

**MARENGO TOWNSHIP  
CALHOUN COUNTY, MICHIGAN  
ZONING ORDINANCE AND ZONING ORDINANCE MAP AMENDMENT**

**ORDINANCE NO. 2020-01**

At a regular meeting of the Township Board of Marengo Township, Calhoun County, Michigan, held at the Marengo Township Hall on March 31, 2020, at 7 p.m., Township Board Member Duane Hoffman moved to adopt the following ordinance, which motion was seconded by Township Board Member:

*An Ordinance to amend the Marengo Township Zoning Ordinance, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Recreational Marihuana Establishments; and designate such Facilities, Establishments, and Operations as conditional uses; in order to maintain the public health, safety and welfare of the residents and visitors to Marengo Township. The Ordinance further amends the Zoning Ordinance Map of the Marengo Township Zoning Ordinance to establish a Marihuana Overlay District consistent with text amendments to the Marengo Township Zoning Ordinance.*

THE TOWNSHIP OF MARENGO ORDAINS:

**Section 1. Amendment of Article 18, Section 18.02, Definitions:** The Marengo Township Zoning Ordinance, Article 18, Section 18.02, Definitions, shall be amended to add the following definitions:

- A. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
1. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* (“MMFLA”);
  2. “*Processor*,” as that term is defined in the MMFLA;
  3. “*Secure Transporter*,” as that term in the MMFLA;
  4. “*Grower*,” as that term is defined in the MMFLA;
  5. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
- B. “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
- C. “*Marihuana Establishment*” or “*Establishment*” means one of the following, or any other type of marihuana-related business Licensed by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.
1. “*Marihuana grower*,” as that term is defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (“MRTMA”); and
  2. “*Marihuana microbusiness*,” as that term is defined in the MRTMA; and
  3. “*Marihuana processor*,” as that term is defined in the MRTMA; and

4. “*Marihuana retailer*,” as that term is defined in the MRTMA; and
5. “*Marihuana secure transporter*,” as that term is defined in the MRTMA; and
6. “*Marihuana safety compliance facility*,” as that term is defined in the MRTMA; and
7. “*Designated consumption establishment*,” as that term is defined by the Department of Licensing and Regulatory Affairs or as may be defined in the MRTMA; and
8. “*Excess marihuana grower*,” as that term is defined by the Department of Licensing and Regulatory Affairs or as may be defined in the MRTMA; and
9. “*Marihuana event organizer*,” as that term is defined by the Department of Licensing and Regulatory Affairs or as may be defined in the MRTMA; and
10. “*Temporary marihuana event*” as that term is defined by the Department of Licensing and Regulatory Affairs or as may be defined in the MRTMA.

D. “*Permit*” means a current and valid permit for a Commercial Medical Marihuana Facility issued under the Marengo Township Michigan Marihuana Facilities Licensing Ordinance, Marengo Township Ordinance No. 2019-5, or a current and valid permit for a Marihuana Establishment under Marengo Township Ordinance Authorizing and Permitting Recreational Marihuana Establishments No. 2019-6 which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.

E. “*Medical Marihuana*” means that term as defined in MCL 333.26423.

F. “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, *et seq.*

G. “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

**Section 2. Amendment of Article 15, Section 15.03, Conditional Uses:** The Marengo Township Zoning Ordinance, Article 15, Section 15.03, Conditional Uses, shall be amended to add the following conditional land uses in addition to those presently listed in the Highway Service Commercial District:

A. - G. See present Ordinance.

H. Safety Compliance Facilities and Marihuana Safety Compliance Facility Establishments.

I. Secure Transporter Facilities and Marihuana Secure Transport Establishments.

**Section 3. Amendment of Article 16, Section 16.03, Conditional Uses:** The Marengo Township Zoning Ordinance, Article 16, Section 16.04, Conditional Uses, shall be amended to add the following conditional land uses in addition to those presently listed in the LI - Light Industrial District:

A. - E. See present Ordinance.

F. Growers Facilities and Marihuana Grower Establishments.

G. Processor Facilities and Marihuana Processor Establishments.

H. Safety Compliance Facilities and Marihuana Safety Compliance Facility Establishments.

I. Secure Transporter Facilities and Marihuana Secure Transport Establishments.

**Section 4. Amendment to add Article 17B, Marihuana Overlay District:** The Marengo Township Zoning Ordinance, shall be amended to add Article 17B: MO, Marihuana Overlay District, providing as follows:

Article 17B – Marihuana Overlay District.

Section 17B.01 – Purpose.

The Marihuana Overlay District (“MO District”) is intended to provide opportunities for the development of certain Marihuana Facilities or Establishments permitted under the MMFLA and MRTMA and to require compliance with this Ordinance, in order to maintain the public health, safety and welfare of the Township. This Article proposes to accomplish this through the implementation of regulations that promote the use of land within the MO District for certain Commercial Marihuana Facilities and Establishments.

Section 17B.02 – Marihuana Overlay District Boundary.

The MO District is established as an overlay zoning district over portions of the AG Agricultural District in Section 2 (an area north of J Drive), and Section 23 (an area at exit 115 on 22 ½ Mile Road and I-94) of Marengo Township. Land located within such overlay district may be developed according to the provisions of the underlying zoning district or according to the provisions of this Section.

Section 17B.03 – Uses Permitted by Conditional Use Permit.

The following uses are permitted in the MO District with a Conditional Use Permit granted by the Township Board, after review and recommendation by the Planning Commission, in accordance with the provisions of this Article and Article 10 - Conditional Use Permits:

- A. Growers Facilities and Marihuana Grower Establishments.
- B. Processor Facilities and Marihuana Processor Establishments.

Section 17B.04 – Setbacks

Each building used as a marijuana facility or establishment shall be setback a minimum distance from any lot line, public road or recorded right-of-way not owned by the Licensee:

- A. Front Yard: Not less than 85 feet.
- B. Side Yard: Not less than 50 feet.
- C. Rear Yard: Not less than 50 feet.

**Section 5. Amendment of Article 10, Conditional Uses, to add Section 10.40:** The Marengo Township Zoning Ordinance, Article 10, Section 10.40, Regulations Associated with Specific Uses, shall be amended to add the following regulations to those already listed:

Section 10.40– Marihuana General Regulations. The following regulations apply to all marihuana Establishments or Facilities within the Township, unless a more specific provision of this Article applies:

## **A. Location and Lot Requirements**

1. **LOT AREA:** No building or structure shall be established on any lot less than one (1) acre in area.
2. **LOT WIDTH:** The minimum lot width shall be one hundred fifty (150) feet.
3. **LOT COVERAGE:** The maximum lot coverage shall not exceed twenty-five (25) percent.
4. **RESIDENTIAL SETBACK:** No Facility or Establishment building shall be located within three hundred (300) feet from any residential dwelling unit if such uses are in existence at the time the Facility or Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the corner of the nearest building containing a residential dwelling unit and the nearest Facility or Establishment building.
5. **HEIGHT:** Except as is otherwise provided in the Ordinance, no building or structure shall exceed a height of forty-five (45) feet.
6. **DRIVES:** All access drives for a Facility or Establishment shall be at least 10 feet on each side of the centerline and shall extend directly from a public street right-of-way or private street right-of-way. All access drives are further subject to the approval of the Calhoun County Road Department.
7. **GREENBELT BUFFER:** A greenbelt buffer shall be provided in accordance with the regulations specified in the Landscape and Buffering requirements of this Ordinance between any Facility or Establishment and any public or private road and any adjacent use other than a Facility or Establishment. Any use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way. All trees and shrubbery used for landscaped screening of Facility or Establishment shall be planted and maintained through standard husbandry techniques, including but not limited to fertilization, mulching and pruning, so that the vegetation shall reach maturity as soon as practical and so that maximum foliage density may be achieved. Dead or diseased vegetation shall be promptly removed and replanted at the next available planting time. Plants or grasses on the property that are outside of the greenbelt buffer may not exceed 12 inches in height, except for agricultural crops, and must be regularly maintained.

## **B. General Operating Conditions**

1. **LOCATION OF OPERATION.** Each Marihuana Establishment or Facility shall be operated from the Permitted Premises on the Permitted Property. No Marihuana Establishment or Facility shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of marihuana. No person under the age of eighteen

- (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.
2. SECURITY. Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
    - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
    - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
    - c. A locking vault permanently affixed to the Permitted Premises that shall store all marihuana and cash remaining in the Establishment or Facility overnight, except for marihuana actively grown in a Grower Establishment or Facility; and
    - d. All marihuana in whatever form stored at the Permitted Property shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
    - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement upon request for inspection.
    - f. A Facility or Establishment shall be entirely fenced as shown on the site plan, compliant with applicable fire code, building code, and any other applicable code or regulation, with a gate that is locked when not in use by the operator of the facility or the operator's agents. The fence shall be a chain link fence or other type designed and installed to prevent unauthorized access. If the fence consists entirely of opaque material, and if it is at least six feet high but not more than eight feet high, then setbacks from the public street or private road may be reduced by 50%. Fencing must be maintained in good safe condition throughout the life of the installation.
  3. REQUIRED SPACING. No Facility or Establishment shall be located within two thousand (2,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Facility or Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the nearest property lines.
  4. CO-LOCATION. Subject to underlying zoning restrictions, the Facility or Establishment shall be the only principal use located on the Permitted Property, except that the following co-location is permitted:
    - a. A Grower Facility, Processor Facility, or Secure Transporter Facility may operate from within a single facility also operating with a Grower Establishment, Processor Establishment, or Secure Transporter Facility

operating pursuant to the MMFLA, MRTMA, and applicable rules promulgated by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.

- b. A Grower Establishment, Processor Establishment, or Secure Transporter Establishment may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.
  - c. A Grower Facility, Processor Facility, or Secure Transporter Facility may operate from within a single facility operating pursuant to the MMFLA and applicable rules promulgated by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.
5. **STACKING.** An applicant for a Grower Facility or Establishment may apply to stack another Grower permit at the Establishment, Facility, or Permitted Premises. Permits or Licenses may only be stacked consistent with the MRTMA, MMFLA, and the rules and regulations promulgated by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.
  6. **AMOUNT OF MARIHUANA.** The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.
  7. **SALE OF MARIHUANA.** The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. A Facility or Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet, except to another Facility or Establishment.
  8. **SIGN RESTRICTIONS.** No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
  9. **USE OF MARIHUANA OR OTHER SUBSTANCES.** Smoking or consumption of marihuana or controlled substances on the Permitted Premises is prohibited. The sale, consumption, or use of alcohol or tobacco products on the Permitted Premises is prohibited, except as may be permitted by rules or regulations of the Department of Licensing and Regulatory Affairs or its authorized Michigan agency or this Ordinance.
  10. **INDOOR OPERATION.** All activities of a Facility or Establishments, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors.
  11. **LIMITED IMPACT.** The Facility's or Establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining

and operating an air filtration system or other available technology so that no odor related to the permitted use is detectable at the property line of the Permitted Premises.

12. DISTRIBUTION. No person operating a Facility or Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
13. OTHER PERMITS. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located. Code and other permit approval may require, without limitation, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“BIL”), or other similar certification organization if the similar certification organization is approved by the Township.
14. WASTE DISPOSAL. The Permit Holder, owner and operator of any Facility or Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit, including:
  - a. Ensuring proper handling, use, and disposal of any and all nutrients, pesticides, and other chemicals used at, in connection with, or arising out of the Establishment or Facility.
  - b. Ensuring proper disposal of all Marihuana and related byproducts that will be used at, in connection with, or arising out of the Establishment or Facility.
  - c. Ensuring the proper use, management, and disposal of all water and other liquids used at, in connection with, or arising out of the Establishment or Facility.
15. TRANSPORTATION. Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
  - a. By Persons who are otherwise authorized by state law to transport Marihuana;
  - b. In a manner consistent with all applicable state laws and rules, as amended;
  - c. In a secure manner designed to prevent the loss of the Marihuana;
  - d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.

- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
16. UTILITY LINES. On-site utility lines shall be placed underground to a depth as specified by the appropriate utility company requirements
17. LIGHT POLLUTION AND LIGHTING PLAN.
- a. All lighting shall be subject to the following general operating standards:
    - i. All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.
    - ii. All lighting shall be shielded to the extent possible to reduce glare and visibility.
    - iii. No flashing lights will be permitted.
    - iv. Grow lights shall not be used before 6:00 a.m. local time and shall not be used after 9:00 p.m. local time.
  - b. An external lighting plan for each Permitted Property shall be approved by the Township Board as part of the Site Plan review, after review and recommendation by the Planning Commission, to ensure the general operating standards set forth in this subsection will be satisfied. The lighting plan shall include, but is not limited to the location, dimensions, light color, and types of fixtures to be used for all external lighting, including but not limited to lighting for parking lots, driveways, security lighting or other external illumination, or the illumination of signs, and its overall area of illumination. The Township Board or Planning Commission may request additional detail(s) and information as part of its review. The Township Board may approve a lighting plan if it believes it reasonably conforms to the general operating standards as set forth in this subsection, unless a reasonable person would expect the lighting plan to create, cause, or compound the substantial likelihood that injury would result to the public health, safety, or general welfare.
18. UNPERMITTED GROWING. A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
19. SITE PLAN. Each Facility or Establishment shall comply with all Site Plan and Conditional Use Permit requirements of this Ordinance. The Site Plan shall include the surrounding area and identify any residential dwelling units within 1,500 feet of the Permitted Premises at the time of Application. The Site Plan shall include an interior floor plan and shall be signed and sealed by a Michigan registered architect, surveyor, or professional engineer.



- C. **Duration of Permit:** All Conditional Use Permits shall expire 12 months after approval, beginning on the month of approval, if construction is not commenced within 12 months and completed with due diligence. All Conditional Use Permits shall expire 24 months after approval beginning on the month of approval if construction is not completed and a final occupancy permit issued within 24 months, unless renewed by the property owner or Permit Holder on good cause shown. After issuance of the Conditional Use Permit, the Conditional Use Permit applicant or holder shall submit quarterly, written reports on project progress to the Zoning Administrator, until a final occupancy permit is issued.

**Section 6. Amendment of Article 10, Conditional Uses, to add Section 10.41:** The Marengo Township Zoning Ordinance, Article 10, Section 10.41, Conditional Uses, shall be amended to add the following regulations to those already listed:

Section 10.41 – Grower Regulations. The following regulations apply to all Grower Establishments or Facilities whether Class A, B, or C within the Township:

- A. **LOT AREA.** No Grower building or structure shall be established on any lot less than fifteen (15) acres in area.
- B. **SETBACKS.** Except for uses within the Highway Service Commercial District or Light Industrial District, each building or structure shall be setback a minimum distance at the time of initial siting and permit issuance from any lot line, right-of-way, or easement:
1. Front Yard: Not less than 85 feet.
  2. Side Yard: Not less than 50 feet.
  3. Rear Yard: Not less than 50 feet.
- C. **ODOR AND OTHER IMPACTS.** Each Grower Facility or Establishment shall submit its plan and methods for controlling odor and other impacts to adjacent uses, including air filtration systems and other enforceable assurances that no odor created by the use will be detectable at the property line of the Permitted Premises. These obligations are continuing on any Facility or Establishment, which may be required to plan, construct, or implement, additional methods for controlling odor and other impacts on adjacent uses.
- D. **CHARACTER OF BUILDINGS.** The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.
- E. **BUILDING SPACING.** The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.
- F. **DRIVES AND TRAFFIC.** The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.
- G. **HOURS OF OPERATION.** Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace or safety of the public within the Township.

**Section 7. Amendment of Article 10, Conditional Uses, to add Section 10.42:** The Marengo Township Zoning Ordinance, Article 10, Section 10.42, Conditional Uses, shall be amended to add the following regulations to those already listed:

Section 10.42 – Processor Regulations. The following regulations apply to all Processor Establishments or Facilities within the Township:

- A. LOT AREA. No Processor building or structure shall be established on any lot less than ten (10) acres in area.
- B. SETBACKS. Except for uses within the Highway Service Commercial District or Light Industrial District, each building or structure shall be setback a minimum distance at the time of initial siting and permit issuance from any lot line, right-of-way, or easement:
  - 1. Front Yard: Not less than 85 feet.
  - 2. Side Yard: Not less than 50 feet.
  - 3. Rear Yard: Not less than 50 feet.
- C. SEPARATION DISTANCE. Any building or structure used for specialty processing methods, including but not limited to hydrocarbon processing, must be setback no less than 100 feet from any other building or structure.
- D. ODOR AND OTHER IMPACTS. Each Processor Facility or Establishment shall submit is plan and methods for controlling odor and other impacts to adjacent uses, including air filtration systems and other enforceable assurances that no odor will be detectable at the property line of the Permitted Premises. These obligations are continuing on any Facility or Establishment, which may be required to plan, construct, or implement, additional methods for controlling odor and other impacts on adjacent uses.
- E. OTHER PERMITS AND LICENSES. Each Processor Facility or Establishment shall hold and remain in good standing with any other professional or occupational license or designation required for any means or methods employed for Marihuana processing at the Permitted Property.
- F. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.
- G. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.
- H. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.
- I. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace or safety of the public within the Township.

**Section 8. Amendment of Article 10, Conditional Uses, to add Section 10.43:** The Marengo Township Zoning Ordinance, Article 10, Section 10.43, Conditional Uses, shall be amended added to add the following regulations to those already listed:

Section 10.43 – Safety Compliance Regulations. The following regulations apply to all Safety Compliance Establishments or Facilities within the Township:

- A. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.
- B. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.
- C. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.
- D. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace or safety of the public within the Township.
- E. SETBACKS & FENCING. Safety Compliance Establishments or Facilities shall comply with the setback requirements of the zoning district in which they are located. The 300-foot Residential Setback does not apply to Safety Compliance Establishments or Facilities. A fence is not required.

**Section 9. Amendment of Article 10, Conditional Uses, to add Section 10.44:** The Marengo Township Zoning Ordinance, Article 10, Section 10.44, Conditional Uses, shall be amended added to add the following regulations to those already listed:

Section 10.44 – Secure Transporter Regulations. The following regulations apply to all Secure Transporter Establishments or Facilities within the Township:

- A. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.
- B. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.
- C. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.
- D. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on

adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace or safety of the public within the Township.

- E. **SETBACKS & FENCING.** Secure Transporter Establishments or Facilities shall comply with the setback requirements of the zoning district in which they are located. The 300-foot Residential Setback does not apply to Secure Transporter Establishments or Facilities. A fence is not required.

**Section 10. Amendment of Article 9, Section 9.06, Parking and Loading Requirements:** The Marengo Township Zoning Ordinance, Article 9, Section 9.06, Parking and Loading Requirements, shall be amended to add the following regulations to those already listed:

- A. **Safety Compliance Facilities:** One space for every 200 square feet of gross floor area.
- B. **Secure Transporters:** One space for every 400 square feet of gross floor area.
- C. **Grow Facilities:** One space for each employee on the largest shift.
- D. **Processors:** One space for each employee on the largest shift.

**Section 11. Amendment to Township Zoning Map.** Consistent with the amendments to the text of the Marengo Township Zoning Ordinance, the Marengo Township Board amends the Official Zoning Map of the Marengo Township Zoning Ordinance to rezone all property within the areas shown on the Special Use District, Marihuana Overlay Map, which is attached hereto and incorporated by reference, as the MO District. The Map demonstrates that the MO District exists as an overlay district over land in Marengo Township generally described as follows: Marengo Twp Sec 2 T2S R5W, the South 60 Acres of the W 1/2 of the SE 1/4 of Sec 2; and Marengo Twp Sec 23 T2S R5W, E 1/2 of NW 1/4 Except Beg 1890 Ft S of N 1/4 Pst Th W 1332' Th N 1890' Th E 1332' TH S 1890', being approximately 14.39 Acres. Those properties within the MO District shall maintain their current zoning classification in addition to those uses provided by the newly-established MO District. The Township Board shall have a new Official Zoning Map prepared consistent with this Ordinance.

**Section 12. Severability:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

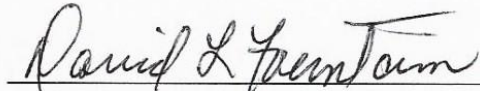
**Section 13. Effective Date:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: D.Fountain, D. VanSickle, A. Freitel, D. Hoffman, and T. Hazel

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.



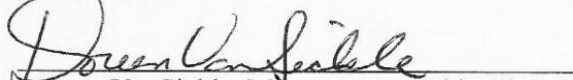
David Fountain, Marengo Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Marengo Township Board at a duly scheduled and noticed meeting of that Township Board held on March 31, 2020, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the The Marshall Advisor Chronicle newspaper, a newspaper that circulates within Marengo Township, on April 11, 2020.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:



Doreen VanSickle, Marengo Township Clerk

**Marengo Township, Calhoun County, Michigan**  
**Zoning Ordinance and Zoning Ordinance Map Amendment**  
**Notice of Adoption Ordinance No. 2020-01**

At a meeting of the Marengo Township Board held at the Marengo Township Hall on March 31, 2020, at 7 p.m., the Township Board adopted Ordinance No. 2020-01, which amends the Marengo Township Zoning Ordinance, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Recreational Marihuana Establishments; and designate such Facilities, Establishments, and Operations as conditional uses; in order to maintain the public health, safety and welfare of the residents and visitors to Marengo Township. The Ordinance further amends the Zoning Ordinance Map of the Marengo Township Zoning Ordinance to establish a Marihuana Overlay District consistent with text amendments to the Marengo Township Zoning Ordinance. Copies of the complete text of the proposed Ordinance are available at the office of the Township Clerk at 14201 23 Mile Road, Albion, MI 49224, by appointment.

The Ordinance has the following sections and catch lines: Section 1: Amendment of Article 18, Section 18.02, Definitions; Section 2: Amendment of Article 15, Section 15.03, Conditional Uses; Section 3: Amendment of Article 16, Section 16.03, Conditional Uses; Section 4: Amendment to add Article 17B, Marihuana Overlay District; Section 5: Amendment of Article 10, Conditional Uses, to add Section 10.40; Section 6: Amendment of Article 10, Conditional Uses, to add Section 10.41; Section 7: Amendment of Article 10, Conditional Uses, to add Section 10.42; Section 8: Amendment of Article 10, Conditional Uses, to add Section 10.43; Section 9: Amendment of Article 10, Conditional Uses, to add Section 10.44; Section 10: Amendment of Article 9, Section 9.06, Parking and Loading Requirements; Section 11: Amendment to Township Zoning Map; Section 12: Severability; Section 13: Effective Date.

By Order of the Marengo Township Board

Doreen Van Sickle, Township Clerk  
(269) 781-8422

*Published April 11, 2020*  
*Chronicle Advisor*