

SUMMARY OF PROCESS FOR MARIHUANA BUSINESS APPLICANT IN RUTLAND CHARTER TOWNSHIP

Step 1---File with Township Clerk complete Application for Special Land Use Permit and Application for Site Plan Approval (with applicable fees) for the site of the proposed marihuana business.

Step 2---Attend Planning Commission meeting with public hearing on the special land use permit application, and consideration of special land use permit and site plan for approval. If special land use permit and site plan are both approved, proceed to Step 3.

Step 3---File with Township Clerk complete Application for Marihuana Business Municipal License (including evidence of special land use permit and site plan approvals by Planning Commission).

Step 4---Attend Township Board meeting at which the Municipal License application is reviewed. If Township Board approves the Municipal License application, proceed to Step 5.

Step 5---Obtain operating license form the State of Michigan for the marihuana business for which the Municipal License application was approved by Township Board.

Step 6---Submit proof of state operating license to Township Clerk, for issuance of the Municipal License.

Step 7---(for annual Municipal License renewal) file with Township Clerk complete application for renewal of Municipal License at least 30 days before expiration (one year from date of issuance of Municipal License by Clerk).

RUTLAND CHARTER TOWNSHIP
Barry County
2461 Heath Rd, Hastings, MI 49058
Phone: 269-948-2194 Fax: 269-948-4180

APPLICATION FOR SITE PLAN REVIEW

DATE RECEIVED: _____ **BY:** _____ **FEE PAID:** _____

Property location (address or description): _____

Zoning classification: _____

Proposed use: _____

Number of structures: _____

Area of Proposed Structure(s): _____

Number of Dwelling Units (if Multiple Family): _____

Applicant's interest in the property (title holder-owner, land contract, purchaser, tenant, lessee, etc.): _____

Indicate any restrictions which encumber the property (plat or deed restrictions, easements), if any: _____

Applicant Name: _____

Address: _____

Phone# Work _____ Home _____ Fax _____

Owner or agent (capacity of agent) _____

I, the undersigned acknowledge that approval of this site plan by the Rutland Charter Township constitutes an agreement with the Rutland Charter Township, and all improvements and obligations indicated herein shall be completed in a good and workmanlike manner, acceptable to the township, within the times specified by ordinance.

Date: _____ **Owner/Agent:** _____

Note: A site plan must be included with this application, and review will be initiated when the appropriate fees have been paid. See checklist on reverse.

FOR OFFICIAL USE ONLY: DATE APPROVED: _____ **/REJECTED** _____

REASONS: _____

RUTLAND CHARTER TOWNSHIP SITE PLAN REVIEW REQUIREMENTS

DEVELOPMENTS REQUIRING SITE PLAN REVIEW: The Building Inspector or Zoning Administrator shall not issue a building permit or zoning permit for the construction of the following buildings, structures or uses until a detailed site plan has been reviewed and approved by the Township Planning Commission.

- Multiple-family residential development
- Mobile home park development
- Office development
- Commercial development
- Industrial development
- PUD
- Permitted uses other than one- and two-family residential
- All special exception uses
- Site Condominium projects
- Any other uses of land for which site plan review is required under any provision of this Ordinance.

APPLICATION: Requests for site plan review shall be made by filing with the Township Clerk the following.

Review Fee: A schedule of fees for site plan review shall be determined by the Township Board based on the cost of processing the review and shall be made available to the public at the Township Office.

INFORMATION REQUIRED: Eight (8) copies of the application for site plan review, which shall contain the following data, where applicable:

- Proof of ownership
- Parties with legal interests
- Accurate legal description
- Proposed use permitted in zone
- Special use, variances needed
- Zoning status on parcel
- Hydrologic floodplain, scenic river, wetland, recharge area
- Locations of proposed structures, roads, etc.
- Setbacks, lot area, width, coverage, etc.
- Off-street parking and loading areas
- Vehicular and pedestrian circulation
- Easement existing/proposed
- Landscaping plans
- Utilities sanitary, sewerage, drains, gas, electricity, cable
- Drain Commissioner comments, if applicable
- Road Commission comments, if applicable
- Open space provisions
- Fencing and screening
- Relationship to adjacent properties land use, density, street and utility extensions, privacy, property values
- Phasing plan for project

PROCEDURE: When the completed application is filed, the Township Clerk shall transmit it to the Chairman of the Planning Commission, who shall place it on the agenda of the Planning Commission and cause written notice to be given to the applicant of the date, time and place when the application will be reviewed. The applicant shall be given the opportunity to appear before the Planning Commission at the time, date and place stated in the notice to present his plan and discuss it with the Commission.

STANDARDS FOR SITE PLAN REVIEW: In reviewing the detailed site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Zoning Ordinance. Further, in consideration of each site plan, the Planning Commission shall endeavor to insure the following.

The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the Township including the following:

All drives and parking areas to be surfaced with bituminous or concrete paving or equivalent.

All public roads and streets shall be equal to County Road Commission standards of construction and drainage.

All roads and streets, drives and parking areas shall provide for disposal of surface water into the ground, into an approved leaching basin, or into a storm sewer.

Roads, streets and parking areas may be required to provide artificial lighting automatically timed and providing a minimum of one watt per twenty (20) square feet of road or parking surface with all light sources shielded from adjacent residential windows.

There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas so to insure the safety and convenience of pedestrian and vehicular traffic.

The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of the subject parcel and the occupants of adjacent properties.

The proposed use will not have a harmful effect on the surrounding neighborhood development. Provisions for fencing, walls and landscaping devices may be required to provide screening from adjacent land.

That the proposed use is consistent with and promotes the intent and purposes of this Ordinance, and is compatible with the natural environment and the capacities of public services and facilities affected by the proposed use.

**RUTLAND CHARTER TOWNSHIP
PLANNING COMMISSION
SITE PLAN REVIEW CHECK LIST**

Name of Applicant: _____

Property Location/Legal Description : _____

Proposed Use: _____

Zoning Classification : _____

- Checklist must be completed and submitted with site plan application
- 8 complete copies with full size blue prints must be submitted

- Proof of Ownership
- Parties with legal interest
- Accurate legal description
- Proposed use permitted in zone: _____
- Special Use, variances needed: _____
- Date of Approval: _____
- Zoning status on parcel: _____
- Setbacks: Side _____ Front _____ Rear _____
- Lot area and width: _____
- Lot coverage: Existing: _____ Proposed: _____
- Hydrologic floodplain, scenic river, wetland recharge area __Yes __ No
- Locations of proposed structures, roads, etc
- Off-street parking and loading area
- Vehicular and pedestrian circulation
- Easement exiting/proposed
- Open space provisions
- Fencing and screening
- Relationship to adjacent properties land use, density, street and utility extensions, privacy , property values

- Phasing plan for project
- Proposed and existing structures on site
- Proposed and existing roads
- Vehicular and Pedestrian circulation patterns
- Any existing or proposed easements
- Landscaping plans
- Lighting Plans
- Adjacent property zoning : side____side____rear__
- **Utilities- sewer, water, drains, gas, electricity, cable**
- **Sanitary sewer hook up needed: yes_____no_____**
- **Application completed____ fee paid \$_____ Escrow paid\$_____**

Drain Commission comments_____and Approval_____

Hasting City Sewer comments_____and Approval_____

Hastings City water comments_____and Approval_____

Within Rutland Sewer District_____Yes _____No

Barry County Road Commission comments____and Approval_____

MDOT comments_____and Approval_____

Health Department comments_____and Approval _____Well_____ Septic_____

Health Department approval for Food Service Establishment_____Yes _____No

MDEQ comments_____and Approval_____

Call Miss Dig before any excavating _____

Planning Commission -Approval Date:_____ Denial:_____

Planning Commission Chairperson -Signature:_____ Date:_____

NOTES:

SITE PLAN REVIEW STANDARDS

In reviewing the detailed site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Zoning Ordinance. Further, in consideration of each site plan, the Planning Commission shall endeavor to insure the following:

1. The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the Township including the following:
 - All drives and parking areas to be surfaced with bituminous or concrete paving or equivalent.
 - All public roads and streets shall be equal to County Road Commission standards of construction and drainage.
 - All roads and streets, drives and parking areas shall provide for disposal of surface water into the ground, into an approved leaching basin, or into a storm sewer.
 - Roads, streets and parking areas may be required to provide artificial lighting automatically timed and providing a minimum of one watt per twenty (20) sq. feet of road or parking surface with all light sources shielded from adjacent residential windows.
2. There is a proper relationship between major thoroughfares and Proposed service drives, driveways and parking area so to insure the safety and convenience of pedestrian and vehicular traffic.
3. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of the subject parcel and the occupants of adjacent properties.
4. The proposed use will not have a harmful effect on the surrounding neighborhood developments. Provisions for fencing, walls and landscaping devices may be required to provide screening from adjacent land.
5. That the proposed use is consistent with and promotes the intent and purposes of this Ordinance, and is compatible with the natural environment and capacities of public services and facilities affected by the proposed use.

Conditions:

The Planning Commission is hereby given the discretion and authority to impose reasonable conditions, as a condition of approval of any site plan, as necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility of adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. **Conditions imposed shall meet all of the following requirements:**

- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.

Conditions imposed: _____

Planning Commission Chairman _____

Date: _____

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When is a site plan review required?

The zoning ordinance requires a site plan for the following developments: 1) multiple-family residential, 2) mobile home parks, 3) offices, 4) commercial, 5) industrial, 6) PUDs, 7) R-4/permitted uses other than one and two family residential, 8) all special exception uses, 9) site condominiums, and 10) any other use of land for which a site plan review process is required in the zoning ordinance. The Planning Commission may require the submission of additional information as deemed necessary for review.

Who handles the site plan review process?

A site plan shall be submitted to the Township Clerk for referral to the Planning Commission for approval, denial, or conditional approval. The Township will advise and assist you to make the approval process proceed quickly and smoothly.

Who should prepare the site plan?

A qualified professional is recommended who understands the process and the submission requirements. The Township will not provide a recommendation, but qualified persons or companies are listed in the yellow pages of the telephone directory under engineers, planners, landscape architects, architects or surveyors.

What meeting dates should I be aware of?

You may make an appointment to consult with the Zoning Administrator or designated representative for a pre-submission conference any time. You may use this conference to clarify or discuss zoning or submission requirements, schedules, and others as necessary.

The Planning Commission normally meets on the third Wednesday of the month. A site plan needs to be submitted approximately 30 days prior to the meeting as per the attached schedule for review. If there are a number of substantive changes required, staff may require a revised site plan prior to recommending the matter to the Planning Commission.

How complete does the site plan need to be for Planning Commission consideration?

Very complete. Failure to submit a complete plan will only serve to delay the process. The plan and check list will not be considered by the Planning Commission until recommended by staff. Staff cannot recommend an incomplete submission.

ARTICLE XXI

Site Plan Review

§ 220-21-1. Purpose of site plan review; uses subject to site plan review.

- A.** Purpose of site plan review. The provisions in this article are intended to provide for consultation and cooperation between a land developer and the Township to facilitate the developer's objectives and the use of the land in accordance with the regulations of this chapter and with minimum adverse effect on the use of streets and other public facilities and on other existing and future land uses in the vicinity.
- B.** Uses subject to site plan review. Except as provided in § 220-21-7 with respect to matters subject to administrative site plan review, as designated therein, the following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit or zoning compliance permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this article:
1. Multiple-family residential development.
 2. Mobile home park development.
 3. Office development.
 4. Commercial development.
 5. Industrial development.
 6. Open space preservation development.
 7. All uses in the HDR District other than one-family and two-family residential.
 8. All special land uses.
 9. Site condominium projects.
 10. Any other uses of land for which site plan review is required under any provision of this chapter.

§ 220-21-2. Preliminary site plan review (optional).

- A.** Preliminary sketches of site and development plans may be submitted to the Planning Commission. The purpose of this optional preliminary site plan opportunity is to allow discussion between the developer and the Planning Commission as to site, building, and general requirements; to allow the developer to become acquainted with the mandatory final site plan review process; and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. This

preliminary site plan review opportunity is also especially advisable if the applicant intends to ask for a waiver of any of the final site plan content requirements imposed by § 220-21-3, as only the Planning Commission has authority to waive such content requirements, in certain circumstances, as addressed at the end of Section § 220-21-3 All preliminary site plan submittals shall include at least the following:

1. The name and address of applicant.
2. Legal description of the property.
3. Drawings showing tentative plans.

§ 220-21-3. Final site plan application content.

A. All final site plan review applications shall include all of the following (except where an item of content is clearly only applicable to a specified type of land use, such as sub-part 23):

1. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
2. Legal description of the property.
3. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
4. All lot and/or property lines, dimensioned, including building setback lines.
5. The location and height of all existing and proposed structures on and within one hundred feet of the subject property.
6. The location and dimensions of all existing and proposed drives and aisles, sidewalks, curb openings, signs, exterior lighting, parking spaces, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
7. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
8. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
9. The name and address of the property owner (if different from the applicant).
10. The location of all rubbish receptacles.
11. The location of all landscaping, and the location, height and type of fences and walls.

12. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
13. The location of all fire hydrants.
14. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling, or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.
15. The location of all existing and proposed interior floor drains.
16. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water, including the point of discharge for all associated drains and pipes.
17. A property survey by registered surveyor.
18. The existing and proposed contour, shown at two foot intervals, minimum.
19. The location of all lakes, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
20. The front, side and rear elevations for all new buildings on the property. Also, with respect to site plans involving multiple-family dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval.)
21. A description of the proposed land use in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
22. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
23. (for mobile home parks) The lot size, setbacks, trailer pads, patios, and complete park layout.
24. The proposed number of shifts to be worked and the maximum number of employees on each shift.

25. Any other information deemed necessary by the Township Planning Commission.

The Planning Commission may waive any of the above enumerated required items of content for a final site plan if the Commission determines the item of content either does not apply to the proposed use, or is otherwise unnecessary to evaluate the use for which approval is sought-pursuant to the site plan approval standards specified in § 220-21-5.

§ 220-21-4. Final site plan submittal and review scheduling procedures.

- A. The applicant shall file the site plan and all related information with the Zoning Administrator (or other designee of the Planning Commission), and pay any applicable fee. This filing shall be sufficiently in advance of the Planning Commission meeting at which the applicant would like to have the site plan reviewed as to allow the Zoning Administrator adequate time to review the filing and timely comply with subsections B-C below.
- B. The Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the standards for approval of the site plan.
- C. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting, except where the Zoning Administrator clearly identifies any such incomplete content to the Planning Commission for recommended waiver.
- D. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with eight copies of the administratively complete site plan and all related information (or such other number of copies as the Zoning Administrator may require). The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission no later than 5 days prior to the Planning Commission meeting at which the site plan is scheduled to be reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

§ 220-21-5. Final site plan review; review standards; modifications; approval conditions; performance guarantee.

- A. Input from other officials. Prior to reviewing or acting on a site plan the Planning Commission may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Fire Chief/Fire Marshall, the Township Building Official, the County Drain Commissioner, the County Road Commission, and such other parties as the Planning Commission may, in its discretion, determine to be advisable or necessary with respect to a particular site plan.

B. Standards for Final Site Plan Review. The Planning Commission shall review and approve a site plan, or approve a site plan with conditions, upon a finding that all of the following standards are met:

1. The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
2. There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
3. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
4. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
5. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
6. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
7. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
8. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
9. The height and location of all portions of buildings and structures are accessible to available emergency personnel.
10. The proposed development will comply with all applicable provisions of this chapter, and other applicable ordinances, laws, rules, and regulations.

The Planning Commission shall not approve a site plan if any part of the site plan or the intended use or development of the subject property does not comply with all the preceding standards.

- C. Modifications. The Planning Commission may approve a final site plan contingent upon the modification of the site plan as discussed with the applicant and as specified in the Planning Commission's approval action. In such circumstances the final site plan approval shall not be effective until a new original of the approved site plan, with the required modifications, has been filed with and verified by the Zoning Administrator. Notwithstanding the foregoing, the Planning Commission shall in no case approve a site plan subject to variance relief being granted by the Zoning Board of Appeals. If a proposed site plan cannot be approved without variance relief the Planning Commission shall disapprove the site plan; or, in the alternative, may table any substantive action on the site plan until the applicant has determined whether to apply to the Zoning Board of Appeals for the pertinent variance relief, and any such application has been decided by the Zoning Board of Appeals.
- D. Site plan approval conditions. The Planning Commission is hereby given the discretion and authority to impose reasonable conditions, as a condition of approval of any site plan, as necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility of adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration and be necessary to insure compliance with those standards.
 4. Conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action and shall remain unchanged except by amendment to the site plan as provided for herein.
- E. Performance guarantee. To insure compliance with the approved site plan, this chapter and any conditions imposed as a result of site plan review approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the Clerk of the Township to insure faithful completion of the improvement. The performance guarantee shall be deposited at the time of project. The Planning Commission shall establish procedures whereby a rebate of any cash deposit in reasonable proportion to a ratio of work completed on the required improvements will be made as work progress.

As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the project or project areas, including roadways, lighting, utilities, sidewalks, screening, and the drainage. This term does not include the entire project which is the subject of site plan review and approval.

§ 220-21-6. Duration of site plan approval; conformity to approved site plan; revocation of site plan approval; amendment of approved site plan.

- A. Duration of site plan approval. A site plan approval is valid for one year from the date of approval. If any required building permit has not been obtained and the on-site development actually begun within this one year period, the site plan approval automatically expires and is void. No time extension to a site plan approval shall be granted.
- B. Conformity to approved site plan. Development of property subject to site plan review shall be in complete conformity with the approved site plan, including any conditions imposed on the site plan approval.
- C. Revocation of site plan approval. Any site plan approval may be revoked when the construction of the development is not in conformity with the approved site plan. The Zoning Administrator or Planning Commission shall give the applicant notice of intention to revoke a site plan approval at least 15 days prior to review of the proposed revocation by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of a site plan if the Planning Commission determines that a violation in fact exists and has not been remedied prior to the hearing.
- D. Amendment of approved site plan. The owner/developer of property subject to an approved site plan may propose one or more amendments of the approved site plan, pursuant to the same procedures required by this article for submission/review of the original site plan.

§ 220-21-7. Administrative Site Plan Review.

The following administrative site plan review (ASPR) process shall apply in the circumstances and to the extent specified in this section, as an alternate to the generally applicable final site plan review process specified in this article.

- A. Projects eligible for ASPR. A project is eligible for the ASPR process only with respect to any of the following changes to an existing development:
 - 1. A reduction of the size of an existing building or structure.
 - 2. An expansion of an existing building or structure, not exceeding 25% of the existing square footage, and not exceeding a cost of \$40,000.

3. The internal rearrangement of a parking lot and/or parking spaces, where the total number of parking spaces is neither increased nor decreased, and there is no alteration of the access location or design.
4. The relocation of an existing building or structure, where all setback and yard location requirements are met.
5. A new structure(s) not exceeding a total area of 2000 square feet, within an existing development.
6. Other similar changes of a minor nature which the Zoning Administrator, upon consultation with the Planning Commission Chairperson, determines will not materially affect the character or intensity of use, vehicular or pedestrian circulation, drainage patterns, or the demand for public services; will not have any adverse affect on adjacent or nearby property or the use thereof; and will not have any adverse affect on the health, safety, or welfare of the general public.

The ASPR process shall not apply if any of the above-listed circumstances involve any of the following:

- A new or altered access to the site.
- A change in use and/or a new use.
- A variance from any provision of Chapter 220 is required; or the project fails to comply with any applicable provision of this chapter, or any other applicable ordinance, regulation or law.

B. ASPR Process. The Zoning Administrator, after consultation with the Planning Commission Chairperson, may determine whether a proposed project is eligible for the ASPR process and may be granted site plan approval pursuant to that process. The Zoning Administrator shall refer to the Planning Commission for review and approval consideration pursuant to the provisions of this section pertaining to final site plan review any proposed project for which the Planning Commission Chairperson has not recommended approval pursuant to the ASPR process. In addition, the Zoning Administrator shall have discretion to decline applying the ASPR process to an eligible project, and instead refer such project to the Planning Commission for review and approval consideration pursuant to the provisions of this section pertaining to final site plan review.

C. Review and Approval Criteria. The Zoning Administrator shall review and determine whether to approve a project eligible for the ASPR process pursuant to the standards specified in § 220-21-5 and all other applicable provisions of this chapter. The Zoning Administrator may require the applicant to submit such information pursuant to the final site plan application content requirements of § 220-21-3 as the Zoning Administrator deems necessary to properly review the project pursuant to the ASRP process.

- D. Significance of Approval Pursuant to ASPR Process. A project approved by the Zoning Administrator pursuant to the ASPR process shall be considered to have site plan approval, subject to § 220-21-6.

RUTLAND CHARTER TOWNSHIP
2461 Heath Rd. Hastings, Michigan 49058 Barry County
Phone: 269-948-2194 Fax: 269-948-4180

APPLICATION FOR SPECIAL EXCEPTION/LAND USE PERMIT
Board of Planning Commission

DATE RECEIVED _____

1. Legal description of subject property (tax no., plat and lot, or metes and bounds description): _____

 2. Present Zoning Classification: _____
 3. Location and size of subject property (street no., acreage, dimensions, etc.): _____
 4. Present improvement on the property (buildings, structures, etc.): _____

 5. Applicant's interest in the property (deed holder, land contract purchaser, tenant lessee, etc.): _____
 6. If applicant's interest is other than deed holder, does the deed holder know of this application and consent thereto? Yes _____ No _____
 7. Is the property encumbered by any deed or plat restrictions, or covenants? Indicate if none apply or attach a copy of same.

 8. State the present use of the property: _____

 9. State the special exception use requested: _____

- Name of applicant: (please print) _____
- Signature of Applicant: _____
- Address: _____
- Phone # Home: _____ Work: _____ Cell: _____
- Date of Hearing: _____ Board action: _____
- By: (Planning Commission Chairperson) _____
- Special Conditions: _____

ADDENDUM TO RESOLUTION #2019-246 ESTABLISHING APPLICATION FEES
PURSUANT TO ACTUAL COSTS INCURRED BY THE TOWNSHIP
(Base Application Fee and Initial Escrow Deposit amounts)

ZONING		
Type of application/request	Base Application Fee	Initial Escrow Deposit
Rezoning of property	\$750.00	
Text amendment	\$550.00	\$1,500.00 see fn 1/
Non-use (dimensional) variance	\$550.00	
Appeal of Zoning Administrator determination	\$750.00	
Special land use permit (or amendment of permit)	\$550.00	\$1,250.00 See fn 2/
Site plan review	\$300.00	see fn 3/
Temporary use/event permit	\$ 50.00	
Zoning compliance permit	\$50.00	
Private road permit (construct/extend/relocate)	\$1,000.00	\$1,750.00
Sign permit (permanent or temporary)	\$50.00 See fn 4/	
Administrative Site Plan Review (ASPR)	\$100.00	
Any other matter arising under the Zoning Ordinance the administration of which in the manner required by statute or ordinance requires the Township to incur costs.	\$200.00	

PLANNING		
Type of application/request	Base Application Fee	Initial Escrow Deposit
Applicant-initiated requests to amend the Rutland Charter Township Master Plan text and/or Future Land Use Map	\$1,500.00	\$1,000.00

LAND DIVISION/COMBINATION/BOUNDARY ADJUSTMENT		
Type of application/request	Base Application Fee	Initial Escrow Deposit
Land Division (first division)	\$65.00	
Land Division (each division after first division)	\$25.00	
Combination	\$65.00	
Boundary adjustment	\$65.00	

SUBDIVISION/SITE CONDOMINIUM DEVELOPMENT
(see fn 5/)

Type of application/request	Base Application Fee	Initial Escrow Deposit
1-10 lots/units	\$300.00	\$1050.00
11-25 lots/units	\$350.00	\$1,300.00
26-50 lots/units	\$450.00	\$1,550.00
51+ lots/units	\$500.00	\$1,800.00

**INDUSTRIAL DEVELOPMENT/PLANT REHABILITATION DISTRICT AND
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

Type of application/request	Base Application Fee	Initial Escrow Deposit
Application to establish IDD/PRD	\$750.00	
Application for IFEC (total fee is limited by statute to actual costs or 2% of abated property taxes)	\$750.00	

CONSTRUCTION CODE APPEAL/VARIANCE

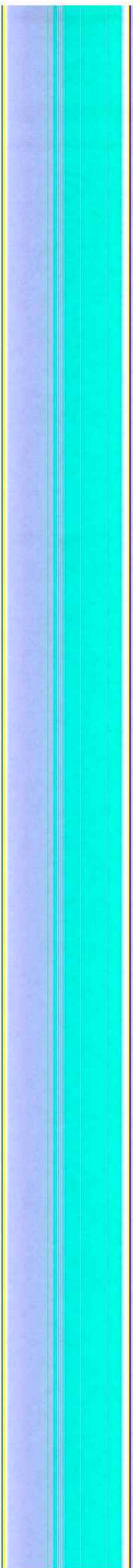
Type of application/request	Base Application Fee	Initial Escrow Deposit
Appeal of Building Official/Inspector Construction Code interpretation/determination to Construction Board of Appeals	see fn 6/	
Application for variance from Construction Code requirement	see fn 6/	

**URBAN SERVICES AND ECONOMIC DEVELOPMENT AGREEMENT
(USEDA)**

Type of application/request	Base Application Fee	Initial Escrow Deposit
Application for an USED A	\$500.00	\$5,000.00

SPECIAL MEETINGS (see fn 7/)		
Type of application/request	Base Application Fee Add-On	Initial Escrow Deposit
Township Board	\$693.00	
Planning Commission	\$357.50	
Zoning Board of Appeals	\$357.50	

- 1/ Intended to be required on a proposed text amendment matter the Zoning Administrator determines is likely to require detailed review/drafting services by Township Attorney.
- 2/ Intended to be required on a special land use matter the Zoning Administrator determines will likely require significant involvement by the Township Attorney, or planning or engineering consultants. Note: on applications involving wireless communication land uses the total fee is limited by statute to \$1,000.00.
- 3/ Intended to be required based on value of proposed site improvements, using the following sliding scale:
Under \$20,000.00: none
\$20,000.00—\$100,000.00: \$750.00
\$100,001.00—\$300,000.00: \$1,000.00
Above \$300,000.00: \$1,250.00
- 4/ The specified base application fee applies to 1-2 signs. Where more than two signs (permanent or temporary) are proposed on a single application the base application fee is increased an additional \$10.00 per additional sign.
- 5/ The applicable Base Application Fee and Initial Escrow Deposit amounts are intended to apply to steps 1-3 of the review process, combined, not to each such step.
- 6/ \$300.00 plus amount of CBA members-per diem (all CBA meetings are special meetings).
- 7/ Except as indicated (Construction Board of Appeals), the amount of each base application fee assumes the matter will be considered at a regular meeting of the relevant body. For consideration at a special meeting of the Township Board, Planning Commission, or Zoning Board of Appeals the base application fee shall be increased by the amount of the per diem compensation for the total membership of the pertinent body, as established by the Township Board, and indicated above.



Rutland Charter Township (Barry County, Michigan)
Application for Marihuana Business Municipal License (New)

PART 1---LICENSE TYPE

Adult Use-Recreational Marihuana Business

- ☐ Marihuana Grower
 ☐ Class A
 ☐ Class B
 ☐ Class C
- ☐ Marihuana Processor
- ☐ Marihuana Retailer
- ☐ Marihuana Secure Transporter
- ☐ Marihuana Safety Compliance Facility
- ☐ Marihuana Microbusiness

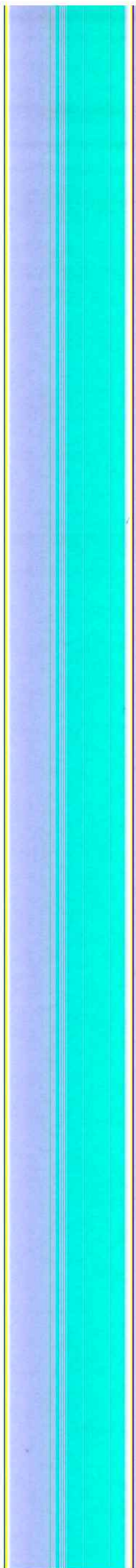
Medical Marihuana Business

- ☐ Medical Marihuana Grower
 ☐ Class A
 ☐ Class B
 ☐ Class C
- ☐ Medical Marihuana Processor
- ☐ Medical Marihuana Provisioning Center
- ☐ Medical Marihuana Secure Transporter
- ☐ Medical Marihuana Safety Compliance Facility

☐ Check here for co-located licenses on same premises. How many licenses? _____

PART 2---APPLICANT INFORMATION (IF AN INDIVIDUAL)

Name:	
Date of Birth:	Social Security #:
Residence Postal Mailing Address:	
Business Postal Mailing Address:	
Telephone:	Cell:
Email:	
<input type="checkbox"/> Attach a copy of government-issued photo identification	



PART 2---APPLICANT INFORMATION (IF NOT AN INDIVIDUAL)

Check Type of Ownership and provide attachments as follows

<input type="checkbox"/> Corporation	Articles of incorporation or organization, copy of the bylaws or shareholder agreement, assumed name registration, and Internal Revenue Service EIN confirmation letter(s)
<input type="checkbox"/> Limited Liability Corporation	Copy of the operating agreement of the applicant, assumed name registration, and Internal Revenue Service EIN confirmation letter(s)
<input type="checkbox"/> Limited Partnership	Copy of the partnership agreement, names and addresses of the beneficiaries, assumed name registration, and Internal Revenue Service EIN confirmation letter(s)
<input type="checkbox"/> Partnership	Copy of the partnership agreement, names and addresses of the beneficiaries, assumed name registration, and Internal Revenue Service EIN confirmation letter(s)
<input type="checkbox"/> Sole Proprietorship	Assumed name registration, and Internal Revenue Service EIN confirmation letter(s)
<input type="checkbox"/> Trust	Copy of Trust, assumed name registration, and Internal Revenue Service EIN confirmation letter(s)

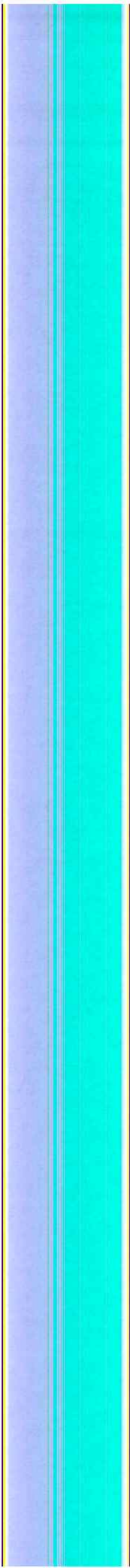
Complete the following for each stakeholder in your applicant organization with an ownership interest of 10% or greater

Name:	Position in Organization:
Date of Birth:	%Ownership:
Residence postal mailing address:	
Business(s) postal mailing address:	
Telephone:	Cell:
Email:	
<input type="checkbox"/> Attach a copy of government-issued photo identification	

Name:	Position in Organization:
Date of Birth:	% Ownership:
Residence postal mailing address:	
Business(s) postal mailing address:	
Telephone:	Cell:
Email:	
<input type="checkbox"/> Attach a copy of government-issued photo identification	

Name:	Position in Organization:
Date of Birth:	% Ownership:
Residence postal mailing address:	
Business(s) postal mailing address:	
Telephone:	Cell:
Email:	
<input type="checkbox"/> Attach a copy of government-issued photo identification	

Name:	Position in Organization:
Date of Birth:	% Ownership:
Residence postal mailing address:	
Business(s) postal mailing address:	
Telephone:	Cell:
Email:	
<input type="checkbox"/> Attach a copy of government-issued photo identification	



PART 3---PROPERTY/BUSINESS INFORMATION

Property Postal Mailing Address:

Zoning District:

Tax Parcel ID No(s):

Proposed Business Name:

PART 4---EMERGENCY CONTACT INFORMATION

Name:

Postal Mailing Address:

Telephone:

Cell:

Email:

**PART 5---CONTACT PERSON FOR NOTICES TO APPLICANT/LICENSEE
(check applicable box):**

- ☐ To the applicant name and postal mailing address/email address specified in Part 2 of this application form.
- ☐ To the following name and postal mailing address/email address:

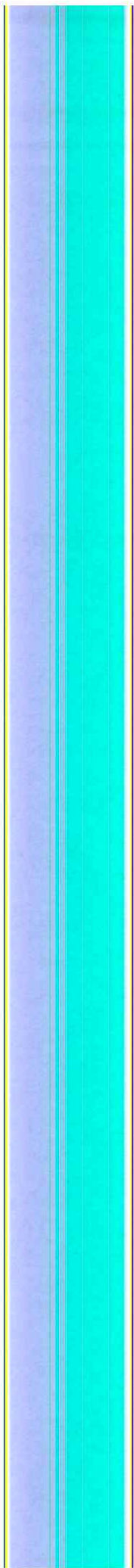
Name:

Postal Mailing Address:

Email:

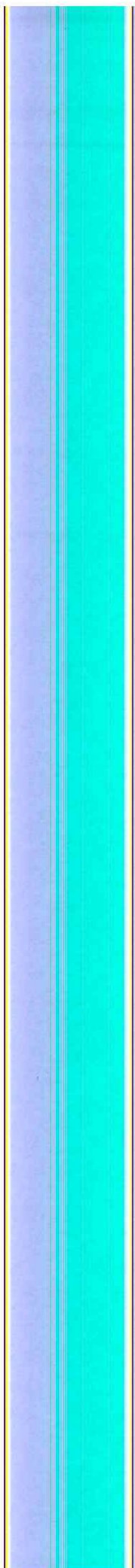
**PART 6---ATTACHMENTS TO APPLICATION
(check both boxes):**

- ☐ Attach a location area map of the Marihuana Business site and the surrounding area that identifies the relative locations and the distances reflecting the Applicant's compliance with the separation distance requirements provided under Section 220-20-7, Item 14 of the Zoning Ordinance.
- ☐ Attach the nonrefundable Municipal License application fee in the amount of \$5,000.00 (check or cash) for each type of Marihuana Business for which a Municipal License is requested.



PART 7---APPLICANT REPRESENTATIONS

- ☐ (Check box if true) The Applicant is not ineligible to apply for an Operating License from the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act or the Medical Marihuana Facilities Licensing Act (as applicable), and is not otherwise disqualified as an Applicant for a Municipal License pursuant to Section 5.B. of the Rutland Charter Township Marihuana Business Licensing Ordinance (Ordinance No. 2022-180).
- ☐ (Check box if true) I understand the application fee required to be submitted with this application is completely nonrefundable to provide a method for the Township to defray application, administrative, and enforcement costs associated with the licensing and operation of marihuana-related businesses in the Township.
- ☐ (Check box if true) The Applicant is aware of and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance, and transporting are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the Applicant from abiding by the provisions and requirements or being subject to the penalties associated with those laws, rules, and regulations; and further, that the Applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Township, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action or attorney fees that the Applicant may incur as a result of any violation by the Applicant, its Stakeholders and its agents of those laws, rules, and regulations.
- ☐ (Check box if true) The Applicant and any associated Stakeholder(s) are not in default to the Township for any legal obligation, including property taxes on any real and/or personal property in the Township, ordinance fines, permit fees, or any other lawful financial obligation to the Township.
- ☐ The Applicant and any associated Stakeholders and operator has not had a state or local marihuana business license revoked or suspended (if this is not true, explain the reason for such revocation or suspension on a separate statement).
- ☐ (Check box if true) I understand it is the responsibility of the Applicant to submit an administratively complete application, and that the failure to provide the information the Township may reasonably require to enable the Township Board to evaluate the application pursuant to the standards specified in Section 6.A. of the Marihuana Business Licensing Ordinance for approval of a Municipal License is grounds for denial of this application.
- ☐ (Check box if true) I understand the failure or refusal of the Applicant to allow the Zoning Administrator, Building Official, and Fire Chief (or their designees) access to the premises for which a license is requested to inspect the premises sufficiently to make their required reports to the Township Board pursuant to Section 6.A. of the Marihuana Business Licensing Ordinance is grounds for denial of this application.
- ☐ (Check box if true) I understand Township Board approval of this application for a Municipal License is contingent on issuance of an Operating License by the State for that Marihuana Business and issuance of a Municipal License by the Clerk for that Marihuana Business, and that no operation or attempted operation of that Marihuana Business can begin before the Municipal License is issued by the Township Clerk.
- ☐ (Check box if true) I understand the operation of a Marihuana Business for which a Municipal License has been issued is at all times subject to the operating standards specified in Section 8 of the Marihuana Business Licensing Ordinance, which include operating the business in accordance with all applicable state laws and administrative rules, and all applicable Township Ordinances/Codes.
- ☐ (Check box if true) I understand a Municipal License approved by the Township Board and issued by the Clerk may be revoked by the Township Board on any of the grounds and pursuant to the process as specified in Section 10 of the Marihuana Business Licensing Ordinance.
- ☐ (Check box if true) I understand if a Municipal License is approved by the Township Board and issued by the Clerk, that license is valid for one year from the date of issuance and must be annually renewed to continue operating the business.

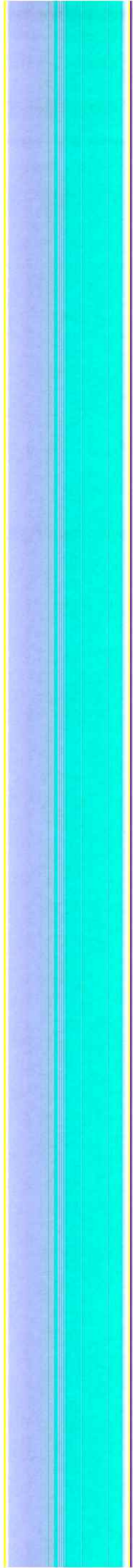


PART 8---APPLICANT CERTIFICATION

I hereby certify that I have read and understand the Rutland Charter Township Marihuana Business Licensing Ordinance pursuant to which this application is submitted; that the Applicant and any associated Stakeholders are legally competent to submit this application; that the person signing this application is authorized to do so on behalf of the Applicant; and that all of the information included in or submitted with this application is correct and true, including all of the Applicant representations in Part 7 of this application.

DATED: _____

Print name and Title



SUMMARY OF PROCESS FOR MARIHUANA BUSINESS APPLICANT IN RUTLAND CHARTER TOWNSHIP

Step 1---File with Township Clerk complete Application for Special Land Use Permit and Application for Site Plan Approval (with applicable fees) for the site of the proposed marihuana business.

Step 2---Attend Planning Commission meeting with public hearing on the special land use permit application, and consideration of special land use permit and site plan for approval. If special land use permit and site plan are both approved, proceed to Step 3.

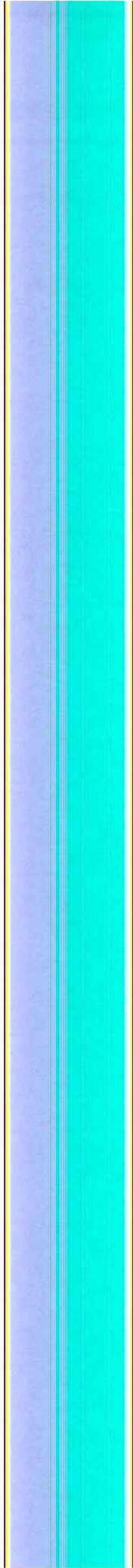
Step 3---File with Township Clerk complete Application for Marihuana Business Municipal License (including evidence of special land use permit and site plan approvals by Planning Commission).

Step 4---Attend Township Board meeting at which the Municipal License application is reviewed. If Township Board approves the Municipal License application, proceed to Step 5.

Step 5---Obtain operating license form the State of Michigan for the marihuana business for which the Municipal License application was approved by Township Board.

Step 6---Submit proof of state operating license to Township Clerk, for issuance of the Municipal License.

Step 7---(for annual Municipal License renewal) file with Township Clerk complete application for renewal of Municipal License at least 30 days before expiration (one year from date of issuance of Municipal License by Clerk).



CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2022-179

ADOPTED: APRIL 13, 2022

EFFECTIVE: (SEE SECTION 6)

An Ordinance to amend various sections of Chapter 220 (Zoning) of the Rutland Charter Township Code pertaining to allowing certain types of marihuana business land uses in the Township as special land uses in designated zoning districts.

THE CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

AMENDMENT OF §220-2-2 (Definitions)

§220-2-2 of the Rutland Charter Township Code (Definitions) is hereby amended to add several new defined terms reading as follows:

MARIHUANA — That term as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

MARIHUANA BUSINESS — Any of the following terms as further defined herein: marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, medical marihuana grower, medical marihuana safety compliance facility, medical marihuana processor, medical marihuana provisioning center, and medical marihuana secure transporter. This term is synonymous with the term "marihuana establishment", except this term does not include any type of marihuana business under the MRTMA or MMFLA that is not specifically included in this definition; and is also not intended to include any land use or activity that is subject to a "special license" issued by the State pursuant to R 420.21 of the Michigan Administrative Code. Further, no provision of Chapter 220 pertaining to a "temporary event" (such as §220-17-3.E.) is intended to apply to any type of marihuana business/marihuana establishment or related event.

MARIHUANA GROWER — A location where a licensee under the MRTMA lawfully cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:

- Class A---100 marihuana plants.
- Class B---500 marihuana plants.
- Class C---2,000 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MARIHUANA MICROBUSINESS — A location where a licensee under the MRTMA lawfully cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments; processes and packages marihuana; and sells or otherwise transfers marihuana to marihuana establishments.

MARIHUANA RETAILER — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MRTMA lawfully tests marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A location of the primary place of business for a licensee under the MRTMA to lawfully obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA GROWER — A location where a licensee under the MMLFA lawfully cultivates, dries, trims, or cures and packages marihuana for sale to a medical marihuana processor, medical marihuana provisioning center, or another medical marihuana grower, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each medical marihuana grower license the medical marihuana grower holds in that class:

- Class A--- 500 marihuana plants.
- Class B---1,000 marihuana plants.
- Class C---1,500 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MEDICAL MARIHUANA PROCESSOR — A location where a licensee under the MMFLA lawfully 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 medical marihuana provisioning center or another medical marihuana processor.

MEDICAL MARIHUANA PROVISIONING CENTER — A location where a licensee under the MMFLA lawfully purchases marihuana from a medical marihuana grower or medical marihuana processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers, and includes any commercial property where marihuana is lawfully sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MMFLA lawfully takes marihuana from a medical marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

MEDICAL MARIHUANA SECURE TRANSPORTER — A location where a licensee under the MMFLA lawfully stores marihuana and transports marihuana between medical marihuana facilities for a fee.

MMFLA — The Medical Marihuana Facilities Licensing Act, MCL 333.26421-333.26430, including such amendments of same as may be made from time-to-time.

MRTMA — The Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951-333.27967, including such amendments of same as may be made from time-to-time.

SECTION 2

AMENDMENT OF §220-4-3 (special land uses in AG/OS Agricultural/Open Space Preservation District)

§220-4-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the AG/OS Agricultural/Open Space Preservation District is hereby amended to include the following new designated special land uses:

- Marihuana Grower (Class A, B, or C).
- Medical Marihuana Grower (Class A, B, or C).
- Marihuana Processor.
- Medical Marihuana Processor.

Marihuana Microbusiness.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.

SECTION 3

AMENDMENT OF §220-9-3 (special land uses in MU Mixed Use District)

§220-9-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the MU Mixed Use District is hereby amended to include the following new designated special land uses:

Marihuana Processor.
Medical Marihuana Processor.
Marihuana Retailer.
Medical Marihuana Provisioning Center.
Marihuana Microbusiness.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.
Marihuana Safety Compliance Facility.
Medical Marihuana Safety Compliance Facility.

SECTION 4

AMENDMENT OF §220-12-3 (special land uses in LI Light Industrial District)

§220-12-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the LI Light Industrial District is hereby amended to include the following new designated special land uses:

Marihuana Grower (Class A, B, or C).
Medical Marihuana Grower (Class A, B, or C).
Marihuana Processor.
Medical Marihuana Processor.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.
Marihuana Safety Compliance Facility.
Medical Marihuana Safety Compliance Facility.

SECTION 5

AMENDMENT OF §220-20-7 (pertaining to specific approval standards required of particular special land uses)

§220-20-7 of the Rutland Charter Township Code pertaining to specific approval standards required of particular special land uses is hereby amended to add to the Table at the beginning of that section the appropriate entries for each new special land use specified in Sections 2-4 of this Ordinance with a reference to Item Number 14 in

the last column of that Table; and to add the subsequent text for Item Number 14 reading as follows:

Item 14—Marihuana Business

- A. Each allowed type of Marihuana Business shall meet all of the following locational standards:
1. A Marihuana Business shall not be located in any dwelling unit.
 2. A Marihuana Business shall not be located within 1000 feet of a pre-existing private or public school providing education in kindergarten or any grades 1-12. This separation distance shall be measured in a straight line from the nearest property line of a protected use to the nearest portion of the building occupied by the Marihuana Business, and shall apply even if the protected use is located across the boundary line of the Township with another municipal entity.
- B. A Marihuana Microbusiness, Marihuana Retailer, and Medical Marihuana Provisioning Center shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
1. All activities shall be conducted within an enclosed building.
 2. The business shall open no earlier than 9:00 a.m. local time and close no later than 9:00 p.m. local time.
- C. A Marihuana Grower, Marihuana Processor, Marihuana Safety Compliance Facility, Medical Marihuana Grower, Medical Marihuana Processor, and Medical Marihuana Safety Compliance Facility shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
1. All activities shall be conducted within an enclosed building.
 2. The business shall be designed and operated to prohibit any unlawful discharge of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants into the public wastewater and/or stormwater systems.
 3. No marijuana shall be cultivated, grown, manufactured, processed, handled or tested in any manner that allows the emission of odors beyond the interior of the building or which is otherwise discernable to another person outside of the building. Such odor emissions shall be prevented by the installation of operable filtration or ventilation and exhaust equipment.

4. No marijuana shall be cultivated, grown, manufactured, processed, handled or tested in any manner that allows the emission of noise beyond the interior of the building or which is otherwise discernable to another person outside of the building.
 5. The business shall maintain a secure, closed environment where marihuana is to be stored, grown, processed, or tested, in order to prevent the inadvertent and/or unauthorized removal of marihuana from the facility.
- D. A Marihuana Secure Transporter and Medical Marihuana Secure Transporter shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
1. All activities shall be conducted within an enclosed building, except where such activities are necessarily and lawfully conducted within a motor vehicle.
 2. All businesses, vehicles, and processes shall be designed and operated to comply with the odor emission requirements in preceding subsection C.3.
 3. All businesses, vehicles, and processes shall have security sufficient to prevent access to the marihuana by non-authorized personnel, including unauthorized removal.
 4. A secure transporting vehicle shall not bear any markings or identification that it is carrying marihuana.
- E. Signs for any marihuana business shall comply with the Township sign ordinance.
- F. All Special Land Use Permits granted to a Marihuana Business pursuant to Chapter 220 of the Rutland Charter Township Code shall be conditioned on issuance of a Municipal License for that Marihuana Business by the Rutland Charter Township Clerk pursuant to Ordinance No. 2022-180, and on issuance of a license to operate the business by the State of Michigan pursuant to MRTMA and/or MMFLA.
- G. Consistent with the Michigan Zoning Enabling Act, Special Land Use Permits shall be designated to the property where the Special Land Use is approved, not to the entity or individual applying for the Special Land Use Permit.

SECTION 6

EFFECTIVE DATE

- A. Initial effective date. This Ordinance shall initially take effect on the latter of the following dates: the 8th day after publication of a Notice of Adoption for this Ordinance or such later date as may be required by law; or 30 days after publication of a Notice of Adoption for Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) as required by law.
- B. Causes of repeal after initial effective date. Upon initially taking effect this Ordinance shall remain in effect thereafter, subject to the following events, any of which shall cause this Ordinance to be automatically repealed in its entirety and cease to be in effect upon the occurrence of such an event:
1. This Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) is rejected by the electors pursuant to Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402).
 2. This Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.
 3. Any provision of Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) is in any manner amended, superseded, or otherwise invalidated in whole or in any part by a petition-initiated ordinance approved by the electors pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27956(1)).
 4. Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.

SECTION 7

REPEAL

Upon the initial effective date of this Ordinance No. 2022-179 (zoning text amendments) and Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance), Ordinance No. 2019-167 completely prohibiting any marihuana establishment within the boundaries of Rutland Charter Township is repealed, to the extent of any conflicts with this Ordinance No. 2022-179 and/or Ordinance No. 2022-180; but such repeal is hereby expressly conditioned on this Ordinance No. 2022-179 and Ordinance No. 2022-180 continuing in effect after the initial effective date of each as specified in Section 6 of this Ordinance No. 2022-179 and Section 16 of Ordinance No. 2022-180. If this Ordinance No. 2022-179 or any part of same, or Ordinance No. 2022-180 or any part of same, ceases to be in effect subsequent to the initial effective

date of each for any reason as specified in Section 6 of this Ordinance 2022-179 and Section 16 of Ordinance No. 2022-180, or otherwise, Ordinance No. 2019-167 shall be deemed immediately reinstated in its entirety.

Robin Hawthorne, Clerk
Charter Township of Rutland