimensioned on the west side of the barn. A truck circulation diagram has been submitted and is acceptable.

7. **Landscaping.** The site has minimal landscaping at the present time. The landscape plan indicates several landscape areas on the site with spaces marked “plantings by owner”. Three trees are shown along the west property line abutting US-23, which the applicant proposes will meet the parking lot landscaping requirement of two trees. The plan includes a notation of landscape maintenance. The following items regarding landscaping must be addressed:

    a. The “plantings by owner” must include detailed listing of plant species, number and size at the time of planting. Proposal to plant some seasonal flowers can be noted as such; however, the landscaping should also include shrubs, trees and perennials.
    b. We recommend concrete curbs or an alternative method separate and protect the landscaping areas from the gravel circulation drives. As proposed, trucks circulating the site are likely to drive over the landscape areas.
    c. The plan states that landscaping will be irrigated as necessary “until they are established”. There must be a regular watering schedule to ensure long term viability of the plantings which affects the site’s appearance.
    d. Clarify the surface material for the hardscape patio area and provide details for type and color of pavers proposed.

8. **Dumpster and Outdoor Storage.** A note on the site plan states that that “Trash Disposal will be of curbside service.” More detail on the waste removal method and screening is required to be added to the site plan per

36-701 (3). A dumpster or trash bin enclosure with screening gates must be constructed to the Township's standards must be provided. Typical enclosure details must be noted. A note states that no outdoor storage of materials or equipment will take place on the site.,

9. **Lighting.** The site plan includes no information regarding site lighting. Location and details of all existing and proposed fixtures must be noted. All fixtures must be downward directed and shielded with a concealed light source. Existing fixtures without shielding must be replaced or provide with shielding to bring it into compliance.

10. **Signage.** A note on the plan states that the existing sign will remain. We have no details on the existing sign or if it conforms to district sizing and placement regulations. We that the change of sign copy may be approved later but there will be an additional sign permit application and fees. We recommend that the information (including but not limited to sign location, size, design and illumination) be submitted at this time for approval as part of the site plan.

11. **Architecture.** The applicant has submitted no formal elevations but has submitted a building and site overview packet was submitted showing photos of the existing building and concepts for the renovation. Page 6 of this packet has an illustration labelled "proposed site improvements" that appears to show awning and exterior building maintenance on the office and the barn. Information regarding any proposed changes to the structures, including but not limited to awning installation, window/door replacement and painting etc., must be noted. This information may be noted in a list on page 6 of the packet.

RECOMMENDATION AND FINDINGS

The site plan submitted at this time is deficient in many aspects. Additionally, Washtenaw County Road Commission approval is required for the proposed parking configuration. We recommend that Planning Commission table this site plan pending approval from WCRC and direct the applicant to substantively address the other site plan deficiencies noted in this letter and in the Engineer's, letter dated 11/26/18.

Respectfully submitted,

McKENNA

Paul Lippens, AICP, NCI
Director of Urban Design and Mobility

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities℠

November 26, 2018

Northfield Township Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, Michigan 48189

Regarding: Littlefish Design/8425 Main Street
Site Plan Review #1

We have reviewed the October 23, 2018 site plan based on the Township's engineering standards for the above referenced project received by the Township on September 19, 2018. Plans were prepared by PEA, Inc. The applicant is requesting Site Plan approval for miscellaneous site improvements. A general summary of the site followed by our review comments and conclusion are noted below.

General/Utilities

The site is located on parcel #02-08-327-002 with address 8425 Main Street. The site is zoned as General Commercial (GC). The applicant is proposing to perform miscellaneous site improvements. General comments are as follows:

1. The existing well is shown however; existing sanitary sewer facilities are not shown. All existing and proposed utilities must be shown so we are assured that the paving will not affect the sewer.

Paving/Grading/Drainage

2. The proposed parking in the front of the building is located in the Main Street ROW. This may not be acceptable to the WCRC.

3. There is a catch basin located just off the property to the north. Based on the proposed spot grades provided, additional drainage will not be directed to this catch basin. This is acceptable.

4. All soil erosion and sedimentation control items should be shown on the grading sheet once the WCWRC reviews the plans.

5. Details should be provided for SESC items (silt fence, mud tracking mats, etc.).

Permits and Other Agency Approvals

Copies of all permits and/or letters of waiver should be provided. The current status of all necessary permits should be included on the cover sheet. We note that this project may require the following permits and/or approvals:

- Northfield Township Fire Department approval for emergency vehicle access and maneuverability.
- Northfield Township Building Department.
- Washtenaw County Water Resources Commissioner's office for storm water and soil erosion and sedimentation control.
- Washtenaw County Road Commission for work in the Main Street ROW.

Conclusion

If the Planning Commission approves the plans, then we recommend that our comments be addressed as a contingency. Please note that additional comments may be generated on future reviews based upon revised material being presented.

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

If you have any questions, please contact us at (734) 522-6711 or ronald.cavallaro@ohm-advisors.com.

Sincerely,
OHM ADVISORS

Ronald A. Cavallaro, Jr., PE

cc: Mary Bird, Northfield Township (via e-mail)
Paul Lippens, MCKA, Township Planner (via e-mail)
File

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Northfield Township Fire Department

8350 Main Street
Phone (734) 449-2385

Whitmore Lake, MI 48189
Fax (734) 449-2521

Fire Chief
William E. Wagner, Jr.

To: **Mary Bird**
From: **Lieutenant Rennells**
Date: **September 21, 2018**
Subject: **Site Plan Review for 8425 Main**

Upon review of the site plan for 8425 Main Street, Littlefish Office Building, there is a concern conflicting with fire safety per the *International Fire Code 2012*.

- Provide vehicle impact protection for the gas meter on the south side of the building, south west corner in accordance with section 312.1 of the *International Fire Code 2012*.

No other issues have been identified at this time.

This approval is subject to field inspection. This approval does not exempt the project from complying with all applicable codes. Additional submittals and approvals may be required.

MCKENNA

November 29, 2018

Planning Commission
Township of Lake Orion
21 E. Church Street
Lake Orion, MI 48362

RE: Explanation of Public Act 281 Medical Marihuana Facilities Licensing Act and Proposal 1

Dear Commission Members,

Per your request, we have reviewed the current legislation regarding Public Act 281 Medical Marihuana Facilities Licensing Act, and Proposal 1 and we offer the following comments for your consideration:

A. BACKGROUND OF MEDICAL MARIHUANA LEGISLATION.

On September 21, 2016, Governor Snyder signed three bills legalizing and regulating medical Marihuana edibles and regulating the growth, processing, transport, and provisioning of medical Marihuana. Public Act 281 of 2016 went into effect on December 20, 2016. The State of Michigan did not begin issuing state operating licenses until December 15, 2017. It is our opinion that the potential impacts of this legislation warrant discussion and a determination should be made about these uses.

REVIEW OF MEDICAL MARIHUANA LEGISLATION

Public Act 281 creates the Medical Marihuana Facilities Licensing Act to license and regulate the growth, processing, transport and provisioning of medical Marihuana.

The State will issue licenses for five types of uses:

i. **A grower**: A commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

ii. **A processor:** A commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

iii. **A secure transporter:** A commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

iv. **A provisioning center ("dispensary"):** 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.

v. **A safety compliance facility:** A safety compliance facility license authorizes the facility to receive marihuana from, test marihuana for, and return marihuana to only a marihuana facility.

A municipality may adopt an ordinance to authorize one or more types of marihuana facilities within its boundaries and to limit the number of each type of marihuana facility. A municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marihuana or interfering or conflicting with statutory regulations for licensing marihuana facilities. Medical Marihuana Caregivers are another protected class of marihuana provider. Currently Northfield Township permits Medical Marihuana Caregivers to operate as a Home Occupation in the Township.

TAXES AND FEES ON MEDICAL MARIHUANA

A tax is imposed on each provisioning center at the rate of 3% of the provisioning center's gross retail receipts. Distribution of this tax is as follows:

- 25% to municipalities in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the municipality.
- 30% to counties in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the county.
- 5% to counties in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the county to support county Sheriffs
- 30% to the state, for deposit in the first responder presumed coverage fund
- 5% to the Michigan commission on law enforcement standards for training local law enforcement officers.
- 5% to the department of state police

A municipal ordinance may establish an annual, nonrefundable fee of not more than $5,000.00 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.

B: BACKGROUND OF PROPOSAL 1 – RECREATIONAL MARIHUANA

On November 7 2018, recreational marihuana was legalized in Michigan. A ten percent sales tax was placed on the sale of Marihuana and it will be treated like alcohol. People who are over the age of 21 will be able to use recreational marihuana legally. There is still rules on how much marihuana someone can have in their house. A person is only allowed 12 marihuana plants and can have no more than 10 ounces of marihuana. 2.5 ounces of marihuana may be transported or given away but only 15 grams may be in the marihuana concentrate form. The giving away marihuana of no more than 2.5 ounces is legal as long as it is not publicly advertised or remunerated. People who are younger than 21 cannot use marihuana recreationally unless for medical purposes. The public use is not allowed unless a municipality designates a private area that is restricted to people over 21.

REVIEW OF MARIHUANA LICENSING REQUIREMENTS

This proposal will also allow for the sale of Marihuana. Marihuana will be able to be sold in stores locally and a license is required. Recreational marihuana is anticipated to be regulated by the same use classes as defined for medical marihuana, and created one new type of use – marihuana microbusiness.

The types of licensees include: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

The State will issue licenses for six types of uses with various types of growers:

i. **Marihuana grower:** means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
   a. **Grower - Class A**: authorizes cultivation of not more than 100 marihuana plants
   b. **Grower - Class B:** authorizes cultivation of not more than 500 marihuana plants
   c. **Grower - Class C:** authorizes cultivation of not more than 2000 marihuana plants

ii. **Marihuana processor:** means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments

iii. **Marihuana secure transporter:** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

iv. **Marihuana retailer / provisioning center**: means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

v. **Marihuana safety compliance facility:** means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

vi. **Marihuana microbusinesses:** means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

A municipality may regulate marihuana as long as it does not interfere with the state regulations. Municipalities may completely restrict recreational marihuana facilities from locating within its boundaries. Municipalities cannot prohibit marihuana facilities that were active under the Medical Marihuana act. The transfer of marihuana through a municipality may not be regulated. Other features of the business are open to regulation. A municipality can regulate the signs of marihuana facilities and regulation on when marihuana facilities are allowed to sell their products. Any regulation is okay as long as it does interfere with the act and are not unreasonably impracticable. Municipalities that choose to regulate marihuana facilities are also authorized to charge up to a $5,000 annual license fee per facility to administer their regulatory program.

TAXES AND FEES ON RECREATIONAL MARIHUANA

There will be a 10% tax on the sale of marihuana. This includes any transfer of marihuana to any facility that is not a marihuana facility. The State Treasury will redistribute this tax after expenditures in the following way:

1. 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;
2. 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;
3. 35% to the school aid fund to be used for K-12 education; and
4. 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

A municipal ordinance may establish an annual, nonrefundable fee of not more than $5,000.00 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.

C: ANALYSIS OF FACILITY TYPES, IMPACTS AND POTENTIAL LOCATIONS

Facility Type	Existing Regulations	Potential Districts to Consider
Growers (A B & C)	None	LI, GI (or Not Permitted)
Processor	None	RTM, LI, GI (or Not Permitted)
Secure Transporter	None	LI, GI (or Not Permitted)
Provisioning Center	None	LC, GC, WLD-NV, WLD-DD (or Not Permitted)
Safety Compliance	None	RTM, LI, GI (or Not Permitted)
Microbusiness	None	AR, LI, GI (or Not Permitted)
Caregiver	Permitted as home occupation	Permitted as home occupation

Home Occupation for Medical Marihuana Caregivers is the only use that is currently allowed in Northfield Township. If the Township is considering other Marihuana uses potential zones that could allow for Growers and Secure Transporters in LI Light Industrial and GI General Industrial. Micro- Businesses in AR Agriculture district, LI Light Industrial and GI General Industrial. Provisioning Centers could be considered in the WLD-NV Whitmore Lake North Village, WLD-DD, Downtown, GC General Commercial, and LC Local Commercial. Safety Compliance and Processor could be considered in RTM, Research, Technology, and Manufacturing, LI Light Industrial, and GI General Industrial.

CONSIDERATIONS

To help facilitate initial discussion on an ordinance to regulate Medical Marihuana Facilities and Recreational, we have prepared a few questions for the Planning Commission to consider:

1. ***Which facilities does the Township wish to authorize or prohibit?***
Per Public Act 281 and Proposal 1, a municipality **does not** have to allow any of the types of Medical Marihuana Facilities or Recreational Facilities in their community. If the Township decides that these uses are not appropriate, there are two options. The first is to do nothing. Proposal 1 and Public Act 281 states that a municipality may adopt an ordinance to authorize one or more types of marihuana facilities within its boundaries and to limit the number of each type of marihuana facility. The concern with this approach is that an argument may be made that Recreational and Medical Marihuana Facilities are similar to other approved uses in the Township. For instance, a grower is similar to an agriculture use or a provision center is similar to retail. An applicant could appeal to the Board of Zoning Appeals for an interpretation on these uses.

Should the Township wish to prohibit Medical Marihuana Facilities, we recommend that the Zoning Ordinance is amended to clearly state this fact to remove any potential confusion.

Potential Language for Prohibiting Medical/Recreational Marihuana Facilities:
Pursuant to Section 205(1) of Public Act 281 and Proposal 1, the Township prohibits the following state-licensed medical marihuana facilities and recreational facilities from operating within the municipality:

I. Growers
II. Processors
III. Secure Transporter
IV. Provisioning Center
V. Safety Compliance Facilities
VI. Microbusinesses

Should the Township find that Recreational and Medical Marihuana Facilities are appropriate for the community, it is important to remember that each type of facility has their own impacts that have not been fully researched within the context of your local characteristics. Some communities have considered authorizing only Secure Transporters and Safety Compliance Facilities, others have considered only authorizing Provisioning Centers.

Potential Language for Authorization:
Pursuant to Public Act 281 and Proposal 1, the Township authorizes the following state-licensed recreational facilities for operation within the municipality:

I. Growers – Class A, B, and C
II. Micro-businesses
III. Processors
IV. Secure Transporter
V. Provisioning Center
VI. Safety Compliance Facilities

2. ***What should the location requirements be?***
Many communities that are considering authorizing Recreational/Medical Marihuana Facilities are limiting the uses to their industrial zoning districts. The Township may wish to consider allowing Recreational/Medical Marihuana Facilities in other zoning districts that are complimentary in nature to

the proposed use. For instance, Provisioning Centers are retail in nature and may be appropriate in the GC, General Commercial district. Again, these potential uses are still new, and research is currently being conducted on the long term impact they have on a community.

Potential Language for Location Standards:

I. Growers and Secure Transporters are permitted as conditional uses in the following zones within the Township: LI Light Industrial and GI General Industrial.
II. Microbusinesses are permitted as conditional uses in the following zones within the Township: AR, Agricultural, LI Light Industrial and GI General Industrial.
III. Processors and Safety Compliance Facilities, are permitted as conditional uses in the following zones within the Township: RTM, Research/Technology/Manufacturing, LI Light Industrial and GI General Industrial.
IV. Provisioning Centers are permitted as conditional uses in the following zones within the Township: GC, General Commercial
V. No permit may be issued to any applicant on a parcel of land the lot line of which is fewer than 500 feet from the lot line of any non-residential, state-licensed, child care facility, elementary school, secondary school, public park, or other Marihuana Facility.
VI. The applicant location shall meet all applicable written and duly promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the Medical/Recreational Marihuana Licensing Board and
VII. The Facility location shall conform to all standards of the zoning district in which it is located.
VIII. No person shall reside in or permit any person to reside in or on the premises of a Permit Holder.
IX. Etc.

3. What should the Operational Requirements be?

Public Act 281 and Proposal 1 allows a local community to place restrictions on Medical Marihuana Facilities and Recreational Facilities. The Township should consider utilizing restrictions that help protect the health, safety, and welfare of the community. Specially, the Planning Commission should consider the hours of operation, security, and environmental safety of each facility.

Potential Language for Development Standards:

I. **Hours of Operatio**n: No Permit Holder may operate after 10:00 pm or before 7:00 am.

II. **Security**: Security cameras shall be installed, maintained and approved by the Township Police Chief. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company.

III. **Waste Water**: All Permit Holders must ensure that any water emanating from the Permitted Facility meets or exceeds all applicable state and local environmental standards.

IV. **Inspections:** All Permit Holders shall be subject to period inspection, and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, and law enforcement personnel.

V. **Access**: Drive-through facilities shall be prohibited.

VI. **Signs**: A conspicuous sign(s) shall be posted stating that “no loitering is permitted” on such property.

VII. **Lighting**: Exterior lighting shall be required for security purposes, but in accordance with the provisions of this chapter.

4. Proposed Application Procedure

The application process is key to ensure that the Township is permitting a quality facility that meets the desired quality of the community. Medical Marihuana Facilities and Recreational Facilities should be considered a Special Land Use in the zoning districts that they are authorized to be located in. In addition to following the Township’s standards for a Special Land Use, an application must also comply with Public Act 281.

Potential Language for Application Procedure:

I. If approved for a Conditional Use, and after payment of a fee to be determined by the Township Board, Medical Marihuana Facilities shall be issued an Operating License. The Operating License must be renewed annually, through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and this Ordinance as demonstrated through an inspection by the Building Official or his or her designee. The Operating License and State Medical Marihuana Facility License must be displayed in plain view clearly visible to Township officials and Medical Marihuana Licensing Board authorized agents.

II. Within 30 days after Conditional Use Approval, the Township shall provide the following to the Medical Marihuana Licensing Board:

a. A copy of this Ordinance.
b. A copy of any zoning regulations that apply to the Applicant Facility.
c. A description of any violation of this Ordinance or applicable zoning regulations committed by the applicant, but only if those violations related to activities licensed under Public Act 281 of 2016.

III. No person who has opened or operated a facility doing business or purporting to do business under this Section without first obtaining a Conditional Use Approval and a State Operating License shall be eligible for an Operating License under this Ordinance.

IV. Licensed medical Marihuana caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall not be required to receive Conditional Use Approval to conduct legal activities under Law 1 of 2008 in any zoning district, but must comply will all applicable Township ordinances, including those governing odor, and all applicable State laws.

V. Permit issued under this Section may be revoked by the Township Board for any of the following:

a. Knowing fraudulent or material misrepresentation contained in the Application

b. A pattern of knowing violations of this Section, after reasonable notice and opportunity to cure.
c. A loss after final determination of the State Medical Marihuana Licensing Board of the Permit Holder's State Medical Marihuana Facility License.
d. Failure or refusal to pay the Annual Fee.

5. **Consideration to the Fee Schedule**
Outside of the Zoning Ordinance, the Township would add "Medical Marihuana Operating License" and "Recreational Facilities Operating License" to its fee schedule, and would charge the State-permitted maximum ($5,000) for any initial license and for annual renewal. The Township may also consider adding a "Medical Marihuana Operating License Inspection Fee" and a "Recreational Marihuana Operation License Inspection Fee" as well to cover the costs of the required annual inspection.

Respectfully submitted,

McKENNA

Paul Lippens, AICP, NCI
Director of Urban Design and Mobility

Section 1. Chapter 12 of the CDC is hereby amended by the addition of the following Article VIII:

"Article VIII. Steamboat Springs Retail Marijuana Code.

Division 1. General Provisions.

Section 12-400. Purpose and legislative intent.

Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing, and retail sale of marijuana, collectively referred to as "marijuana establishments" by the constitution. Subsection 16 (5)(f) of Article XVIII allows localities, within their respective jurisdictions: to prohibit state licensing of marijuana establishments; to regulate the time, place, and manner in which marijuana establishments may operate; and to limit the total number of marijuana establishments. The authority of localities to prohibit or regulate marijuana establishments within their respective jurisdictions, including the authority to engage in local licensing of marijuana establishments, is also reflected in various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. The purpose of this article VIII is to exercise the authority of the City of Steamboat Springs to allow state-licensed marijuana establishments to exist in Steamboat Springs in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth herein. This Article is adopted pursuant to the aforesaid constitutional and statutory authority, as well as the city's plenary authority as a home rule city and county to adopt and enforce ordinances under its police power in order to preserve the public health, safety, and general welfare.

Section 12-401. Defined terms.

The definitions set forth in subsection 16 (2) of article XVIII of the Colorado Constitution as well as the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, shall apply to this article VIII.

Sec. 12-402. Effective date; applicability

(a) This article shall be effective October 1, 2013, and shall govern all applications submitted to the state licensing authority for licensing of any retail marijuana establishment in the city under the Colorado Retail Marijuana Code on and after that date.

(b) Except as otherwise specifically provided herein, this article shall not affect or apply to the operation or licensing of businesses under the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S. and the Steamboat Springs regulations relating to medical marijuana set forth in Article 8 of this Chapter and in the Community Development Code (hereafter "Steamboat Springs Medical Marijuana Code").

Sec. 12-403. Transition provisions.

(a) Prior to July 1, 2014, no retail marijuana store, retail marijuana cultivation facility, or retail marijuana products manufacturer may apply for a license to operate in the city unless:

(1) The applicant for licensing of a retail marijuana establishment is currently operating in good standing a licensed medical marijuana center, a medical marijuana optional premises cultivation operation, or a medical marijuana-infused products manufacturing operation, is currently licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code, and the applicant proposes to surrender the existing medical marijuana license upon receipt of a retail marijuana license, thereby entirely converting an existing medical marijuana establishment into a retail marijuana establishment; or

(2) proposes to retain the existing medical marijuana license while locating a retail marijuana establishment under common ownership at the same location to the extent allowed by the Colorado Retail Marijuana Code and applicable state rules and regulations.

(b) Prior to July 1, 2014, any person who obtains a transfer of ownership of an existing medical marijuana business that is duly licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code may qualify for licensing in the city as allowed by subsection (a) of this section and Section 12-508 of this Article.

(c) Any person who obtains a change of location of an existing medical marijuana business that is duly licensed under both the Colorado Medical Marijuana Code and the Steamboat Springs Medical Marijuana Code may qualify for licensing of a retail marijuana establishment in the new location as allowed by subsection (a) of this section.

(d) On and after July 1, 2014, any person who otherwise qualifies for licensing under applicable state and city laws may apply for licensing of a retail marijuana establishment in the city, regardless of whether or not the applicant is the owner of an existing medical marijuana business in the city, subject to the provisions of Section 12-506 of this Article.

Sec. 12-404. Local licensing authority.

The City Council of the City of Steamboat Springs is hereby designated to act as the local licensing authority for the city within the meaning of the Colorado Retail Marijuana Code. Under any and all circumstances in which state law requires communication to the city by the state licensing authority or any other state agency in regard to the licensing of retail marijuana establishments by the state, or in which state law requires any review or approval by the city of any action taken by the state licensing authority, the exclusive authority for receiving such communications shall be exercised by the city clerk. Authority for granting such approvals shall

be exercised by the City Council or the hearings officer appointed by the City Council pursuant to the provisions of this Article.

Sec. 12-405. Relationship to Colorado Retail Marijuana Code; other laws.

Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict between the provisions of this Article and the provisions of the Colorado Retail Marijuana Code or any other applicable state or local law, the more restrictive provision shall control.

Sec. 12-406. Unlawful Acts.

(a) It shall be unlawful for any person to operate any retail marijuana establishment in the city without a license duly issued therefor under this Article.
(b) It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by section 16 of article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, or the Colorado Medical Marijuana Code.

Sec. 12-407. Classes of licensing authorized.

For the purpose of regulating the cultivation, manufacture, testing, distribution, offering for sale, and sale of retail marijuana, the local licensing authority, upon application in the prescribed form made to the City Clerk, may issue and grant to the applicant a local license from any of the following classes, and the city hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in the city, subject to the provisions and restrictions provided in this Article:

(1) Retail marijuana store.
(2) Retail marijuana cultivation facility.
(3) Retail marijuana products manufacturer.
(4) Retail marijuana testing facility.

Division 2. Licensing.

Sec. 12-500. Screening and response to state license applications.

(a) Upon receipt of notice from the state licensing authority of any application for a license under the Colorado Retail Marijuana Code, the City Clerk shall:

(1) Initially determine, in consultation with the director of planning services, whether or not the proposed location complies with any and all zoning and land use laws of the city, and any and all restrictions on location of retail marijuana establishments set forth in this Article or the Community Development Code. If the city clerk makes an initial determination that the proposed license would be in violation of any zoning law or other restriction on location set forth in city laws, the city clerk shall, no later than forty-five (45) days from the date the application was originally received by the state licensing authority, notify the state licensing authority in writing that the application is disapproved by the city. The failure of the city clerk to make such a determination upon the initial review of a state license application shall not preclude the local licensing authority from later determining that proposed license is in violation of city zoning laws or any other restriction on location set forth in city laws, and disapprove the issuance of a state or city license on this basis.

(2) For any application that is not disapproved as provided in paragraph (1) of this subsection (a), the clerk shall notify the state licensing authority in writing that the city's further consideration of the application is subject to a local licensing process, and that the city's ultimate decision to approve or disapprove the issuance of the state license in Steamboat Springs is subject to the completion of the local licensing process as set forth in this Article, after which the city will notify the state licensing authority in writing of whether or not the retail marijuana establishment proposed in the application has or has not been approved by the city.

Sec. 12-501. Application; fee.

Any person operating or proposing to own or operate a retail marijuana establishment shall first procure from the city clerk a retail marijuana establishment license, which the clerk shall issue in accordance with the following procedures:

(1) A person seeking to obtain a license pursuant to this article shall submit an application to the city clerk. The form of the application shall be provided by the city clerk.
(2) A license issued pursuant to this chapter does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the retail marijuana establishment, including, without limitation, any development approval required by the Community Development Code; a sales tax license; and a building, mechanical, plumbing, or electrical permit.
(3) An application for a license under this article shall contain all information required by the Colorado Retail Marijuana Code and such additional documents as may be required in the discretion of the city clerk, including without limitation, the following information and documents:
    (a) completed local licensing authority application forms;
    (b) A completed individual history form, including a set of fingerprints, for the applicant and/or for any person owning ten percent or more of the retail marijuana establishment;

(c) The street address of the proposed retail marijuana establishment;
(d) If the applicant is not the owner of the proposed location of the retail marijuana establishment, a notarized statement from the owner of such property authorizing the submission of the application;
(e) An acknowledgement by the applicant that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana establishment; and that the application and documents submitted for other approvals relating to retail marijuana establishment are subject to disclosure in accordance with the Colorado Open Records Act.
(f) A complete and accurate list of all owners, officers, managers, and employees of the retail marijuana establishment and of all persons having a direct or indirect financial interest, and the nature of such interest, in the retail marijuana establishment, including names and addresses for such persons.
(g) Plans and specifications for the interior of the building in which the retail marijuana establishment is to be located. If the building is not in existence, the applicant shall file a plot plan and detailed sketch for the interior and submit an architect's drawing of the building to be constructed.
(h) Evidence that the applicant is, or will be, entitled to possession of the premise for which application is made under a lease, rental agreement, or other arranged for possession of the premises, or by virtue of ownership of the premises.

(4) The applicant shall pay to the City an application fee of when the application is filed. The city manager shall determine the amount of the fee and shall divide it into licensing and enforcement components. The enforcement component of the fee shall be refunded in the event the application is denied. The purpose of the fee is to cover the administrative costs of processing the application and enforcing the requirements of this Article.

(5) The City shall not accept or act upon an application for a retail marijuana establishment license if the application concerns a particular location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding date of the application, the local or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

Section 12-502 Renewal; fee. Each license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance, and may be renewed as provided in this section.

(1) An application for renewal shall be made to the city clerk not less than forty-five days prior to the date of expiration and shall be accompanied by an application fee in the amount of $_____. The city clerk will accept late applications not more than ninety days after the date of expiration upon payment of a $500 late application fee. The City Clerk will not in any circumstances accept renewal applications more than ninety days after the date of expiration.

(2) The license shall be renewed by the city clerk unless it appears to the city clerk that grounds exist to deny the renewal application, in which case the city clerk shall refer the application to the hearings officer appointed by the City Council for review at a public hearing.

(3) The local licensing authority shall not authorize a renewal until the applicant produces a license issued and granted by the state licensing authority covering the period for which the renewal is sought.

Section 12-503. Investigation of applicant.

(1) Upon receipt of an application for a license under this article, the city clerk shall transmit copies of the application to the Department of Public Safety, the City Manager, the Department of Community Development, and any other person or agency who the city clerk determines should participate in the review of the application. The City or any of its departments or officials may visit and inspect the plant or property in which the applicant proposes to conduct business and investigate the fitness to conduct such business of any person, or the officers and directors of any corporation, or the partners of any partnership applying for a license.

(2) In investigating the fitness of the applicant, the local licensing authority may obtain criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(3) Not less than five days prior to the date of the public hearing on a license application or, in the event of an application for which no public hearing is scheduled, not less than five days prior to the decision whether to approve or deny an application, the city clerk shall make known the findings of the investigation in writing to the applicant and other parties of interest.

Section 12-504. Public hearings; notice; publication.

(1) Public hearings before the City Council or a hearings officer appointed by the City Council shall be required for the following types of applications and determinations:
   a) Applications for a retail marijuana store or for the relocation of such a license, which shall be reviewed by the City Council;
   b) Renewal applications when the city clerk determines grounds exist for denial per Section 12-202(2) of this article, which shall be reviewed by the hearings officer;
   c) Suspensions or revocations of any license, which shall be heard by the hearings officer;

(2) The following types of licenses may be approved by without a public hearing by the city clerk:
   a) Applications for a retail marijuana cultivation license or for the relocation of such a license;
   b) All renewal applications, unless the city clerk determines grounds exist for denial per Section 12-202(2) of this article;
   c) Applications for a retail marijuana products manufacture license or for the relocation of such a license.
   d) Applications for a retail marijuana testing facility or for the relocation of such a license.
   e) Applications to modify the ownership structure of an existing licensee.

(3) In the event an application is scheduled for a public hearing the city clerk shall post and publish public notice thereof not less than ten days prior to the hearing.
   a) Public notice given by posting shall include sign of suitable material, not less than twenty two inches wide and twenty six inches high, composed of letters not less than one inch in height and stating the nature of the type of license applied for, the nature of the hearing, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. In the case of a new license application, the sign shall contain the names and addresses of the officers, directors, or manager of the facility to be licensed. The sign shall be placed on the subject premises in a location that is conspicuous and plainly visible to the general public.
   b) Public notice given by publication shall contain the same information as that required for signs and shall be made in a newspaper of general circulation in Routt County.

(4) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses.
   a) "Party in interest" means any of the following:
      i) The applicant;
      ii) An adult resident of the neighborhood under consideration;
      ii) The owner or manager of a business located in the neighborhood under consideration;
   b) The licensing authority may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.
   c) Nothing in this subsection shall be construed to prevent a representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration from presenting evidence subject to this section. Such representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group. Such representative shall not be entitled to cross-examine witnesses or seek judicial review of the licensing authority's decision.

Section 12-505. Persons prohibited as licensees.

(1) No license provided by this article shall be issued to or held by:
- (a) Any person whose criminal history indicates the person is not of good moral character;
- (b) Any corporation, any of whose officers', directors', or stockholders' criminal histories indicate such person is not of good moral character;
- (c) Any partnership, association, or company, any of whose officers', or any of whose members' criminal histories indicate such person is not of good moral character;
- (d) Any person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates such person is not of good moral character or who is not a resident of Colorado;
- (e) Any cooperative association, any of whose officers', directors', or stockholders' or members' criminal histories indicate that such person is not of good moral character
- (f) A person under twenty-one years of age;
- (g) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:
  - a) Provide surety bond or file any tax return with a taxing agency relating to the operation of a retail marijauana establishment;
  - b) Pay any taxes interest, or penalties due to a taxing agency relating to the operation of a retail marijuana establishment;
- (h) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony or a person who has discharged a sentence for a conviction of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance in the ten years immediately preceding his or her application date or five years from the effective date of HB 13-17, enacted in 2013, whichever is longer; except that the local licensing authority may grant a license to a person if the person has a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for licensure.
- (i) A person who employs another person at a medical marijuana facility who has not submitted fingerprints for a criminal history record check or whose criminal record history check reveals that the person is ineligible;
- (j) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;
- (k) A person for a license for a location that is currently licensed as a retail food establishment or wholesale food establishment; or
- (l) A person who has not been a resident of Colorado for at least two years prior to the date of the person's application.

(2) In making a determination as to character or when considering the conviction of a crime, the local licensing authority shall be governed by the provisions of Section 24-5-101, C.R.S.

(3) The focus of the inquiry into the moral character of any person associated with the operation of a medical marijuana business shall be whether the person's character is such that violations of state law or City ordinances pertaining to the possession and distribution of marijuana and/or the operation of medical marijuana businesses would be likely to result if a license were granted.

Section 12-506. Issuance or denial of license.

(1) In determining whether to issue a license under this article, the local licensing authority may consider the following:
   (a) Whether the application is complete and signed by the applicant;
   (b) Whether the applicant has paid the application fee;
   (c) Whether the application complies with all the requirements of this Article, the Colorado Retail Marijuana Code, and rules promulgated by the state licensing authority;
   (d) Whether the application contains any material misrepresentations;
   (e) Whether the proposed retail marijuana establishment complies with applicable zoning regulations. The local licensing authority shall make specific findings of fact with respect to whether the building in which the proposed medical marijuana business will be located conforms to the distance requirements set forth in the applicable use criteria.
   (f) The facts and evidence adduced as a result of its investigation as well as any other facts and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.;
   (g) Any other facts pertinent to the type of license for which application has been made, including the number, type, and availability of retail marijuana outlets located in or near the premises under consideration; and
   (h) For applications to license any retail marijuana store in the same location where any medical marijuana center or retail marijuana store is or has previously been licensed, evidence that the licensed premises have been previously operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located.

(2) The local licensing authority may deny the license application for good cause as defined in the Colorado Retail Marijuana Code.

(3) The local licensing authority may impose reasonable conditions upon any license issued pursuant to this article.

(4) The number of licenses issued by the City shall be limited to no more than three. Retail cultivation and products manufacturing licenses shall not be subject to this limit if the applicant holds or has successfully applied for a retail marijuana store license. In the case of multiple applications for an available license, the City Clerk shall publish the availability of the license and assign priority by lot to each completed application received within forty-five days of the date of publication.

(5) No person shall own, operate, manage, control, or hold any interest in more than one retail marijuana establishment in the city.

(6) Within thirty (30) days after the public hearing or completion of the application investigation, the local licensing authority shall issue its decision approving or denying the application. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.

(7) The local licensing authority shall not issue a license until the building in which the business to be conducted is ready for occupancy and has been inspected for compliance with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.

(8) After approval, the local licensing authority shall notify the state licensing authority of such approval.

Section 12-507. Contents and display of license. The licensee shall post the license in a conspicuous location on the premises. A retail marijuana establishment license shall contain the following information:

(1) The name of the licensee;
(2) The date of issuance of the license;
(3) The street address at which the licensee is authorized to operate the retail marijuana establishment;
(4) Any conditions of approval imposed upon the license by the local licensing authority;
(5) The date of expiration of the license; and
(6) The license shall be signed by the applicant and the city clerk.

Section 12-508. Transfer/changes in ownership structure.

(1) Licenses held by natural persons. Licenses held by natural persons may not be transferred. In the event a natural person or persons holding a license sell the associated retail marijuana establishment, the purchaser shall be entitled to apply for a new retail marijuana establishment license for the purchased business notwithstanding the provisions of Section 12-506(3). If the proposed sale or conveyance of a partial interest in the retail marijuana establishment to a person who previously did not own 10% or more of the retail marijuana establishment will, after the sale, result in that person owning 10% or more of the retail marijuana establishment, the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license application by the new owner.

(2) Licenses held by partnerships, corporations, limited liability companies, or other artificial business entities. Licenses held by artificial business entities are not transferable and

terminate automatically upon dissolution of the entity. If the proposed sale or conveyance of any interest in the entity to a person who previously did not own 10% or more of the business will, after the sale, result in the person owning 10% or more of the entity, the licensee shall apply for a change in ownership structure, which the local licensing authority shall process as a new license application by the new owner.

(3) Changes in ownership structure that do not result in a person increasing that person's interest from less than 10% to more than 10% shall be reported to the local licensing authority and may be approved administratively by the city clerk.

Section 12-509. Suspension or revocation.

(1) A license issued pursuant to this article may be suspended or revoked by the local licensing authority after a hearing for the following reasons:

(a) Fraud, misrepresentation, or a false statement of material fact contained in the permit application;
(b) Any violation of City ordinance or state law pertaining to the operation of a retail marijuana establishment, including regulations adopted by the state licensing authority, or the possession or distribution of marijuana.
(c) A violation of any of the terms and conditions of the license;
(d) A violation of any of the provisions of this chapter.

(2) In deciding whether a license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension the local licensing authority shall consider:

(a) The nature and severity of the violation;
(b) Corrective action, if any, taken by the licensee;
(c) Prior violation(s), if any, by the licensee;
(d) The likelihood of recurrence of the violation;
(e) The circumstances of the violation;
(f) Whether the violation was wilfull; and
(g) Previous sanctions, if any, imposed on the licensee.

(3) The provisions of Part 6 of the Colorado Retail Marijuana Code shall govern proceedings for the suspension or revocation of a license issued hereunder.

(4) The hearings officer may impose a fine in lieu of a suspension in accordance with the provisions of the Colorado Retail Marijuana Code.

Section 12-510. Change of Location.

(1) A licensee may move his or her permanent location to another location in the City, but is shall be unlawful to cultivate, manufacture, distribute, or sell retail marijuana at any such place until permission to do so is granted by the City and the state licensing authority.

(2) In permitting a change of location, the local licensing authority shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this article, the Community Development Code, the Colorado Retail Marijuana Code, and rules promulgated by the state licensing authority.

(3) The local licensing authority shall not authorize a change of location until the applicant produces a license issued and granted by the state licensing authority covering the period for which the change of location is sought.

Division 3. General requirements.

Section 12-511. Operational requirements. Retail marijuana establishments shall comply with the following operational requirements:

(1) Retail marijuana establishments shall provide customers with contact information for local drug abuse treatment centers as well as educational materials regarding the hazards of substance abuse.

(3) Retail marijuana stores shall operate only during the hours of 8:00 a.m. to 7:00 p.m.

(4) Retail marijuana establishments shall provide adequate security on the business premises, which shall include the following:

(a) Twenty-four hour security surveillance cameras to facilitate the investigation of crimes and to include video and audio capabilities, with a redundant power supply and circuitry to monitor entrances/exits and parking lot along with the interior and exterior of the premises. Fifteen days of security video and audio shall be preserved for 30 days. The dispensary owner may, but shall not be required to, provide segments of surveillance footage upon request to law enforcement officers investigating crimes committed against the dispensary or its patients. The dispensary owner shall not be required to produce surveillance footage disclosing the identity of dispensary patients and may edit surveillance footage to protect patient privacy. The resolution of these color cameras will be of sufficient quality to allow for the identification of the subject's facial features, in all lighting conditions, in the event of a crime.

(b) A burglar alarm system that is professionally monitored and maintained in good working order;

(c) A locking safe permanently affixed to the premises suitable for storage of inventory and cash; all to be stored during non-business hours; live plants being cultivated shall not be deemed inventory requiring storage in a locked safe.
(d) Exterior lighting that illuminates the exterior walls of the dispensary and that complies with the lighting code set forth in this Community Development Code.

(5) No firearms, knives, or other weapons shall be permitted in a retail marijuana store except those carried by sworn peace officers.

(6) Marijuana shall not be consumed or used on the premises of a retail marijuana store and it shall be unlawful for a retail marijuana store licensee to allow marijuana to be consumed upon its licensed premises. In the case of a retail marijuana store located in a structure with a legal secondary unit or other legal dwelling unit, the dwelling unit shall not be considered part of the retail marijuana store premises if access to the dwelling unit is prohibited to the retail marijuana store customers.

(7) Retail marijuana establishments shall comply with the provisions of the Colorado Retail Marijuana Code, rules promulgated by the state licensing authority, and with any other relevant Colorado statute or administrative regulation.

(8) Retail marijuana stores shall produce no less than 70% of the product sold. Compliance shall be determined on a calendar month basis. The local licensing authority shall grant waivers to this requirement in the event a retail marijuana store suffers a catastrophic loss of inventory due to fire, flood, or other cause beyond the licensee's control."

SECTION 2. The Use Table codified at Section 26-92 of the Steamboat Springs Community Development Code shall be amended by the addition of the following uses:

	Zoning Districts													
Use Classification and Specific Principal Uses	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	C
COMMERCIAL USES														
Retail Marijuana Store													C	C
Retail Marijuana Cultivation														

Retail Marijuana Cultivation														
Retail Marijuana Testing Facility														

SECTION 3. Section 26-402 of the Steamboat Springs Community Development Code shall be amended by the addition of the following definitions and use criteria:

"Retail marijuana establishment means a retail marijuana store, retail marijuana cultivation, retail marijuana products manufacturing, or a retail marijuana testing facility.

Retail marijuana store means any use of any property, structure, or vehicle to sell or distribute marijuana or marijuana infused products customers This definition does not apply to the sale or distribution of marijuana by a medical marijuana center.

(1) Use criteria:

(a) Retail marijuana stores shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.

(b) Retail marijuana stores shall operate from a permanent and fixed location. No retail marijuana store shall operate from a vehicle or other moveable location. Nor shall any medical marijuana center provide delivery services except that deliveries may be made to patients whose medical condition precludes their travel to the medical marijuana center.

(c) Retail marijuana stores shall have staff members present during hours of operation. No vending machine or unsupervised transactions shall be permitted.

(d) Medical marijuana centers shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.

(e) Retail marijuana stores shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.

(f) The retail marijuana store shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana store is located.

(2) Retail marijuana stores shall not be permitted to operate as home occupations.

Retail Marijuana Cultivation means the cultivation of marijuana in accordance with the Colorado Retail Marijuana Code. This definition shall not apply to the cultivation of medical marijuana by a patient for the patient's personal use pursuant to Article XVIII, Section 14. Nor shall this definition apply to the cultivation of medical marijuana by a caregiver registered with the Department of Public Health pursuant to C.R.S. 25-1.5-106 or the distribution of medical marijuana by such a caregiver to the caregiver's patients.

(1) Use criteria:

(a) Retail marijuana cultivation uses shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.

(b) Retail marijuana cultivation uses shall operate from a permanent and fixed location. No retail marijuana cultivation use shall operate from a vehicle or other moveable location.

(c) Retail marijuana cultivation uses shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.

(d) Medical marijuana cultivation uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.

(e) Retail marijuana cultivation uses shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.

(2) Retail marijuana cultivation uses shall not operate as home occupations.

Retail Marijuana Products Manufacturing means the manufacture of products infused with marijuana intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, or tinctures, in accordance with the Colorado Retail Marijuana Code, and with any other statute or state administrative regulations.

(1) Use criteria:

(a) Retail marijuana product manufacturing uses shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or

seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.

(b) Retail marijuana products manufacturing uses shall operate from a permanent and fixed location. No retail marijuana products manufacturing uses shall operate from a vehicle or other moveable location.

(c) Retail marijuana products manufacturing uses shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.

(d) Retail marijuana products manufacturing uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.

(f) Retail marijuana products manufacturing uses shall not operate in a manner that adversely adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.

(g) Sanitary standards for retail marijuana products manufacturing shall be as provided by the Colorado Retail Marijuana Code and any other applicable state laws and regulations. Any and all retail marijuana products packaged by a licensed retail marijuana products manufacturer shall be labeled in accordance with state law.

(2) Retail marijuana products manufacturing uses shall not operate as home occupations.

Retail marijuana testing facility shall mean a facility which performs testing and research on retail marijuana, including the development and testing of retail marijuana products.

(1) Use criteria:

(a) Retail marijuana testing facilities shall not be located within 1,000 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any child care facility. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care facility to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school or child care establishment; to any other retail marijuana store; or to any medical marijuana center.

(b) Retail marijuana testing facilities shall operate from a permanent and fixed location. No retail marijuana products manufacturing uses shall operate from a vehicle or other moveable location.

(c) Retail marijuana testing facilities shall not display signs visible from the exterior of the premises that depict any portion of the marijuana plant.

(d) Retail marijuana testing facilities shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, or G-2.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

ORDINANCE NO. C-334-17

AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND DEFINITIONS AND ADOPT LAND USE REGULATIONS PERTAINING TO MARIJUANA FACILITIES AS PROVIDED BY THE *MEDICAL MARIHUANA FACILITIES LICENSING ACT*, MCL 333.27102, *et. seq.*

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to adopt certain definitions and land use regulations pertaining to marijuana facilities as provided by the *Medical Marihuana Facilities Licensing Act*, MCL 333.27102, *et. seq*. ("Act").

Section 2. Amendment to Article 2.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 2.00, "Definitions", Section 2.02, "Definitions", to include and amend the following definitions:

"MARIJUANA OR MARIHUANA": "Marijuana or Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

"MARIJUANA FACILITY": "Marijuana or Marihuana Facility" means a Marijuana or Marihuana Facility as defined and provided by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended ("Act") and includes the following:

1) *Grower Facilities*. "Grower" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

2) *Provisioning Centers.* "Provisioning center" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances 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 only assist a qualifying patient connected to the caregiver through the state's medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center.

3) ***Processor Facilities.*** "Processor" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

4) ***Secure Transporters.*** "Secure transporter" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

5) ***Safety Compliance Facilities.*** "Safety compliance facility" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"MARIJUANA FACILITY OPERATING LICENSE": A License authorizing the operation of a Marijuana Facility as follows:

1) ***State Operating License*** or, unless the context requires a different meaning, "State License" means a license that is issued under the Act that allows the licensee to operate as 1 of the following, specified in the license:
(i) A grower.
(ii) A processor.
(iii) A secure transporter.
(iv) A provisioning center.
(v) A safety compliance facility.
"State Licensee" means a person holding a valid State operating license

2) ***City Operating License*** or, unless the context requires a different meaning, "City License" means a license that is issued under this Article that allows the licensee to operate as 1 of the following, specified in the license:
(i) A grower.
(ii) A processor.
(iii) A secure transporter.
(iv) A provisioning center.
(v) A safety compliance facility.
"City Licensee" means a person holding a valid City operating license

"REGISTERED PRIMARY CAREGIVER" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* as amended.

"REGISTERED QUALIFYING PATIENT" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.

"REGISTRY IDENTIFICATION CARD" means that term as defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.

Section 3. Amendment to Article 10.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 10.00, "General Commercial District", Section 10.02, "Permitted Principal Uses" by amending subsection (b), which shall read as follows:

(b) Any generally recognized retail business including not more than two (2) Marijuana Provisioning Centers and not more than one (1) Marijuana Safety Compliance Facility.

Section 4. Amendment to Article 11.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 11.00, "C-3 Central Commercial District", Section 11.02, "Permitted Principal Uses" by amending subsection (b) 1., which shall read as follows:

1. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, any notions, or floral shops and not more than one (1) Marijuana Provisioning Center.

Section 5. Amendment to Article 14.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 14.00, "Limited Industrial District", Section 14.02, "Permitted Principal Uses" by amending subsection (b) to add a new subparagraph 9, which shall read as follows:

9. Marijuana Facilities as follows:

A. Not more than three (3) Marijuana Grower Facilities;

B. Not more than three (3) Marijuana Processor Facilities;

C. Not more than three (3) Marijuana Transporter Facilities;

D. Not more than one (1) Marijuana Safety Compliance Facility;

Section 6. Amendment to Article 21.00

a) The City of Walled Lake Zoning Ordinance is hereby amended at Article 21.00, "General Provisions", Section 21.28, "Site Plan Review" Sub-section E. 2. "Review by the Development Coordinator" is hereby amended to read as follows:

2. *Review by the Development Coordinator.* Development Coordinator approval of a site plan or sketch plan shall be required prior to the establishment, construction, expansion, or structural alteration of any structure or change in use when any provision of this zoning ordinance requires administrative site plan/sketch plan review and approval by the Development Coordinator. Unless another provision of this zoning ordinance expressly provides to the contrary, the following provisions apply to administrative site plan/sketch plan review by the Development Coordinator:

Sub-paragraphs a. thru m.: *unchanged.*

b) The City of Walled Lake Zoning Ordinance is hereby further amended at Article 21.00, "General Provisions", by adopting a new Section 21.49 "Marijuana Facilities" which shall read as follows:

Section 21.49—MARIJUANA FACILITIES

(a) Purpose and Definitions. This ordinance is adopted for the purpose of promulgating City land use and zoning requirements for Marijuana Facilities by adopting local land use and zoning application, review and approval criteria for Marijuana Facilities in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* as amended (hereinafter "MMMA") and for the further purpose of implementing provisions of Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended (hereinafter "Act"). In the event of any conflict between any provision of this Article and state law, state law shall be controlling regarding any conflicting provisions. For purposes of this section, the following definitions shall apply:

"ACT": "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended.

"DEPARTMENT": "Department" means the Michigan Department of Licensing and Regulatory Affairs.

"RULES" means the Rules adopted by the Department pursuant to the Act, as amended.

(b) Number and Location. A Marijuana Facility shall not be located in any zoning district or upon any property or structure except as expressly provided by this section. The number and placement of Marijuana Facilities shall comply with zoning district limitations and requirements as follows:

FACILITY	ZONING DISTRICT	NUMBER
Grower	I-1	*Three (3)*
Processor	I-1	*Three (3)*
Secure Transporter	I-1	*Three (3)*
Provisioning Center	C-2, C-3	C-2: *Two (2)* C-3: *One (1)*
Safety Compliance	I-1, C-2	*I-1: One (1)* *C-2:One (1)*

(c) Conditions. Any land use, site plan or other zoning approval of a Marijuana Facility granted under any provision of this zoning ordinance shall be deemed *conditional* upon the timely approval and issuance of the following: (1) a State Marijuana Facility Operating License, and; 2) a. City Marijuana Facility Operating License, and; 3) a building permit as required by the Rules, and; 4) a certificate of occupancy as required by the Rules. Revocation or denial of a required Marijuana Facility Operating License, building permit or certificate of occupancy shall render any approval of a Marijuana Facility granted under any provision of this zoning ordinance null and void.

(d) Approved Site Plan Required. Use of any property or existing structure as a Marijuana Facility within a C-2 or C-3 zoning district requires Administrative Review and approval of a site plan by the Development Coordinator pursuant to Section 21.28 E. 2.of this Article. Marijuana Facilities within an Industrial Zoning District or requiring new construction in any zoning district shall require site plan review and approval by the Planning Commission as provided in section 21.28 of this Article. Marijuana Facilities shall be operated and maintained in compliance with the approved site plan for the facility. Any use of property or a structure without, or in violation of, an approved site plan shall constitute a violation of this zoning ordinance and a nuisance per se subject to abatement by a court of competent jurisdiction.

(e) Site Plan Application and Review Criteria. A site plan and site plan approval application for a Marijuana Facility shall generally comply with section 21.28 "Site Plan Review". Except as otherwise provided by this section, a site plan application for a Marijuana Facility shall be processed in accordance with the Administrative Review procedures in Section 21.28 E.2. by the Development Coordinator. Marijuana Facilities in an Industrial Zoning District or requiring new construction in any zoning district shall require site plan review and approval by the Planning Commission. In addition to the criteria set forth in Section 21.28, the following shall apply to a site plan/application for a Marijuana Facility:

(1) Identification of the type of Marijuana Facility applied for (e.g. grower, provisioning center, etc.) and a detailed description of all services, products, items, uses, operations or merchandise produced, sold, offered, conducted or provided by the proposed Marijuana Facility including hours of operation;

(2) Marijuana Facility uses, operations and activities shall comply with the Rules and all operating regulations adopted pursuant to Section 206 of the Act. A plan for the proposed Marijuana Facility shall be provided including the following:

i. Diagram of the Marijuana Facility including, but not limited to, its size and dimensions, specifications, physical address, location of common entryways, doorways, passageways, means of public entry or exit, limited access areas within the facility, and indication of the distinct areas or structures at a same location as provided for in Rule 24 of the Rules;

ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits and a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises;

iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act. Storage of marijuana shall comply with applicable Rules adopted pursuant to Section 206 of the Act.

iv. Means of egress, including, but not limited to, delivery and transfer points;

v. If the proposed Marijuana Facility is in a location that contains multiple tenants and any applicable occupancy restrictions;

vi. description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;

vii. Building structure information including new, pre-existing, free-standing, or fixed. Building type information including commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory or center;

viii. Any proposed outdoor uses or operations related to the facility

(3) A description of waste disposal procedures, methods and facilities for marijuana waste products including, but not limited to, usable and non-usable marijuana. Waste product disposal and storage shall comply with applicable Rules adopted pursuant to Section 206 of the Act;

(4) A description of any proposed signs including a detailed depiction of sign language or displays, dimensions, locations, quantity, configuration and illumination. Signs and advertisement/product displays shall comply with applicable provisions of the City's Sign Ordinance and the Rules.

(5) Signed and dated verification by the property owner, or his/her duly authorized agent, of the premises where the proposed Marijuana Facility will be located certifying that the property owner has reviewed and been provided with a complete copy of the application and consents to use and occupancy of the premises as a Marijuana Facility as described and referenced in the application.

(6) A detailed description of the proposed security plan for the facility including identification of all proposed security measures, equipment and devises. A security plan shall comply with the Rules and security regulations and requirements adopted pursuant to Section 206 of the Act. Security plans require review and approval by the Chief of Police. The Chief of Police may require review and recommendation of a proposed security plan by an independent consultant with credentialed expertise in the field of site/facility security measures. The cost of an independent review by an independent security consultant shall be paid by the applicant.

(7) A Marijuana Facility shall not be located less than five hundred feet (500') from a school or existing provisioning center. For purposes of this ordinance "School" means any public or private school meeting all requirements of the compulsory education laws of the state.

(8) All facility operations, transactions and activities, including cultivation, shall be conducted within an enclosed structure. Other than waste disposal, outdoor storage is prohibited.

(9) An area map, drawn to scale, shall be provided indicating, within a radius of one thousand five hundred feet (1,500 ft.) from the boundaries of the proposed Marijuana Facility site, the proximity of the site to any school, existing Marijuana Facility, recreational facility, church, public or private park, or to any residential zone, structure or use.

(10) A Provisioning Center shall not sell or dispense any Marihuana Product, as defined by the Rules, prior to 1 pm on Sundays.

(f) City Consultant Review. The City may, in its discretion, refer an application to any City consultant for review and recommendation. An applicant shall be responsible for payment of any City consultant review fees and the City may require advance payment of a reasonable escrow amount to cover City consultant review fees. The balance of any unused escrow proceeds to cover City consultant review fees shall be refunded to the applicant upon final action and determination on an application.

(g) Action on Application. Upon reviewing the application and all findings and recommendations of the City Department Heads and consultants, the Development Coordinator, or planning commission where applicable, shall take action on the application according to the applicable review criteria and procedures in Section 21.28 and the provisions specific to Marijuana Facilities as set forth in this zoning ordinance. An application for site plan approval of a Marijuana Facility that is materially incomplete or would result in a violation of state or local law or the Rules shall be denied. Approval of a site plan for a Marijuana Facility does not guarantee, represent or imply approval of a Marijuana Facility Operating License or any other permit or local approval that may be required by City codes or ordinances for the proposed facility.

(h) Temporary Operation. City Council may by resolution provide for temporary operation of a Marijuana Facility as provided by Rule 19 of the Rules.

Section 7. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 8. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 9. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 10. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL* 125.3101, *et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on January 16, 2018 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES: (5)	Ambrose, Loch, Lublin, Owsinek, Ackley
NAYS: (1)	Costanzo
ABSENTS: (1)	Helke
ABSTENTIONS: (0)	

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

JENNIFER A. STUART, City Clerk
CITY OF WALLED LAKE

LINDA S. ACKLEY, Mayor
CITY OF WALLED LAKE

MTA
MICHIGAN TOWNSHIPS ASSOCIATION

Townships & Marihuana Regulation after Proposal 1 of 2018

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Michigan Marihuana Laws Q&A

By Catherine Mullhaupt, MTA Staff Attorney

This packet is not intended as a legal opinion, and a township should consult with its attorney before taking any steps to adopt an ordinance, resolution or policy under these statutes, and for specific legal guidance on how the Acts interact with the individual township's other ordinances, including a zoning ordinance.

Q. Don't you know how to spell "marijuana"?

A. Yes. But the word was originally spelled with an "h," and that is how the word is spelled in federal law and the Michigan statutes. But everyone else today, including the courts, uses the more common spelling with the "j".

Q. Has marihuana been legalized?

A. Yes. Marihuana has been legalized in Michigan:

- Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421
- Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101
- Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901
- Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018

Marihuana is still an illegal ("scheduled") drug under federal law.

Following the passage of Proposal 1 of 2018, there are now **four categories of legal marihuana use** in Michigan:

1) Under the original Medical Marihuana Act (*the original statewide ballot initiative in 2008*):

- We still have the medical marihuana **qualified patient** and **registered caregiver** system.

2) Under the existing Medical Marihuana Facilities Licensing Act *(passed by Legislature in 2016)*:

- We have a state licensing system for **licensed medical marihuana facilities**, such as provisioning centers and grow operations to serve the patients and caregivers in the medical use of marihuana.

3) Under the NEW Michigan Regulation and Taxation of Marihuana Act (*Adopted November 6, 2018 as a statewide ballot initiative*):

- **Individuals:** Individuals anywhere in Michigan may now use marihuana for individual recreational purposes, as long as they comply with the Act. A township cannot prohibit or regulate that use.

- **Recreational marihuana establishments (grow operations, stores, etc.):** "Recreational marihuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marihuana use. This part of the ballot proposal will have up to a year to be implemented by the state. A township can choose to prohibit any or all types of recreational marihuana establishments by adopting an ordinance. There is no deadline for a township to decide to do so. BUT that ordinance is subject to referendum to have it voted up or down on a ballot. There is no deadline for referendum.

Q. Will there continue to be separate systems for "medical" and "recreational" marihuana use?

A. We do not know. The Michigan Medical Marihuana Facilities Licensing Act and the Marihuana Tracking Act are both statutes adopted by the Legislature and may be amended or repealed at any time.

The Medical Marihuana Act and the Michigan Regulation and Taxation of Marihuana Act are both statewide initiatives. Under Article II Section 9 of the Michigan Constitution of 1963, "No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof."

Resources from the Michigan Department of Licensing and Regulatory Affairs (LARA)

- Bureau of Medical Marihuana Regulation website
- Medical Marihuana Facility Licensing website

Township Options as Employers and Property Owners

A township board may take steps to address how a person may or may not use marihuana for medical or recreational purposes while working for the township, or when in township facilities or on township property.

A township board should work with its attorney, human resources staff/consultants, labor negotiators and insurance carriers to develop or amend policies addressing marihuana use. Consider reviewing policies regarding alcohol use as a starting point (once banned by federal law, now lawful under state licensing and regulation).

Also, because the Medical Marihuana Act and the Michigan Regulation and Taxation of Marihuana Act have different language describing the protections of each Act, be sure to work with the township's attorney, human resources staff/consultants, labor negotiators, and insurance carriers for specific guidance on how to handle the discipline or discharge of specific individuals.

The following information is intended as a general informational overview, not a legal opinion, and existing or future court opinions could impact a township's actions.

Township as Employer

Under the Michigan Regulation and Taxation of Marihuana Act (recreational marihuana):

- An **employer** may prohibit conduct involving recreational use of marihuana otherwise allowed by the Act in any workplace or on the employer's property. An employer is not required to permit or accommodate.

- An **employer** may discipline an employee for violation of a workplace drug policy or for working while under the influence of marihuana.

- An **employer** may refuse to hire, and may discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

Under the Medical Marihuana Act:

Why distinguish between the two Acts? Because we do have some case law on employment and the Medical Marihuana Act; we only have the text of the Michigan Regulation and Taxation of Marihuana Act as of now. And the language of the two Acts is different.

For example, the Medical Marihuana Acts states: "An employer [is not required] to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana." But it does not go into the same detail as the other provisions in the Michigan Regulation and Taxation of Marihuana Act.

An employer may discipline or discharge an employee for using medical marihuana or working under the influence, or for using medical marihuana while away from the workplace:

> "The MMMA meant to provide some limited protection for medical marijuana users from state actions, primarily arrest and prosecution. Even the scope of that protection is unclear and limited. Nothing in the language or the purpose of the MMMA indicates an intent of the Michigan voters to regulate private employment, and the MMMA does not address private employment directly. Whatever protection the MMMA does provide users of medical marijuana, it does not reach to private employment." *Casias v. Wal-Mart Stores, Inc.*, 764 F. Supp. 2d 914 (W.D. Mich. 2011), aff'd, (6th Cir. 2012)

The Court in *Casias* referred to a "private employer," without addressing whether the law would apply differently to a "public employer," like a township. Note that the Act does not distinguish types of employers.

Also note that there is currently no statutory standard for whether a person is "under the influence" as compared to "using" marihuana, so a township should work with its attorney for specific guidance on disciplining or discharging a person who is a qualified patient using marihuana for medical purposes.

For example, a person who is discharged for use of medical marihuana, without further determination that they were "under the influence," might still be eligible for unemployment benefits, based on *Braska v. Challenge Mfg. Co.*, 307 Mich. App. 340 (2014):

> "Claimants tested positive for marijuana and would ordinarily have been disqualified for unemployment benefits under MESA, MCL 421.29(1)(m); however, because there was no evidence to suggest that the positive drug tests were caused by anything other than claimants' use of medical marijuana in accordance with the terms of the MMMA, the denial of the benefits constituted an improper penalty for the medical use of marijuana under the MMMA, MCL 333.26424(a)."

Township as Property Owner

Under the Michigan Regulation and Taxation of Marihuana Act (recreational marihuana):

- A person may prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

- A person cannot consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies, or manages the property, except in an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.

Under the Medical Marihuana Act:

The Act does not specifically address the rights of property owners to refuse to allow individuals to use marihuana on their property. But it also does not specifically provide a protection for a patient or caregiver to use marihuana where the property owner does not allow it. Township-owned property is not automatically open to the public, and the township board determines what township property and facilities will be open to the public and how. Township property that has been opened to the public by a township board would fall under the prohibition on using in a "public place." *People v. Carlton*, 313 Mich. App. 339 (2015)

Recreational Marihuana

Individuals

Q. What can an individual who is not a patient or caregiver do with marihuana now?

A. The Michigan Regulation and Taxation of Marihuana Act allows any person 21 years or older to:

- Possess, use or consume, purchase, transport or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate.
- Within their residence, possess, store, and process not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises.
- Within their residence, cultivate not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once.
- Assist another person who is 21 years old or older in any of the same.
- Give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, as long as the transfer is not advertised or promoted to the public.
- Manufacture, possess, and purchase marihuana accessories.
- Distribute or sell marihuana accessories to a person 21 years or older.

Q. Are there any limits on what people can do with marihuana now?

A. Yes. The new law continues to prohibit public smoking, consumption or vaping in public places such as parks, schools, hospitals, bars and restaurants, concert venues and on federal land. Users still cannot operate motor vehicles while impaired.

The following is not intended to describe the full scope of the Acts, state agency rules or case law.

1) **UNLAWFUL <u>Individual</u> Activities Involving Recreational Marihuana:**
   - Operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.
   - Consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way.
   - Transferring marihuana or marihuana accessories to a person under the age of 21.
   - A person under the age of 21 possessing, consuming, purchasing or otherwise obtaining, cultivating, processing, transporting, or selling marihuana (*unless the person is a qualified patient or minor patient, and to the extent allowed by the Medical Marihuana Act*).
   - Separating plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure.

- Consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.
- Cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- Possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility.
- Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2) Individual Activities Involving Recreational Marihuana That <u>May be Prohibited</u>:

- An **employer** may prohibit conduct otherwise allowed by this act in any workplace or on the employer's property. (Employer is not required to permit or accommodate.)
- An **employer** may discipline an employee for violation of a workplace drug policy or for working while under the influence of marihuana.
- An **employer** may refuse to hire, and may discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
- A **person** may prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

Recreational Marihuana Establishments

"Recreational marihuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marihuana use. For more information on recreational marihuana establishments, refer to Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018. Note that the Michigan Department of Licensing and Regulatory Affairs (LARA) is required to develop rules to implement the Act within a year of it taking effect.

Here are the sections of the Act that reference options of "municipalities" (city, village or township) to prohibit or license recreational marihuana establishments:

Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (excerpted)

Sec. 6.

1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

(a) establish reasonable restrictions on public signs related to marihuana establishments;

(b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;

(c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and

(d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than $500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than $5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

***

Sec. 9.

1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;

(b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;

(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

(d) no person who holds an ownership interest in the marihuana establishment applicant:

(1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;

(2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and

(3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall

decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

***

Sec. 16.

1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

(a) the municipality shall notify the department that the municipal license has been issued;

(b) the municipal license has the same force and effect as a state license; and

(c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

A township may choose to prohibit any or all types of recreational marihuana establishments by adopting an ordinance. There is no deadline for a township to decide to do so. BUT any ordinance to prohibit or allow is subject to referendum to have it voted up or down on a ballot. There is no deadline for referendum.

Following is the **MTA Sample Ordinance to Prohibit Recreational Marihuana Establishments.** The Michigan Compiled Laws (MCL) numbers had not been assigned to the new Act at the time of publication and will be updated as they become available.

MTA Sample Ordinance to Prohibit Recreational Marihuana Establishments

TOWNSHIP OF _____

COUNTY OF_____, STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____, 20__

EFFECTIVE: _____, 20__

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of _____Township pursuant to Initiated Law 1 of 2018, MCL_____ *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF _____
_____COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the _____Township Prohibition of Marihuana Establishments Ordinance.

SECTION II
DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL _____ *et seq.*, as may be amended.

SECTION III
NO MARIHUANA ESTABLISMENTS

_____Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL _____ *et seq.*, as may be amended.

SECTION IV

VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than $100 nor more than $500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V
SEVERABLITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VI
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII
EFFECTIVE DATE

This ordinance shall take effect _____, 20__.

_____Township

_____, Clerk

_____

(____) ___-____

Medical Marihuana

Patients and Caregivers

As as long as they comply with the Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act (as applicable), a qualifying patient or primary caregiver who has been issued and possesses a registry identification card is **NOT**:

- Subject to arrest, prosecution, or penalty in any manner.
- Denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana.

What can a patient do?

- Possess a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.
- Grow 12 marihuana plants kept in an enclosed, locked facility, including in their residence or on residential property (cannot be required to get home occupation approval).
- Obtain marihuana from a licensed medical marihuana provisioning center.
- Transfer/sell seeds or seedlings to a licensed medical marihuana grower.
- Transfer marihuana for testing to/from a licensed medical marihuana safety compliance facility.

What can a caregiver do?

- For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.
- Grow 12 marihuana plants per qualifying patient up to maximum of five patients, plus for him/herself if also registered as a qualifying patient (maximum of 72 plants) kept in an enclosed, locked facility, including in their residence or on residential property (cannot be required to get home occupation approval).
- May receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana.
- Obtain marihuana from a licensed medical marihuana provisioning center.
- Transfer/sell seeds or seedlings to a licensed medical marihuana grower.
- Transfer marihuana for testing to/from a licensed medical marihuana safety compliance facility.
- Transport or possess a marihuana-infused product in or upon a motor vehicle if the marihuana-infused product is accompanied by an **accurate marihuana transportation manifest** and enclosed in a case carried in the trunk of the vehicle or, if the vehicle does not have a trunk, is enclosed in a case and carried so as not to be readily accessible from the interior of the vehicle.
- Transport or possess a marihuana-infused product in or upon a motor vehicle **for the use of his or her child, spouse, or parent who is a qualifying patient** if the marihuana-infused product is in a **sealed and labeled package** that is carried in the trunk of the vehicle or, if the vehicle does not have a trunk, is carried so as not to be readily accessible from the interior of the vehicle. The label must state the weight of the marihuana-infused product in ounces, name of the manufacturer, date of manufacture, name of the qualifying patient, and, if applicable, name of the person from whom the marihuana-infused product was received and date of receipt.

Q. Are there any limits on what people can do with medical marihuana?

A. Yes, the Act provides:

1) It is UNLAWFUL for an individual to do the following involving Medical Marihuana:

- Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.
- Possess marihuana, or otherwise engage in the medical use of marihuana at any of the following locations:
  - In a school bus.
  - On the grounds of any preschool or primary or secondary school.
  - In any correctional facility.
- Smoke marihuana at any of the following locations:
  - On any form of public transportation.
  - In any public place.
- Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.
- Use marihuana if that person does not have a serious or debilitating medical condition.
- Separate plant resin from a marihuana plant by butane extraction in any public place or motor vehicle, or inside or within the curtilage of any residential structure.
- Separate plant resin from a marihuana plant by butane extraction in a manner that demonstrates a failure to exercise reasonable care or reckless disregard for the safety of others.

2) Individual activities involving Medical Marihuana That May be Prohibited:

- An **employer** may prohibit the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana. (Employer is not required to permit or accommodate.)
- A government medical assistance program or commercial or non-profit health insurer is not required to reimburse a person for costs associated with the medical use of marihuana.
- A private property owner may refuse to lease residential property to any person who smokes or cultivates marihuana on the premises, if the prohibition against smoking or cultivating marihuana is in the written lease.

Licensed Medical Marihuana Facilities

Q. What do we need to do if we do NOT want any of the facilities authorized under the Medical Marihuana Facilities Licensing Act in our township (or city or village)?

A. A township is not required to adopt an ordinance or take any other action to prohibit the types of facilities authorized under the MMFLA. They are already prohibited by state and federal law and will continue to be illegal in a township, unless the township board adopts an ordinance to allow them ("opt in") under the MMFLA.

You would only adopt an ordinance dealing with the types of facilities authorized under the MMFLA if the township WANTS to allow one or more type of facilities authorized under the MMFLA.

Because many townships have been asked to take a definitive position declaring that they are not going to "opt in," the MTA has provided a sample "opt out" resolution. Note that this is not required by the MMFLA, and a township that has not adopted an opt-in ordinance is not required to take any action to "opt out."

A township cannot be required to adopt an ordinance allowing the facilities authorized by the MMFLA.

Q. What do we need to do if we DO want any of the facilities authorized under the Medical Marihuana Facilities Licensing Act in our township (or city or village)?

A. A township that wants to allow medical marijuana facilities to operate within the township would adopt an "opt in" ordinance allowing one or more of the specific types of facilities authorized by the new Medical Marihuana Facilities Licensing Act.

The "opt in" ordinance should specify which type(s) of facilities—and how many of each type—the township is choosing to allow. If a township "opts in" with an ordinance that does not specify a cap on the type(s) or number of each, applications for any of the types and any number of a type within the township will be considered by LARA.

A license from the state is still required before a specific facility is authorized to legally operate under the MMFLA. The township board's adoption of the ordinance allowing medical marijuana facilities does not automatically make all facilities lawful.

Q. Do we need to change our zoning ordinance to reflect a decision by the township board to "opt in" or "opt out"?

A. A township board should work with its attorney and planning consultant to determine whether the township's current zoning ordinance needs to be amended in any way to reflect the township's position on allowing or not allowing medical marijuana facilities under the MMFLA.

After Dec. 15, 2017, a medical marijuana facility might be a lawful land use if the township has already "opted in" by separate ordinance to authorize licenses to be granted to that type of facility. In that situation, if the zoning ordinance is amended to not allow or to limit that land use in the township, then any facilities that have ***already been locally permitted AND state-licensed under the MMFLA*** might have status as a lawful, non-conforming use (be "grandfathered in").

A township that is considering changing its zoning as it relates to medical marijuana facilities will want to consult with its attorney for specific guidance on when that should occur in relation to the township also taking action to adopt a separate, non-zoning ordinance to "opt in" to allow any types of medical marijuana facilities.

Note that the MMFLA specifically states that:

> **"333.27409 State operating license as revocable privilege.**
>
> "Sec. 409.
>
> **[Emphasis added] "A state operating license is a revocable privilege granted by this state and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.** Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board's and municipality's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior board approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the board."

Q. We do not have township zoning, but the county does. How does that affect our ability to "opt in" to authorize medical marijuana facilities under the MMFLA?

A. This is an area of the law that has raised some confusion. Where a township does not zone, but the county does, then the county zoning applies. But under the MMFLA, a county does not have the authority to adopt an ordinance to "opt in" and authorize medical marijuana facilities. It is not clear at this time how a court would rule if the county zoning ordinance does not zone for or permit the type of medical marijuana facilities that a township in that county is seeking to authorize. And a township would still have to adopt an ordinance to "opt in." Even if a county zoning ordinance is determined to be able to address medical marijuana facilities, that does not change the fact that only a township, city or village may adopt an ordinance to "opt in" to allow any medical marijuana facilities.

Q. We do not have township zoning, and neither does the county. How does that affect our ability to "opt in" to authorize medical marijuana facilities under the MMFLA?

A. Where a township is "un-zoned," the township may still choose to "opt in," and must adopt an "opt in" ordinance if it wants to allow any facilities to be licensed. However, there will be no zoning regulation of where the medical marijuana facilities can be located.

Q. What types of facilities may be authorized under the Medical Marihuana Facilities Licensing Act if a township allows them by ordinance?

A. The following types of medical marijuana facilities are authorized by the MMFLA. One or more types may be allowed by a township ordinance:

Class A, B, or C Grower—"A licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center."

Class A: 500 plants -- Class B: 1,000 plants -- Class C: 1,500 plants

Processor—"A licensee that is a commercial entity located in this State that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana infused product for sale and transfer in packaged form to a provisioning center."

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 their registered primary caregivers. The term 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 marihuana registration process of the Department of Licensing and Regulation in accordance with the Michigan Medical Marihuana Act will not be a provisioning center for purposes of the Licensing Act."

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

Safety Compliance Facility—"A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marihuana to the facility."

Q. Why would a township consider allowing one or more of the types of facilities authorized under the new Medical Marihuana Facilities Licensing Act?

A. Some communities accept medical marijuana use for compassionate reasons, and believe that the Medical Marihuana Facilities Licensing Act will better facilitate the spirit and the actual practice of the patient-caregiver relationship authorized by the statewide initiative that created the Medical Marihuana Act in 2008.

Other communities may be responding to a real demand or broad support locally for providing medical marijuana facilities and business opportunities.

And it may be a revenue source:

- **Annual administrative fee:** Once a township adopts an ordinance allowing one or more of the types of facilities authorized by the Medical Marihuana Facilities Licensing Act, the township may in that ordinance require "an annual, nonrefundable fee of not more than $5,000.00 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality." ("Nonrefundable" as in not returned if the license is revoked or not renewed.) The amount of the fee must be reasonably related to the township's costs to administer and enforce the Act.
- **Property tax revenues:** These facilities are businesses and may be profitable. And in some communities medical marijuana facilities will utilize commercial properties that are currently vacant or even off the tax roll due to foreclosure.
- **State shared revenues, as appropriated:** A state tax will be imposed on each provisioning center at the rate of 3% of the provisioning center's gross retail receipts, which will go to the state Medical Marihuana Excise Fund. The money in the fund will be allocated, *upon appropriation*, to the state, counties and municipalities in which a marihuana facility is located, with "25% to municipalities in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the municipality."

Q. How will the state manage this licensing system and track compliance?

A. The MMFLA requires licensees to "adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules." Yes, there already are such third-party software systems commercially available.

The Marihuana Tracking Act, Public 282 of 2016, MCL 333.27901, et seq., enacted at the same time as the MMFLA, requires LARA to establish a confidential statewide internet-based monitoring system for integrated tracking, inventory, and verification. It will be a system "established, implemented, and maintained directly or indirectly by the department [LARA] that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

> (i) Verifying registry identification cards.
>
> (ii) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
>
> (iii) Verifying in a commercially reasonable time that a transfer will not exceed the limit that the registered qualifying patient or registered primary caregiver is authorized to receive under section 4 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26424."

Q. The information on who is a qualified patient or a registered caregiver is currently confidential and exempt from public disclosure under the MMMA. How will the license process be treated—is that information going to be confidential?

A. The MMFLA requires that:

"Except as otherwise provided in this act, all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board [MMFL Board] are subject to the freedom of information act, ..., except for the following:

(i) Unless presented during a public hearing or requested by the licensee or applicant who is the sole subject of the data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants.

(ii) All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board that have been received from another jurisdiction or local, state, or federal agency under a promise of confidentiality or if the release of the information is otherwise barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.

(iii) All information in the statewide monitoring system."

So the Medical Marihuana Facility Licensing Board's records **are** subject to the FOIA and public disclosure, with some specific exceptions.

Here are the records that will be **exempt** from disclosure:

- The data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board *related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants* **is exempt from disclosure, UNLESS:**

    1. That data, information, record, etc. was presented during a public hearing (of the MMFLB), in which case it is NOT exempt from disclosure.
       OR
    2. The licensee or applicant who is the sole subject of that data, information, record, etc. requests it, in which case it may be released to that licensee or applicant.

- All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the MMLFB that have been received from another jurisdiction or local, state, or federal agency (including a township) **is exempt from disclosure BUT ONLY IF:**

    1. The other jurisdiction or local, state, or federal agency (including a township) supplied it to the MMFLB *under a promise of confidentiality.*
       OR
    2. The release of the information is otherwise *barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.*

- All information in the statewide monitoring system is **exempt from disclosure.**

  The Marihuana Tracking Act states that "the information in the system is confidential and is exempt from disclosure under the freedom of information act. Information in the system may be disclosed for purposes of enforcing this act; the Michigan medical marihuana act; and the medical marihuana facilities licensing act."

1) MTA Sample Medical Marihuana Facilities Opt-In Ordinance

(To allow one or more types of medical marijuana facilities)

TOWNSHIP OF _____

COUNTY OF _____, STATE OF MICHIGAN

ORDINANCE NO._____

ADOPTED: _____

EFFECTIVE: _____

MEDICAL MARIHUANA FACILITIES ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in _____Township pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE TOWNSHIP OF _____

_____ COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the _____ Township Medical Marihuana Facilities Ordinance.

SECTION II

DEFINITIONS

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

SECTION III

AUTHORIZED MEDICAL MARIHUANA FACILITIES

[Note: A township is not required to state a specific number of authorizations for a type of facility. A township may choose to authorize an unlimited number of a type of facility. For example, "An unlimited number of grower(s) shall be authorized..."]

1. The following medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:

a) Not more than _____ grower(s) shall be authorized in the Township, which number shall include all of the following Class A, Class B and Class C growers authorized in the Township:

1. Not more than _____ Class A growers (500 marihuana plants) may be authorized in the Township.
2. Not more than _____ Class B growers (1,000 marihuana plants) may be authorized in the Township.
3. Not more than _____ Class C growers (1,500 marihuana plants) may be authorized in the Township.

b) Not more than _____ processor(s) shall be authorized in the Township.
c) Not more than _____ provisioning center(s) shall be authorized in the Township.
d) Not more than _____ safety compliance facility(ies) shall be authorized in the Township.
e) Not more than _____ secure transporter(s) shall be authorized in the Township.

2. On and after _____, the Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as "Clerk"). Once the Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the Township. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time and receive refund of the initial annual medical marihuana fee submitted.

3. Within thirty days from conditional authorization from the Township or from December 15, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

4. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

5. A conditionally authorized applicant shall receive full authorization from the Township to operate the medical marihuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marihuana facility in the Township and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the Township.

6. If a conditionally authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

SECTION IV
GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township zoning ordinance regulations. The facility shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations.

3. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.

4. An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.

5. If at any time an authorized medical marihuana facility violates this ordinance the Township Board may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Clerk shall cancel the Township authorization and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

7. The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

SECTION V
ANNUAL MEDICAL MARIHUANA FACILITY FEE

There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of $_____ (up to $5,000), for each authorized medical marihuana facility within the Township,

to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee of $_____(up to $5,000) shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility.

SECTION VI
VIOLATIONS AND PENALTIES

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than $100 nor more than $500 for the first offense and not less than $250 nor more than $1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION VII
SEVERABLITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX
EFFECTIVE DATE

This ordinance shall take effect thirty days after publication upon adoption.

2) MTA Sample Medical Marihuana Facilities Resolution

(To "Opt Out" and decline to authorize any type of medical marijuana facilities)

NOTE on "Opting Out":

Although a township board may use this sample resolution if it wants to make a statement that it does not want to authorize any ***medical marijuana facilities*** ("opt out"), it is important to remember that a township is not required to adopt an ordinance or resolution or take any other action to prohibit the types of medical marihuana facilities authorized under the MMFLA. They are already prohibited by state and federal law and will continue to be illegal in a township unless the township board adopts an "opt in" ordinance to allow one or more types of facility allowed under the MMFLA.

Because many townships have been asked to take a definitive position declaring that they are not going to "opt in," the MTA has provided a sample "opt out" resolution. Note that this is not required by the MMFLA, and a township that has not adopted an opt-in ordinance is not required to take any action to "opt out." And even if a township "opts out," it may still "opt in" at a later date. There is no deadline for a township to decide or to take any action.

TOWNSHIP OF _____

_____ COUNTY, MICHIGAN

RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES

AUTHORIZED BY PA 281 OF 2016

RESOLUTION NO. _____

DATED: _____, 20__

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..."; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of _____ Township, _____ County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. _____ Township, _____ County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and

2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a **"marihuana facility shall not operate in the Township"**; and

3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and

4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member _____, supported by Board member _____ at a meeting on _____, 20__. The members of the Township Board voted as follows:

The TOWNSHIP SUPERVISOR declared the RESOLUTION duly adopted.

_____

(NAME), Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the _____ Township Board held on _____, 2017 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

_____

_____, Clerk

Township of _____

_____County, Michigan

Recreational Marihuana Proposition

michigan municipal league

We love where you live.

This paper is being provided by the Michigan Municipal League (MML) to assist its member communities.

The MML Legal Defense Fund authorized its preparation by Kalamazoo City Attorney Clyde Robinson. The document does not constitute legal advice and the material is provided as information only. All references should be independently confirmed.

The spelling of "marihuana" in this paper is the one used in the Michigan statutes and is the equivalent of "marijuana."

Other resources

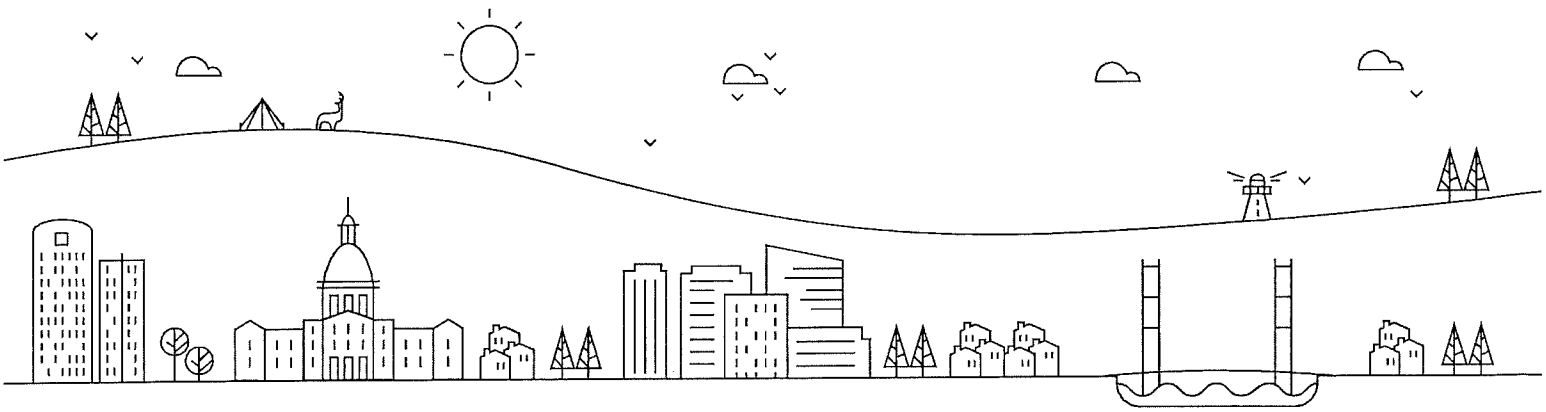
The Michigan Municipal League has compiled numerous resource materials on medical marihuana and is building its resources on recreational marihuana. They are available via the MML web site at: www.mml.org/resources/information/mi-med-marihuana.html

Introduction

This paper is intended to provide municipal attorneys and their clients an idea of what to expect and the issues to be addressed should Michigan voters approve a proposal to legalize marihuana on November 6, 2018. The scope of this paper will outline the provisions of the initiated proposal and address some of the practical consequences for municipalities while raising concerns that local governmental officials should be prepared to confront in the event the proposal is adopted. It is assumed that the reader has a working knowledge of both the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*, and in particular, the Michigan Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*

While the proposed initiated law, titled the Michigan Regulation and Taxation of Marihuana Act (MRTMA), uses some of the same terms found in the MMFLA, the language between the two Acts is not consistent. This circumstance alone, as well as other features of the initiated proposal, requires a thoughtful and thorough review of the language being proposed for adoption by Michigan voters and its potential impact at the local municipal level.

At its core, the MRTMA authorizes the possession and nonmedical use of marihuana by individuals 21 years of age and older while establishing a regulatory framework to control the commercial production and distribution of marihuana outside of the medical context. While the regulatory scheme of the proposed statute is similar to that of the MMFLA, it also differs in significant ways.



When would the proposed law become effective if approved?

Under the provisions of Article II, § 9 of the Michigan Constitution, an initiated law takes effect 10 days after the official declaration of the vote. The State Board of Canvassers will meet between November 20 and 27 to certify the results, so the effective date of the law will likely be near the end of the first week of December 2018. Given this relatively short period to adjust to the change in the legal status of marihuana in Michigan, law enforcement officers should be provided training in advance of the possible change so as to avoid claims of false arrest and allegations of Fourth Amendment unlawful search violations.

Another constitutional feature of a voter-initiated law is that it can only be amended by a vote of the electors or by ¾ vote of each house of the legislature. This likely makes amending the statute difficult, but not impossible, as the MMMA has been amended at least twice since its adoption by the voters in 2008.

As for the actual licensure of business authorized to grow, process, and sell recreational marihuana, the proposed Act requires that the Michigan Department of Licensing and Regulatory Affairs (LARA) begin to issue licenses no later than a year after the effective date of the law. There is no specific licensing board created to review and grant recreational marihuana establishment licenses. Given the deliberate speed of LARA and the Medical Marihuana Licensing Board in processing and authorizing licenses under the MMFLA, it is an open question whether this deadline can be met. If it can't, then the burden of licensing will fall to local municipalities, because the MRTMA specifically provides that if LARA does not timely promulgate rules or accept or process applications, "beginning one year after the effective date of this act," an applicant may seek licensure directly from the municipality where the marihuana business will be located.

Under this scenario, a municipality has 90 days after receipt of an application to issue a license or deny licensure. Grounds for denial of a license are limited to an applicant not being in compliance with an ordinance whose provisions are not "unreasonably impracticable" or a LARA rule issued pursuant to the MRTMA. If a municipality issues a license under these circumstances, it must notify LARA that a municipal license has been issued. The holder of a municipally-issued license is not subject to LARA regulation during the term of the license; in other words, the municipality becomes the licensing and regulatory body for recreational marihuana businesses in the community.

What does the proposed initiated statute seek to do?

The purposes actually stated in the MRTMA are many and varied. In addition to legalizing the recreational use of marihuana by persons 21 years and older, the proposed statute at Section 2 seeks to 1) legalize industrial hemp (cannabis with a THC concentration not exceeding 0.3 percent), and 2) license, regulate, and tax the businesses involved in the commercial production and distribution of nonmedical marihuana. According to the text of the proposal, the intent of the law is to:

- prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age and older;
- remove the commercial production and distribution of marihuana from the illicit market;
- prevent revenue generated from commerce and marihuana from going to criminal enterprises or gangs;

- prevent the distribution of marihuana to persons under 21 years of age;
- prevent the diversion of marihuana to elicit markets;
- ensure the safety of marihuana and marihuana infused products; and
- ensure the security of marihuana establishments.

Whether the proposal will actually live up to all of these intentions is open to question as many of the areas mentioned are not directly addressed in the proposed law. For instance, since the establishments that will be authorized to grow, process, and sell recreational marihuana may not receive licensure for another year, how is it that individuals can lawfully obtain and possess marihuana upon the effective date of the proposed Act?

What the proposed statute permits

Under Section 5 of the MRTMA, persons 21 years of age and older are specifically permitted to:

- possess, use, consume, purchase, transport, or process 2.5 ounces or less of marihuana, of which not more than 15 grams (0.53 oz.) may be in the form of marihuana concentrate;
- within a person's residence, possess, store, and process not more than a) 10 ounces of marihuana; b) any marihuana produced by marihuana plants cultivated on the premises; and c) for one's personal use, cultivate up to 12 plants at any one time, on one's premises;
- give away or otherwise transfer, without remuneration, up to 2.5 ounces of marihuana except that not more than 15 g of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older as long as the transfer is not advertised or promoted to the public;
- assist another person who is 21 years of age or more in any of the acts described above; and
- use, manufacture, possess, and purchase marihuana accessories and distribute or sell marihuana accessories to persons who are 21 years of age and older.

Although not a direct concern of municipalities, law enforcement and social service agencies need to be cognizant that the Act specifically provides that "a person shall not be denied custody of or visitation with the minor for conduct that is permitted by the act, unless the person's behavior such that it creates an unreasonable danger to the minor they can be clearly articulated and substantiated." MRTMA § 5. Exactly what this phrase means will likely be a source of litigation in the family division of the circuit courts.

The possession limits under the MRTMA would be the most generous in the nation. Most other states that have legalized marihuana permit possession of only one ounce, limit the number of plants to four to six, and do not permit possession of an extra amount within one's residence. An additional concern arises as to how these limits will be applied. It will be argued that the limits are "per every individual age 21 or older who resides at the premises." So these amounts are ostensibly doubled for a married couple, and perhaps quadrupled or more for a group of college students or an extended family sharing a residence. While this same concern is also present under the MMMA, the quantity of marihuana permitted to be possessed under the MMMA is significantly less than under the MRTMA, and lawful possessors (patients and caregivers) are required to be registered with the State.

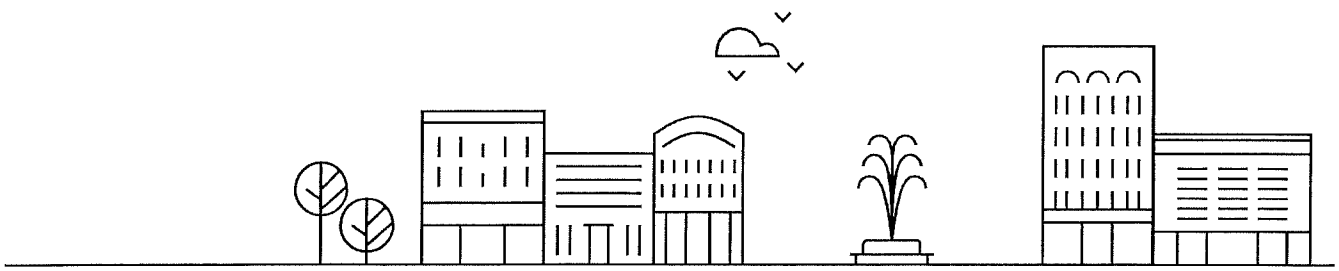
Further, the MRTMA does not neatly fit with the MMMA. It only says at Section 4.2 that it "does not limit any privileges, rights, immunities or defenses of a person as provided" by the MMMA. This raises the question whether registered patients and caregivers may lawfully possess marihuana exceeding the amounts permitted under the MMMA. However, this may become a moot point, since in all probability, if the MRTMA is adopted, the number of registered patients and caregivers under the MMMA could reasonably be expected to drop significantly, as its practical application would largely be limited to registered patients under the age of 21 and their caregivers.

What is "not authorized" under the proposed statute

The proposed initiated law does not set forth outright prohibitions, but instead, cleverly explains what is *not* authorized. Specifically, under the terms of Section 4 of the proposal, one is not authorized to:

- operate while under the influence of marihuana or consume marihuana while operating a motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoke marihuana while in the passenger area of the vehicle on a public way;
- transfer marihuana or marihuana accessories to a person under the age of 21;
- process, consume, purchase, or otherwise obtain, cultivate, process, transport, or sell marihuana if under the age 21;
- separation of plant resin by butane extraction or other method that utilizes a substance with the flashpoint below 100° Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure (This prohibition is actually broader than the one limited solely to butane extraction found in the MMMA);
- consume marihuana in a public place or smoke marihuana where prohibited by a person who owns, occupies, or manages property; however, a public place does not include an area designated for consumption within the municipality that has authorized consumption in a designated area not accessible to persons under 21 years of age;
- cultivate marihuana plants if plants are visible from a public place without the use of binoculars aircraft or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access;
- possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend preschool, kindergarten, or grades one through 12; in a school bus; or on the grounds of any correctional facility; and
- possess more than 2.5 ounces of marihuana within a person's place of residence unless any excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

MRTMA § 4.5 then provides that "All other laws inconsistent with this act do not apply to conduct that is permitted by this act." This general statement does not provide for a total repeal of existing marihuana laws, but its lack of specificity to other statutes being impacted, something that the Legislative Service Bureau helps the Legislature avoid, may portend problems in its application.



Differences in Terminology

The lack of consistency between those statutes addressing medical marihuana and the proposed recreational marihuana statute were alluded to at the beginning of this article; the following chart points out some of those differences.

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Grower Limits			
Class A	500 plant limit		100 plant limit (limited to Michigan residents for first two years)
Class B	1000 plant limit		500 plant limit
Class C	1500 plant limit; stackable		2000 plant limit; not clear if stackable
Microbusiness	---------		150 plant limit (limited to Michigan residents for first two years)
Secure Transporter	Required to move marihuana between licensed facilities; may move money		No specific requirement to use; no authority to transport money
Compliance with Marihuana Tracking Act	Required		No reference or requirement
Plant Resin Separation	---------	Butane extraction prohibited in a public place, motor vehicle, or inside a residence or within curtilage of a residential structure or in a reckless manner	Butane extraction or another method that utilizes a substance with a flashpoint below 100° F prohibited in a public place, motor vehicle, or within curtilage of any residential structure

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Possession Limits			
Registered Patient (18 years and older, but can be less than 18)		2.5 oz. useable marihuana & 12 plants*	
Registered Caregiver (5 patient limit)		2.5 oz. useable marihuana & 12 plants per patient*	
Other Persons (21 years and older under MRTMA)		Not permitted	(a) 2.5 oz. of marihuana, of which not more than 15 grams may be concentrate; (b) 10 oz. within one's residence; (c) any amount produced by plants cultivated on the premises; and (d) 12 plants
Inconsistent Terms			
Licensed marihuana businesses	marihuana facility		marihuana establishment
Equipment to grow, process or use marihuana	paraphernalia		marihuana accessories
Business that sells marihuana	provisioning center		marihuana retailer
Certain parts of marihuana plant	Usable marihuana and usable marihuana equivalencies		Term not used
Marihuana-infused products	Excludes products consumed by smoking; exempts products from food law		Does not exclude products consumed by smoking or provide food law exemption

Key Differences between Medical Marihuana and Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Inconsistent Terms			
Enclosed, locked facility			Container or area with a person's residence equipped with locks or other functioning security device that restricts access to the area or container's contents
Limitations on scope of local regulation			"Unreasonably Impracticable"
Zoning	Municipalities specifically authorized to zone, but growers limited to industrial, agricultural, or unzoned areas	Municipalities may not limit caregiver operations to residential districts as a "home occupation" *Deruiter v Byron Twp.* (2018)	Municipal regulation limited to: (a) reasonable sign restrictions; (b) time, place, and manner of operation of marihuana establishments and the production, manufacture, sale, and display of marihuana accessories; and (c) authorizing sale of marihuana for consumption in designated areas or at special events
Taxation	3 percent on gross retail receipts of provisioning centers		10 percent on sales price for marihuana sold or transferred by marihuana retailers and micro businesses

*Under § 8 of the MMMA a patient and patient's caregiver may also collectively possess a quantity of marihuana that is not more than reasonably necessary to ensure an uninterrupted availability of marihuana for the purpose of treatment.

What may a municipality do?

Unlike the MMFLA, where municipalities must "opt in," under the MRTMA, a municipality must "opt out." The proposed statute permits a municipality to "completely prohibit" or "limit the number of marihuana establishments." Given the language used in Section 6, a municipality should not rely upon prior ordinances or resolutions adopted in response to the MMFLA, but should affirmatively opt out of the MRTMA or set limits by ordinance, not by resolution. Further, by petition signatures of qualified electors of the municipality in an amount greater than 5 percent of votes cast for governor in the most recent gubernatorial election, may initiate an ordinance to completely prohibit or provide for the number of marihuana establishments within the municipality.

The initiative language in the MRTMA is problematic. Given the wording, it cannot be assumed that voters can initiate an ordinance to "opt in" should the local governing body choose to exempt the municipality from the Act. Rather, the initiative options are either to "completely prohibit" or "limit the number" of marihuana establishments. It is an open question whether the initiative authority to provide for the number of establishments could be an avenue for voters to override a governing body's action, by ordinance or resolution, to "opt out" of the statute. Additionally, the vague wording of the statute leaves it open to question as to whether an initiative providing for the number of marihuana establishments must (or should) set forth proposed numbers or limits for each separate type of marihuana establishment.

An opt out for recreational marihuana will impact existing medical marihuana facilities in a municipality because for the first 24 months of the Act, only persons holding a MMFLA license may apply for a recreational retailer, class B or C grower, or secure transporter license under the MRTMA unless after the first 12 months of accepting applications LARA determines that additional recreational marihuana establishment licenses are needed. MRTMA §9.6.

A municipality may adopt certain other ordinances addressing recreational marihuana and recreational marihuana establishments provided that they "are not unreasonably impractical" and do not conflict with the proposed Act or any rule promulgated pursuant to the Act. The statutory definition of the redundant term "unreasonably impracticable" found at Section 3(u) almost begs to be litigated. As defined by the proposal, the term means:

> "that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent business person would not operate the marihuana establishment."

Presumably "unreasonably impracticable" regulations would pass judicial muster. Unfortunately, given that the possession, cultivation, processing, and sale of marihuana remains a crime under federal law, how does one assess an "unreasonable risk" or determine what constitutes such an high investment of time or money so as to deter a reasonably prudent business person from going forward? Further, does this definition remove the judicial deference and presumption of reasonableness that accompanies ordinances? As an aside, are "reasonably impracticable" regulations acceptable?

Specifically, an ordinance may establish reasonable restrictions on public signs related to marihuana establishments, regulate the time, place, and manner of operation of marihuana establishments, as well as the production, manufacture, sale, or display of marihuana accessories and authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age or special events in limited areas and for a limited time.

A violation of ordinances regulating marihuana establishments is limited to a civil fine of not more than $500. MRTMA § 6.

However, some of these regulations are problematic. The ability to establish reasonable restrictions on public signs related to recreational marihuana, being content-based, likely runs afoul of the holding in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). Further, MRTMA does not, unlike the MMFLA, specifically authorize a municipality to exercise its zoning powers to regulate the location of marihuana establishments. Rather, the MRTMA authorizes ordinances that "regulate the time, place, and manner of operation of marihuana establishments."

The use of the time, place, and manner First Amendment test on the ability of government to regulate speech is ill suited and inappropriate to the licensure and regulation of local businesses. One cannot help but believe that the choice of the time, place, and manner language was an intentional effort so as to permit marihuana establishments to heavily borrow from established legal precedent that largely circumscribes the ability of governmental authorities to restrict speech. Specifically, valid time, place, and manner type of restrictions must:

1) be content neutral;

2) be narrowly tailored to serve a significant governmental interest; and

3) leave open ample alternative channels for communication.

Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989) citing *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984)

The above formulation is not consistent with Michigan zoning law doctrine, which, although subject to the due process and equal protection guarantees of the Fourteenth Amendment, generally requires that there be a reasonable governmental interest being advanced by the regulation. See *Charter Township of Delta v Dinolfo*, 419 Mich 253, 268 (1984). To this end, the only clear reference to the zoning power is the grant to municipalities to reduce the separation distance between marihuana establishments and pre-existing public and private schools providing K-12 education from 1000' to a lesser distance.

A municipality's authority to authorize designated areas and special events for the consumption of marihuana holds the potential to give rise to specialty businesses such as in California, where restaurants make marihuana-infused food and drinks available to diners.

At Section 6.5, the MRTMA specifically precludes a municipality from prohibiting the transportation of marihuana through the municipality, or prohibiting the co-location of a grower, processor, or retailer from operating within a single facility or a shared location with a facility holding a license under the MMFLA. This latter prohibition raises the question whether communities that have opted in to the MMFLA, and where a medical marihuana facility is operating, may opt out of the MRTMA, since the proposed Act at Section 17 provides that it is to be "broadly construed to accomplish" the purposes set forth under the Act.

If a municipality limits the number of establishments that may be licensed, and such limitation prevents LARA from issuing a state license to all applicants who otherwise meet the requirements for the issuance of a license, the MRTMA provides that "the municipality shall decide among the competing applications by competitive process intended to select applicants who are best suited to operate in compliance with the act within the municipality." MRTMA § 9.4. This provision raises the Pandora's Box that confronted municipalities that attempted to cap the number of licenses issued under the MMFLA. Any competitive process that seeks to determine who is best suited, inherently has a subjective component that may expose the municipality to legal challenges based on alleged due process violations by the

municipality from unsuccessful applicants asserting that the process employed was unfair on its face or unfairly administered. While there may be good reasons to limit the number of recreational marihuana establishments, any community that chooses to do so should be prepared to defend itself from challenges by unsuccessful applicants.

A municipality may adopt an ordinance requiring that marihuana establishments located within its boundaries obtain a municipally–issued marihuana establishment license; but the annual fee for such a license is limited to $5,000 and any qualifications for licensure may not conflict with the MRTMA or rules promulgated by LARA pursuant to the Act.

What limitations on the State are applicable to municipalities?

According to the proposal, a State rule may not be unreasonably impracticable, or limit the number of any of the various types of licenses that may be granted, or require a customer to provide a retailer with identifying information other than to determine a customer's age or acquire personal information other than that typically required in a retail transaction. MRTMA §8.3.

The State is required to issue a license under the Act if the municipality does not notify LARA that the proposed establishment is not in compliance with a local ordinance and if the proposed location is not within an area "zoned exclusively for residential use and not within 1000 feet of a pre-existing public or private school providing K-12 education." A municipality is authorized to reduce the 1000' separation from a school requirement. MRTMA §9.3.

Additionally, the grounds for disqualifying a license applicant based on a prior controlled substance conviction is much reduced under the MRTMA than under the MMFLA. An applicant for a medical marihuana facilities license is disqualified if they have any of the following:

- a felony conviction or release from incarceration for a felony within the past 10 years;
- a controlled substance-related felony conviction within the past 10 years; or
- a misdemeanor conviction involving a controlled substance, theft, dishonesty, or fraud within the past five years.

In contrast, under the MRTMA any prior conviction solely for a marihuana offense does not disqualify or affect eligibility for licensure unless the offense involved distribution to a minor. Thus, persons convicted of trafficking in large amounts of marihuana would be eligible for a municipal marihuana establishment license. MRTMA §8.1(c).

Additionally, LARA is precluded from issuing a rule and municipalities may not adopt an ordinance requiring a customer to provide a marihuana retailer with any information other than identification to determine the customer's age. MRTMA §8.3(b). In this regard, the MRTMA provides an affirmative defense to marihuana retailers who sell or otherwise transfer marihuana to a person under 21 years of age if the retailer reasonably verified that the recipient appeared to be 21 years of age or older by means of government issued photographic identification containing a date of birth. MRTMA §10.2.

There are also limitations on holding ownership interests in different types of facilities. Owners of a safety compliance facility or secure transporter may not hold an ownership interest in a grower or processor or retailer or microbusiness establishment. The owner of a microbusiness may not hold an interest in a grower or processor or retailer safety compliance for secure transporter establishment. And a person may not hold an interest in more than five marihuana growers or more than one microbusiness, unless after January 1, 2023 LARA issues a rule permitting otherwise. MRTMA §9.3.

Finally, for the first 24 months after LARA begins accepting applications for licensure, only persons who are residents of Michigan may apply for a Class A grower or microbusiness license; and to be eligible for all other licenses, persons must hold a State operating license pursuant to the MMFLA. MRTMA §9.6.

What if the State fails to act in a timely fashion?

If the State does not timely promulgate rules, despite the Act not providing when those must be issued, or accept or process applications within 12 months after the effective date of the Act, an applicant may submit an application for establishment directly to the municipality where the business will be located. MRTMA §16. A municipality must issue a license to the applicant within 90 days after receipt of the application unless the municipality determines that the applicant is not in compliance with an ordinance or rule adopted pursuant to the Act. If a municipality issues a license, it must notify the department that the license has been issued. That municipal license will have the same force and effect as a State license, but the holder will not be subject to regulation or enforcement by the State during the municipal license term. It is unclear whether, if the State puts in place a licensing system during the term of a municipal license, the establishment can be required to seek State licensure or is merely required to renew the license with the municipality.

Municipality as an employer or landlord

The MRTMA does not require that an employer permit or accommodate conduct otherwise allowed by the Act in the workplace or on the employer's property. The Act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. Nor does the Act prevent an employer from refusing to hire a person because of that person's violation of a workplace drug policy. MRTMA §4.3. In this regard, the statute appears to codify the holding of *Casias v. Wal-Mart Stores, Inc.*, 764 F Supp 2d 914 (WD Mich 2011) *aff'd*, 695 F3d 428 (6th Cir 2012) permitting an employer to discharge an employee who, as a registered patient under the MMMA, used marihuana outside of work hours, was not under the influence while at work, but tested positive after suffering an injury while at work.

To the degree that a municipality provides housing and therefore acts as a landlord, the MRTMA permits the lessor of property to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on leased property, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking. MRTMA §4.4.

Municipal share of Marihuana Excise Tax Fund

Under the terms of the MMFLA, municipalities (cities, villages, and townships) in which a medical marihuana facility is located, get a pro rata share of 25 percent of a medical marihuana excise fund created by the imposition of a 3 percent tax on gross retail sales at provisioning centers. However, under the terms of the

MMFLA, if a law authorizing the recreational or nonmedical use of marihuana is enacted, the tax on medical marihuana sales sunsets 90 days following the effective date of the new law. MCL 333.27601.

The MRTMA seeks to fill the gap created by the loss of the 3 percent excise tax under the MMFLA by creating a marihuana regulation fund through the imposition of a 10 percent excise tax (which would be in addition to the 6 percent sales tax) on the sales price of marihuana sold or otherwise transferred by a marihuana retailer or microbusiness to anyone other than another marihuana establishment. However, the sale to be allocated to municipalities is reduced to 15 percent, and before any money is provided to cities, villages, and townships in which a marihuana retail store or microbusiness is located, the State is made whole for its implementation, administration, and enforcement of the Act—and until 2022 or for at least two years, $20 million from the fund must be annually provided to one or more clinical trials approved by the FDA that are researching the efficacy of marihuana in the treatment of U.S. armed services veterans and preventing veteran suicide. MRTMA §14.

The net effect for municipalities could result in more money under the MRTMA than under the MMFLA. This is because: a) the tax rate levied is over three times higher under the MRTMA (10 percent v. 3 percent); b) there is a larger pool of potential consumers (registered patients and caregivers v. all persons aged 21 and older); and c) the allocation to municipalities under the MRTMA is based on the number of marihuana retail stores and micro businesses as opposed to all types of marihuana facilities under the MMFLA. However, this does not take into account that if a municipality does not permit recreational marihuana retail establishments, it will not receive any revenue under the either the MMFLA or MRTMA, but will still have to deal with the social consequences of marihuana use that it may not prohibit under the new law.

The following table illustrates the differences between the two statutory approaches based on assumption of $1 billion in sales, State expenses being recouped by applicable fees, a municipality having one percent of the total number of medical marihuana facilities or recreational retail businesses.

	MMFLA	MRTMA
Total Annual Retail Sales	$1,000,000,000	$1,000,000,000
Applicable Excise Tax Rate	3 percent	10 percent
Amount of Excise Tax Fund	$30,000,000	$100,000,000
Less Allocation for Veterans' Health Research	0 $30,000,000	-$20,000,000 $80,000,000
Percentage Allocated to Municipalities	25 percent	15 percent
Percentage Allocated to Municipalities	25 percent	15 percent
Amount Available for Municipalities	$7,500,000	$12,000,000
1 percent of facilities or retail establishments in municipality	$75,000	$120,000

In what appears to be a blatant attempt to convince voters to approve the MRTMA, 35 percent of the marihuana regulation fund will be allocated to the school aid fund for K-12 education and another 35 percent to the Michigan transportation fund for the repair and maintenance of roads and bridges. Unlike the MMFLA, which allocated 15 percent split equally (5 percent each) between county sheriffs where a marihuana facility was located, the Commission on Law Enforcement Standards for Officer Training, and to the State Police, there is no allocation directly to law enforcement purposes under the MRTMA.

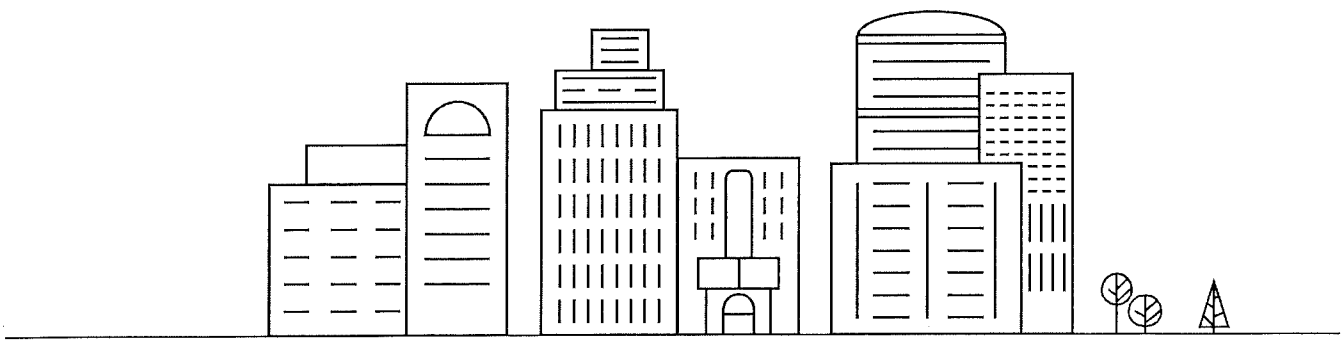
Conclusion

As challenging as it was for municipalities to come to grips with medical marihuana regulation under the MMFLA, the difficulties posed by the proposed MRTMA regarding recreational marihuana are likely to be significantly greater. Under the MMFLA, many municipalities took a "wait and see" position on the issue of broad commercialization of medical marihuana, and in doing so, only required that the governing body of the municipality do nothing. And for those municipalities that chose to "opt in," the MMFLA granted them a great deal of regulatory discretion, which some representatives of the marihuana industry have called "onerous" [Langwith, "Local Overreach," 97 Mich B J 36, 37 (August 2018)], so as to reasonably safeguard the public safety health and welfare.

The MRTMA on the other hand, requires a municipality to affirmatively take legislative action to "opt out" of regulating recreational marihuana commercial enterprises. For those municipalities that choose to permit recreational marihuana establishments to exist in the community, the regulatory framework is much more circumscribed than under the MMFLA, and is certainly more likely to raise legal issues. Fortunately, commercialization of recreational marihuana is at least a year away should the ballot proposal to legalize marihuana be adopted; and, by that time, the State regulatory framework for medical marihuana will have been in place for nearly two years.

Apart from the commercialization of recreational marihuana, municipal law enforcement officials and officers may be required to know the new rules surrounding "legalized" marihuana within days of the election. At a minimum, county and municipal prosecutors should be ready to provide training on the law in early November. It is also likely that defendants who committed marihuana offenses prior to November 6 will seek dismissal of those charges should voters approve the ballot proposal.

In the meantime, municipal attorneys would be well-advised to read through the initiated statute more than once and be prepared to advise their clients of the significant ramifications of legalized marihuana on local governmental and social services.



NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
November 7, 2018

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:03 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Present
Brad Cousino	Present
Eamonn Dwyer	Present
Sam Iaquinto	Present
Cecilia Infante	Present
Larry Roman	Present
John Zarzecki	Present

Also present:
Assessing & Building Assistant Mary Bird
Planning Consultant Paul Lippens, McKenna Associates
Recording Secretary Lisa Lemble
Members of the Community

4. ADOPTION OF AGENDA

- **Motion:** Roman moved, Iaquinto supported, that the agenda be adopted as presented.
  Motion carried 6—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

No comments.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

None.

9. REPORTS

9A. Board of Trustees
Chick reported that on October 23rd the Board approved a resolution regarding improvement of the Horseshoe Drain, heard a proposal regarding the condition of 75 Barker Road, and authorized the Township attorney to prepare a legal opinion regarding the Township's obligations regarding sewer service.

9B. ZBA
Cousino reported that one case was tabled pending receipt of additional information and a second request for setback variance to allow construction of a garage (379 Delaware) was approved.

9C. Staff Report
Nothing to report.

9D. Planning Consultant
Lippens reported that work to evaluate the proposal from Lockwood for the North Village site is ongoing, and the RFQ for additional proposals is under review by the Township Manager.

9E. Parks and Recreation
Iaquinto reported Parks and Recreation has been working on the plan for the North Village park, and the public is welcome to provide input at the site on Sunday, November 11th or at their meeting the following Thursday.

9F. Downtown Planning Group
Infante reported that at the last meeting the group discussed the Downtown Development Authority's (DDA) last meeting which focused on the Lockwood Proposal and the future of 75 Barker. Two members of the DDA are drafting letters to the Township Board regarding the value each offers to the revitalization of the Township.

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11A. Master Plan Open House Discussion.

Lippens reported the event was very well attended and since then additional information was received from those present at a Whitmore Lakes schools PTO meeting. He asked for comments about the Open

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House and for recommendations from Commissioners about any additional outreach efforts that could be attempted. He suggested scheduling a series of focus groups with interested people (i.e. business owners in the Whitmore Lake Overlay District and perhaps beyond, Kiwanis, Land Preservation Committee), noting that this has been successful in the past.

Commissioners said while the turnout was great, instructions to Open House participants were not clear, additional facilitators would have been useful, and it would be good to reach out to the groups Lippens listed. There was a brief discussion about coordination and timing of meeting with the interest groups.

11B. Discussion on Penalties for Code Enforcement Violation Text Amendments.

Iaquinto asked if work on this is appropriately done by the Planning Commission, or if it should be left to the Township Board. Lippens said the proposal in his September 18th memo are the result of meetings among the new code enforcement officer, the Township Manager, the Zoning Administrator, and the Township attorney. He said the proposal was written by the Zoning Administrator and reviewed by the Township Attorney.

Commissioners agreed that the code enforcement officer needs to have the necessary tools to perform the duties of the job, but given the penalties listed in the proposal they would like confirmation that the Township attorney has reviewed and approved it prior to setting a public hearing.

Other comments included that the revision language is choppy, additional clarification is needed, the proposed changes seem to have been rushed, and a more thorough review should be considered.

▶ **Motion:** Roman moved, Iaquinto supported, that the Commission table the review of Section 36-971 to a future meeting.
Motion carried 7—0 on a voice vote.

11C. Discussion on AR District Text Amendments.

Lippens referred to his memo dated November 1st and explained that the proposed changes would:

- Change the minimum lot size for nurseries from 10 to 5 acres in order to bring several existing businesses into conformance with the ordinance.
- Add storage of recreational vehicles and boats as a conditional use.

Lippens explained that these changes are being proposed as a way of making existing non-conforming uses legal, and the alternative is to proceed with code enforcement against the businesses in violation.

Comments from Commissioners included:

- Not enough explanation was provided to Commissioners about the reason for this proposal.
- All of Paragraph A should be reviewed and updated.
- The addition of storage of boats and RVs does not match the stated purpose of the district.
- Screening from neighboring properties—in addition to from the road— should be provided for.
- Support for the proposed changes.
- Opposition to the proposal as being inappropriate for the district.
- Opposition to changing the ordinance to eliminate non-conformances because it would encourage establishment of non-conforming businesses.
- Suggestions for alternatives, such as allowing these uses on five acre parcels if located on a main road.

Lippens said while the Township wants to be responsive to existing businesses and to the issues encountered by the Zoning Administrator and code enforcement officer, perhaps these issues should be discussed as part of a larger review of the ordinance to determine whether the current standards are appropriate or if they should be revised. He said he will relay the Commissioners' comments.

11D. Zoning Administrator Quarterly Report: July—September, 2018.

Lippens briefly summarized the report noting that 31 zoning compliance applications were approved, two ZBA actions are pending, six non-residential use applications were reviewed (two denied), one site plan was approved administratively, two ZBA cases were approved, and two final site plan reviews were performed.

Commissioners asked for information about an administrative site plan approval, clarification about final site plan reviews, and details about zoning compliance applications for dwellings (new vs. additions).

12. MINUTES

▶ **Motion:** Roman moved, Iaquinto supported, that the minutes of the October 17, 2018, regular meeting be approved as presented, and to dispense with the reading.
Motion carried 7—0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Jack Secrist, Nollar Road, commented on the proposed AG District amendments.

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14. COMMENTS FROM THE COMMISSIONERS

No comments.

15. ANNOUNCEMENT OF NEXT MEETING

November 21, 2018, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

▶ **Motion:** Roman moved, Chick supported, that the meeting be adjourned.
Motion carried 7—0 on a voice vote.

The meeting was adjourned at 8:20 P.M.

Prepared by Lisa Lemble.
Corrections to the originally issued minutes are indicated as follows:
Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on _____, 2018.

_____ _____
Larry Roman, Chair John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at
http://www.twp-northfield.org/government/

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