

**WHITE LAKE TOWNSHIP
PLANNING COMMISSION**
7525 Highland Road
White Lake, MI 48383
DECEMBER 17, 2020 @ 7:00 p.m.
Electronic Meeting

Acting Chairperson Carlock called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. Roll was called.

ROLL CALL: Rhonda Grubb – Secretary
Debby Dehart
Steve Anderson
Merrie Carlock
Peter Meagher
Matt Slicker
Joe Seward

Absent: Mark Fine
Scott Ruggles, Board Liaison

Also Present: Sean O’Neil, WLT Planning Director
Justin Quagliata, Planning
Sherri Ward, Recording Secretary
Jason Hudson, Ordinance Officer

Visitors: Chris Madigan (McKenna Associates)

Approval of Agenda

Mr. Anderson moved to approve the agenda as presented. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Approval of Minutes

a. September 3, 2020

Mr. Meagher moved to approve the minutes of September 3, 2020 as presented. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Call to the Public (for items not on the agenda)

No members of the public called in.

Public Hearing:

No public hearing scheduled.

Old Business:

No old business.

New Business

a) Zoning Ordinance Amendments

1. Marijuana Home Occupation

Mr. O'Neil noted that we started these about a year ago. Some are housekeeping and some are substantive. We're going to go thru these, make any necessary changes and then go before the Township board in January for first reading. Mr. O'Neil shared his screen so the Planning Commission could see the changes proposed. Matt Slicker has joined the Planning Commission to fill Clerk Noble's place, he has many years of civil engineering experience. Mr. O'Neil discussed the open spaces for maximum density calculations. There was a developer who was concerned about this and said this was not fair and he didn't think we need to lower density. Mr. O'Neil read from his email. If it can't be enjoyed by the residents, it shouldn't be counted as open space. There was some discussion if it's different for retention versus detention. Mr. Slicker asked if we need to define what usable is? Mr. O'Neil noted that they can convince us that it is available to the residents. Mr. O'Neil noted that this may push some developers to design those areas to make them more usable. The Preserve at Hidden Lake is using the lake for their stormwater retention/detention, it's one of the best uses in the Township. Mr. Seward noted that to be open space it needs to be open for all, not a portion. Ms. Carlock likes the term use and enjoyment.

Many people are downsizing homes, and we would like to put a uniform standard for all zoning districts and strike minimum floor areas. The minimums will be by home type (ranch, story and 1/2, etc.). Ms. Dehart asked for clarification on the tri and quad square footages. The Planning Commission discussed some possible changes to the square foot minimums. It's going to depend on it's considered a basement or a story. Mr. Quagliata suggested for a tri or quad level a minimum of 460 square feet on all levels with the exception of a basement.

Mr. O'Neil summarized the Home Occupation ordinance – to clarify and regulate the medical use of marijuana for a home occupation. As things have gone on, we thought it would be a good idea to clarify this. It has become a nuisance in some areas. Mr. Seward about non-resident not employed mean? Mr. O'Neil noted that we can strike non-resident can't be employed. They could be working and we will strike non resident person's should not be employed. Mr. Quagliata noted the intent in the content in subsection 1. We need to add single family "detached", the use is not allowed in apartments, etc. The State allows the municipalities to place regulations. Mr. Hudson noted that they have been getting more calls such as odor violations. He's been finding a lot of renters are doing this without knowledge of the property owner. We don't want them in apartment complexes because they are dangerous to begin with. Ms. Dehart asked if there are any commercial areas? Mr. O'Neil noted that we have

opted out. Mr. Quagliata noted that with the recreation law that passed, if municipalities opted in, there wouldn't be as much control because they would co-locate the facilities. Mr. Seward asked how we can regulate the contents of a sign? Mr. O'Neil, this was written by our attorney. Mr. Quagliata said that this could be struck, they don't need a sign. Mr. Seward suggested that our attorney look at the City of Troy case. Do we want to take it out for all home businesses? It will very likely come out in the next draft.

There was some discussion about the storage of fleet vehicles.

The Planning Commission discussed swimming pool offsets, and we will require a 4 foot fence around inground pools. We will not allow just the retractable cover. The thought there is sometimes it doesn't get closed and then it can be dangerous without a fence around and they only withstand 200 pounds. If someone didn't want to put a fence up, they could go to the ZBA. Mr. Hudson noted that it's something that's needed, they could lose power, etc., and we should err on the side of caution.

Mr. O'Neil noted that the PC will get these in January, with a cleaned up redline version and then a clean version. Mr. O'Neil appreciates everyone's patience with this. IF you think of anything else, email us and let us know if you have any questions.

Liaison's Report

Ms. Grubb reported that she did not attend the last Park and Recreation meeting due to a new job. She did report that Stanley Park is now open.

Ms. Dehart reported that she's had a few long ZBA meetings. But to be fair, everyone puts a lot of effort in to every case. Lot coverage and SEV keeps coming up in the meeting.

Mr. Anderson asked that Mr. Ruggles provide a written report from the WLT Board meeting if he will not be at the meeting.

Planning Consultant's Report

Chris Madigan was in attendance but did not have a report.

Director's Report:

Mr. O'Neil thanked everyone for their work on Stanley Park and Beckett and Raeder. Eagle's Landing is preparing their final site plan approval and Lake Pointe. Preserve at Hidden Lake and Trailside and Cedar Meadows are going like gangbusters. 4 Corners is starting to come together and they are hoping to move people in by March or April. Ms. Dehart asked if anything was going on with General RV. There was a shingle company that was interested but that fell through. General RV has hired a contractor to fix the basin out there that they had filled in.

Mr. Hudson wanted to say that a lot of dangerous buildings have come down in the Township and this is with a lot of help from Sherri Barber. Ms. Carlock thanked Mr. Hudson for all he does for the Township.

Communications:

a.) 2021 Meeting Dates

Mr. Meagher moved to accept the 2021 Meeting Dates. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Other Business:

Ms. Carlock welcome Mr. Slicker to the board.

Next meeting dates:

January 7th, 2021
January 21st, 2021

Adjournment:

Mr. Anderson moved to adjourn the meeting at 8:55 p.m. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (7 yes votes)

**CHARTER TOWNSHIP OF WHITE LAKE
AN ORDINANCE TO AMEND ARTICLE 4, SECTION 4.1 – HOME OCCUPATION OF
THE WHITE LAKE TOWNSHIP ZONING ORDINANCE**

An Ordinance to Amend Article 4, Section 4.1 of the White Lake Township Zoning Ordinance.

THE CHARTER TOWNSHIP OF WHITE LAKE ORDAINS:

ARTICLE 1: AMENDMENT

4.1 HOME OCCUPATION

Any use which is customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof is permitted. Provided further, that no article or service may be sold or offered for sale on the premises, except as such as is produced by such occupation and shall not require internal or external alterations or construction features, machinery, outdoor storage, or signs not customary in residential area. Any modifications to the dwelling made for the purpose of home occupation shall comply with all applicable building, electrical, and mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. One (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the residents of the premises, ~~and family members only are permitted to be employed by such home occupations~~. No persons other than a full-time resident residing on the premises shall be engaged in such home occupation. No home occupation shall be allowed if the traffic to be generated by such home occupation is in excess of that normally associated with a single-family residential use. Clinics, doctors' and dentists' offices, hospitals, kennels, millinery shops, tea rooms, barber shops, beauty parlors, and other similar uses shall not be deemed to be home occupations. Tailoring, sculpturing, writing, telephone answering, computer programming, and home crafts are examples of permitted home occupations.

No home occupation shall be conducted upon or from the premises which violate the Township's Code of Ordinances, including but not limited to the Township's Performance Standards as outlined in Chapter 14, Article II, Section 14-25 and the Township's Fire Prevention and Protection standards as outlined in Chapter 18.

I. MEDICAL USE OF MARIHUANA

The acquisition, possession, cultivation, use, delivery or distribution of marihuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marihuana Act ("MMMA") of 2008 and applicable provisions of the Township Zoning Ordinance.

- A. A registered primary caregiver, operating in compliance with the MMMA General Rules, shall be permitted as a home occupation, only in accordance with the following standards and requirements:
 - i. Medical marihuana home occupations are not permitted in multiple-family dwellings. As such, cultivation or other medical use of marihuana as a medical marihuana home occupation is limited to single-family detached dwellings.
 - ii. A registered primary caregiver operating a medical marihuana home occupation must not be located within 1,000 feet of any school, child care facility, community center,

youth center, playground, public or private library, housing facility owned by a public housing authority, and church or place of worship as measured from the outermost boundaries of the lot or parcel on which the home occupation and restricted facility is located.

- iii. The dwelling shall not be within 500 feet of another registered primary caregiver.
 - iv. Not more than one primary caregiver within a single dwelling unit shall be permitted to service qualifying patients who do not reside with the primary caregiver.
 - v. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation.
 - vi. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
 - vii. A qualifying patient shall not visit, come to, or be present at the dwelling of the primary caregiver to smoke or consume marihuana.
 - viii. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
 - ix. If the primary caregiver is not the owner of record of the dwelling at which a registered primary caregiver of medical marihuana is functioning as a home occupation, the primary caregiver must gain written and notarized consent from the owner to use the dwelling for the home occupation. At any time, the Township may request proof that the primary caregiver has consent from the property owner of record to use the dwelling for the home occupation.
 - x. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, is subject to inspection and approval by the zoning administrator, the fire marshal or other authorized official.
 - xi. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or other authorized official.
- C. It is unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.
- D. The use of the dwelling of a qualifying patient to cultivate medical marihuana in accordance with the MMMA solely for personal use shall not be considered a home occupation; however, all applicable state and Township Ordinance requirements must be met.
- E. Nothing in these sections, or in any companion regulatory provision adopted in any other provision of the Township Code is intended to protect users, caregivers, or the owners of

properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities authorized under Federal Law.

II. MARIHUANA ESTABLISHMENTS PROHIBITED

- A. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.
- B. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
- C. Nothing in this Section 4.1 shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

ARTICLE 2: SEVERABILITY.

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

ARTICLE 3: EFFECTIVE DATE.

This Ordinance Amendment shall take effect following publication in the manner prescribed by law.

ARTICLE 4: REPEALER.

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

ARTICLE 5: ADOPTION.

This Ordinance Amendment is hereby declared to have been adopted by the Township Board of the Charter Township of White Lake at a meeting thereof duly called and held on the ____ day of _____, _____, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

Rik Kowall, Supervisor

Anthony Noble, Clerk

**CHARTER TOWNSHIP OF WHITE LAKE
AN ORDINANCE TO AMEND ARTICLE 4, SECTION 4.1 – HOME OCCUPATION OF
THE WHITE LAKE TOWNSHIP ZONING ORDINANCE**

An Ordinance to Amend Article 4, Section 4.1 of the White Lake Township Zoning Ordinance.

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- A. A registered primary caregiver, operating in compliance with the MMMA General Rules, shall be permitted as a home occupation, only in accordance with the following standards and requirements:
 - i. Medical marihuana home occupations are not permitted in multiple-family dwellings. As such, cultivation or other medical use of marihuana as a medical marihuana home occupation is limited to single-family detached dwellings.
 - ii. A registered primary caregiver operating a medical marihuana home occupation must not be located within 1,000 feet of any school, child care facility, community center, youth center, playground, public or private library, housing facility owned by a public

housing authority, and church or place of worship as measured from the outermost boundaries of the lot or parcel on which the home occupation and restricted facility is located.

- iii. The dwelling shall not be within 500 feet of another registered primary caregiver.
 - iv. Not more than one primary caregiver within a single dwelling unit shall be permitted to service qualifying patients who do not reside with the primary caregiver.
 - v. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation.
 - vi. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
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 - viii. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
 - ix. If the primary caregiver is not the owner of record of the dwelling at which a registered primary caregiver of medical marihuana is functioning as a home occupation, the primary caregiver must gain written and notarized consent from the owner to use the dwelling for the home occupation. At any time, the Township may request proof that the primary caregiver has consent from the property owner of record to use the dwelling for the home occupation.
 - x. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, is subject to inspection and approval by the zoning administrator, the fire marshal or other authorized official.
 - xi. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or other authorized official.
- C. It is unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.
- D. The use of the dwelling of a qualifying patient to cultivate medical marihuana in accordance with the MMMA solely for personal use shall not be considered a home occupation; however, all applicable state and Township Ordinance requirements must be met.
- E. Nothing in these sections, or in any companion regulatory provision adopted in any other provision of the Township Code is intended to protect users, caregivers, or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities authorized under Federal Law.

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- B. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
- C. Nothing in this Section 4.1 shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

ARTICLE 2: SEVERABILITY.

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

ARTICLE 3: EFFECTIVE DATE.

This Ordinance Amendment shall take effect following publication in the manner prescribed by law.

ARTICLE 4: REPEALER.

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

ARTICLE 5: ADOPTION.

This Ordinance Amendment is hereby declared to have been adopted by the Township Board of the Charter Township of White Lake at a meeting thereof duly called and held on the ____ day of _____, _____, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

Rik Kowall, Supervisor

Anthony Noble, Clerk

CHARTER TOWNSHIP OF WHITE LAKE
COUNTY OF OAKLAND
AMENDMENT _____ TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF WHITE LAKE BY AMENDING ARTICLE 2.0 DEFINITIONS, ARTICLE 3.0 ZONING DISTRICTS, ARTICLE 4.0 USE STANDARDS, ARTICLE 5.0 SITE STANDARDS, ARTICLE 6.0 DEVELOPMENT PROCEDURES, AND ARTICLE 7.0 ADMINISTRATION, APPEALS AND ENFORCEMENT, ONLY AS PROVIDED FOR HEREIN.

NOW HEREBY the Charter Township of White Lake ordains the following amendments to the White Lake Charter Township Zoning Ordinance:

PART 1: Amend Article 2.0, Section 2.2, Definitions by modifying the following definitions as shown below:

FLEET VEHICLE. A motor vehicle designed, used, or maintained primarily for the transportation of property or passengers in furtherance of a commercial enterprise, excluding semi-trucks.

GRADE. ~~The established "Grade" of the street or sidewalk shall be the elevation of the top of curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the elevation of the centerline of the street at the mid-point of the front of the lot.~~ Finished ground level. When the word "grade" is used herein in relation to "building grade," "established grade," or "average grade," it shall mean the level of the ground adjacent to the Structure if the ground is level. If the ground is not level, the Finished Grade shall be determined by averaging the elevation of the ground for each side of the Structure using the highest and lowest point of each side, as measured five feet from the exterior walls of the Structure. ~~the ground where it meets or is intended to meet the foundation wall, unless such has been officially established.~~ In the case where the grade changes around the structure with relation to the first floor elevation such as a two-story house with a walk out or daylight basement, the walk-out or daylight basement shall not be considered a story nor included in the height calculations.

REAR LOT LINE. A Rear Lot Line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot (or the street lot line that the owner has elected to designate as the front lot line, in the case of a corner lot). In the case of an irregular, triangular, or gore-shaped lot for the purpose of determining depth of rear yard, a rear lot line shall be considered to be a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from, the front lot line of the lot. In cases where none of these definitions are applicable, the Director of the Community Development Department shall designate the rear lot line.

SEMI-TRUCK. A truck and trailer combination designed, used, or maintained primarily for the transportation of material or property.

TRAILER. Any type of portable structure hauled or towed by a motor vehicle, which may include, but is not limited to, a boat trailer, horse trailer, motorcycle trailer, semitrailer, snowmobile trailer, or utility trailer.

TRUCK. A motor vehicle designed, used, or maintained primarily for the transportation of material or property, except a pickup truck or a van designed to carry loads of no more than one ton.

PART 2: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.A, to read as follows:

- A. Minimum lot area shall not include any right of way or easement for a public road, private road, or access easement. Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, flood plains and open water bodies, areas devoted to storm water retention/detention, or other, similar areas of the site that are not available for the use and enjoyment of the residents of a site, shall not be included in calculations for determining maximum density and number of lots permitted).

PART 3: Amend Article 3.0, Zoning Districts, Sections 3.1.1.F, 3.1.2.F, 3.1.3.E, 3.1.4.E, 3.1.5.E, and 3.1.6.E to delete the reference therein to “Minimum Floor Area.”

PART 4: Amend Article 3.0, Zoning Districts, Section 3.1.10, Planned Development District, Subsection 3.1.10.B, Principal Permitted Uses, to add the following section as Paragraph 3.1.10.B.xxv:

xxv. Convalescent or nursing homes

PART 5: Amend Article 3.0, Zoning Districts, Section 3.1.15, General Business District, Subsection 3.1.15.C, Special Land Uses, to add the following section as Paragraph 3.1.15.C.xiii and renumber the balance of the section accordingly:

xiii. Outdoor Storage of Fleet Vehicles §4.37

PART 6: Amend Article 3.0, Zoning Districts, Section 3.1.16, Notes to District Standards, Subsection 3.1.16.A, to read as follows:

- A. The PB Planned Business District is primarily a commercial district intended to permit, with Township approval, private and/or public development in a coordinated and cohesive arrangement which may be more difficult to achieve under more conventional, piecemeal development designed to conform with standard zoning requirements. To that end it becomes possible to permit greater flexibility in the types of land uses, land use arrangements and development requirements than would otherwise apply. It is further intended that the PB ~~C-5~~ District be located along major thoroughfares, such as M-59, as opposed to locations in residential neighborhood areas where conflicts of land uses may arise more easily.

PART 7: Amend Article 3.0, Zoning Districts, Section 3.1.16, Planned Business District, Subsection 3.1.16.B, Principal Permitted Uses, to add the following section as Paragraph 3.1.16.B.xxxix:

xxxix. Outdoor Storage of Fleet Vehicles §4.37

PART 8: Amend Article 3.0, Zoning Districts, Section 3.10, ATTACHED DECKS, PORCHES, AND PATIOS IN RESIDENTIAL DISTRICTS, Subsection 3.10.A, to read as follows:

- A. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet or may project into a minimum rear yard setback provided, however, that this shall not be interpreted to include or permit fixed canopies

PART 9: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.J, to read as follows:

- J. The minimum floor area for a single-family home shall be as follows:
 - i. One story 1,000 square feet on ground floor
 - ii. One and one-half story 1,250 square feet, with 850 sq. ft. minimum on ground floor
 - iii. Two story 1,500 square feet, with 900 square feet minimum on ground floor
 - iv. Tri or Quad a minimum of 460 square feet on all levels.

The minimum floor area per dwelling unit shall not include area of basements, open unheated breezeways, open unheated porches, attached garages or utility rooms.

PART 10: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.N, to read as follows:

- N. No interior side setback required where adequate provision is made for emergency access and loading/unloading access at the rear of the building. If a nonresidential use abuts an RB district, the total of the two side yard setbacks may be reduced to 25 feet.

PART 11: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.P, to read as follows:

- P. Total minimum amount of habitable floor area ready for occupancy must equal the minimum amount of floor area required for a one-story building in the same zoning district. ~~One half of the finished habitable floor area of the story below the ground story may be included within the total minimum amount of floor area required per unit.~~

PART 12: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.Q, to read as follows:

- Q. No building or structure shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The setback shall be measured from the edge of the established wetland boundary as reviewed and approved by the Township.

PART 13: Amend Article 4.0, Use Standards, Section 4.1, Home Occupation, to read as follows:

Any use which is customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof is permitted. Provided further, that no article or service may be sold or offered for sale on the premises, except as such as is produced by such occupation and shall not require internal or external alterations or construction features, machinery, outdoor storage, or signs not customary in residential area. Any modifications to the dwelling made for the purpose of home occupation shall comply with all applicable building, electrical, and mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. One (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the residents of the premises, ~~and family members only are permitted to be employed by such home occupations.~~ No persons other than a full-time resident residing on the premises shall be engaged in such home occupation. No home occupation shall be allowed if the traffic to be generated by such home occupation is in excess of that normally associated with a single-family residential use. Clinics, doctors' and dentists' offices, hospitals, kennels, millinery shops, tea rooms, barber shops, beauty parlors, and other similar uses shall not be deemed to be home occupations. Tailoring, sculpturing, writing, telephone answering, computer programming, and home crafts are examples of permitted home occupations.

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 - i. Medical marihuana home occupations are not permitted in multiple-family dwellings. As such, cultivation or other medical use of marihuana as a medical marihuana home occupation is limited to single-family detached dwellings.

- ii. A registered primary caregiver operating a medical marihuana home occupation must not be located within 1,000 feet of any school, child care facility, community center, youth center, playground, public or private library, housing facility owned by a public housing authority, and church or place of worship as measured from the outermost boundaries of the lot or parcel on which the home occupation and restricted facility is located.
 - iii. The dwelling shall not be within 500 feet of another registered primary caregiver.
 - iv. Not more than one primary caregiver within a single dwelling unit shall be permitted to service qualifying patients who do not reside with the primary caregiver.
 - v. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation.
 - vi. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
 - vii. A qualifying patient shall not visit, come to, or be present at the dwelling of the primary caregiver to smoke or consume marihuana.
 - viii. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
 - ix. If the primary caregiver is not the owner of record of the dwelling at which a registered primary caregiver of medical marihuana is functioning as a home occupation, the primary caregiver must gain written and notarized consent from the owner to use the dwelling for the home occupation. At any time, the Township may request proof that the primary caregiver has consent from the property owner of record to use the dwelling for the home occupation.
 - x. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, is subject to inspection and approval by the zoning administrator, the fire marshal or other authorized official.
 - xi. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or other authorized official.
- C. It is unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.
- D. The use of the dwelling of a qualifying patient to cultivate medical marihuana in accordance with the MMMA solely for personal use shall not be considered a home occupation; however, all applicable state and Township Ordinance requirements must be met.

- E. Nothing in these sections, or in any companion regulatory provision adopted in any other provision of the Township Code is intended to protect users, caregivers, or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities authorized under Federal Law.

II. MARIHUANA ESTABLISHMENTS PROHIBITED

- A. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.
- B. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
- C. Nothing in this Section 4.1 shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

PART 14: Amend Article 4.0, Use Standards, Section 4.37, Outdoor Storage of Fleet Vehicles, to read as follows:

4.37 OUTDOOR STORAGE OF FLEET VEHICLES

The outdoor storage of fleet vehicles, trucks, semi-trucks, and trailers may be permitted in the GB (General Business) or LM (Light Manufacturing) district, on lots of 2 acres or more in area, subject to the following:

- A. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.18.
- B. No vehicles shall be displayed within any required ~~yard~~ setback.
- C. On all sides adjacent to a residential district, there shall be provided a screen wall of face brick or an obscuring fence, as approved by the Planning Commission.
- D. Storage of semi-trucks and trailers are only permissible in the LM District.
- E. All stored vehicles must be properly registered, licensed, and operable.

PART 15: Amend Article 5.0, Site Standards, Section 5.7, Accessory Buildings in Residential Districts, Subsection 5.7.B, to read as follows:

- B. Accessory buildings or structures shall have a minimum setback of five (5) feet from the rear lot lines and five (5) feet from the side lot lines, except as modified by Section 5.7.AG of this Ordinance.

PART 16: Amend Article 5.0, Site Standards, Section 5.9, Signs, Subsection 5.9.J.i to provide for a minimum height of a sign base to be two (2) feet in height and amend Schedule 5.9.J.i of that section, to provide for a maximum sign height from grade in the NB-O, LB, RB, ROP, LM, E, ROS, PB and GB (single tenant) to be seven (7) feet.

PART 17: Amend Article 5.0, Site Standards, Section 5.10, Swimming Pools, to read as follows:

Residential swimming pPools shall be located only behind the rear line of the home, no closer than 10 feet to any lot line, and fenced on all sides with a minimum four-foot high, non-ladderable fence, with any gate to be self-closing and latching. ~~according to the Township building code.~~ Private swimming pools shall be exclusively for the use of residents and their guests.

PART 18: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.N.i, to read as follows:

N.i. An off-street waiting space is defined as an area nine (9) feet wide by eighteen (18)~~twenty~~ ~~(20)~~ feet long.

PART 19: Amend Article 5.0, Zoning Districts, Section 5.11, Off-Street Parking, Subsection 5.11.Q, to read as follows:

P. Minimum Requirements for Off-Street Parking Layout

Parking Pattern	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)
O degrees (parallel parking)	12	8	20 (plus maneuvering)
45 degrees	15	9	18 9 (short side)
60 degrees	18	9	18 9 (short side)
90 degrees	24	9	18 9

PART 20: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsections 5.9.Q, Minimum Requirements for Off-Street Parking Layout, Footnote 1, to read as follows:

¹Parking space length may be reduced to 17' where a vehicle will overhang a sidewalk or landscaped area. Sidewalk must be at least 7~~8~~'-wide where there is an overhang.

PART 22: Amend Article 5.0, Site Standards, Section 5.19, Landscape and Screening Requirements, Subsection 5.19.B, General Provisions, Paragraph 5.19.B.iv to read as follows:

iv. All required landscape plantings shall be guaranteed for a period of two (2) years and those which are diseased or dead must be replaced in conformance with the approved landscape plan. The diseased or dead plantings must be replaced with plantings of the same size as those which were removed. A cash bond or standby letter of credit in an amount ~~established by resolution of the Township Board~~ equal to 125% of the cost to install any incomplete improvements and 100% of any installed improvements

must be posted for the two years during which the guarantee is in effect. The Director of Community Development shall review the amount of the guarantee for reasonableness prior to approval.

PART 22: Amend Article 6.0, Development Procedures, Section 6.7, Planned Development Review Process, Subsection 6.7.B.i.b to add the following new, Subparagraph (8):

(8) For any residential project, a parallel plan demonstrating the layout and density of residential uses that would be possible without use of the PD District.

PART 23: Amend Article 6.0, Development Procedures, Section 6.8, Site Plan Review and Approval, Subsection 6.8.B.15 to read as follows:

15. Density calculations (for ~~multiple family~~ residential projects) (Article 3).

PART 24: Amend Article 7.0, Administration, Appeals and Enforcement, Section 7.27, Nonconforming Lots of Record, by deleting the redundant first line.

PART 25. Conflicts.

If any provision of the White Lake Township Code conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

PART 26. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

PART 27. Adoption.

A public hearing on this Ordinance was held before the Planning Commission of the Charter Township of White Lake at a regular meeting held on Thursday, _____, 2021. This Ordinance was adopted by the Township Board of the Charter Township of White Lake at a meeting duly called and held on the ____ day of _____, 2021, and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active Clerk of the Charter Township of White Lake, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Township Board of said Township at a regular meeting held in the Township Board chambers, 7525 Highland Road in the Township, on _____, the ____ day of _____, 2021 at ____ p.m., further a synopsis of this Ordinance was duly published in the _____, _____, 2021 edition of the _____, a newspaper of general circulation in the Township.

Rik Kowall, Supervisor

Dated: _____

Anthony Noble, Clerk

Dated: _____

CHARTER TOWNSHIP OF WHITE LAKE
COUNTY OF OAKLAND
AMENDMENT _____ TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF WHITE LAKE BY AMENDING ARTICLE 2.0 DEFINITIONS, ARTICLE 3.0 ZONING DISTRICTS, ARTICLE 4.0 USE STANDARDS, ARTICLE 5.0 SITE STANDARDS, ARTICLE 6.0 DEVELOPMENT PROCEDURES, AND ARTICLE 7.0 ADMINISTRATION, APPEALS AND ENFORCEMENT, ONLY AS PROVIDED FOR HEREIN.

NOW HEREBY the Charter Township of White Lake ordains the following amendments to the White Lake Charter Township Zoning Ordinance:

PART 1: Amend Article 2.0, Section 2.2, Definitions by modifying the following definitions as shown below:

FLEET VEHICLE. A motor vehicle designed, used, or maintained primarily for the transportation of property or passengers in furtherance of a commercial enterprise, excluding semi-trucks.

GRADE. Finished ground level. When the word "grade" is used herein in relation to "building grade," "established grade," or "average grade," it shall mean the level of the ground adjacent to the Structure if the ground is level. If the ground is not level, the Finished Grade shall be determined by averaging the elevation of the ground for each side of the Structure using the highest and lowest point of each side, as measured five feet from the exterior walls of the Structure. In the case where the grade changes around the structure with relation to the first floor elevation such as a two-story house with a walk out or daylight basement, the walk-out or daylight basement shall not be considered a story nor included in the height calculations.

REAR LOT LINE. A Rear Lot Line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot (or the street lot line that the owner has elected to designate as the front lot line, in the case of a corner lot). In the case of an irregular, triangular, or gore-shaped lot for the purpose of determining depth of rear yard, a rear lot line shall be considered to be a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from, the front lot line of the lot. In cases where none of these definitions are applicable, the Director of the Community Development Department shall designate the rear lot line.

SEMI-TRUCK. A truck and trailer combination designed, used, or maintained primarily for the transportation of material or property.

TRAILER. Any type of portable structure hauled or towed by a motor vehicle, which may include, but is not limited to, a boat trailer, horse trailer, motorcycle trailer, semitrailer, snowmobile trailer, or utility trailer.

TRUCK. A motor vehicle designed, used, or maintained primarily for the transportation of material or property, except a pickup truck or a van designed to carry loads of no more than one ton.

PART 2: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.A, to read as follows:

- A. Minimum lot area shall not include any right of way or easement for a public road, private road or access easement. Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, flood plains and open water bodies, areas devoted to storm water retention/detention, or other, similar areas of the site that are not available for the use and enjoyment of the residents of a site, shall not be included in calculations for determining maximum density and number of lots permitted).

PART 3: Amend Article 3.0, Zoning Districts, Sections 3.1.1.F, 3.1.2.F, 3.1.3.E, 3.1.4.E, 3.1.5.E, and 3.1.6.E to delete the reference therein to “Minimum Floor Area.”

PART 4: Amend Article 3.0, Zoning Districts, Section 3.1.10, Planned Development District, Subsection 3.1.10.B, Principal Permitted Uses, to add the following section as Paragraph 3.1.10.B.xxv:

xxv. Convalescent or nursing homes

PART 5: Amend Article 3.0, Zoning Districts, Section 3.1.15, General Business District, Subsection 3.1.15.C, Special Land Uses, to add the following section as Paragraph 3.1.15.C.xiii and renumber the balance of the section accordingly:

xiii. Outdoor Storage of Fleet Vehicles §4.37

PART 6: Amend Article 3.0, Zoning Districts, Section 3.1.16, Notes to District Standards, Subsection 3.1.16.A, to read as follows:

- A. The PB Planned Business District is primarily a commercial district intended to permit, with Township approval, private and/or public development in a coordinated and cohesive arrangement which may be more difficult to achieve under more conventional, piecemeal development designed to conform with standard zoning requirements. To that end it becomes possible to permit greater flexibility in the types of land uses, land use arrangements and development requirements than would otherwise apply. It is further intended that the PB District be located along major thoroughfares, such as M-59, as opposed to locations in residential neighborhood areas where conflicts of land uses may arise more easily.

PART 7: Amend Article 3.0, Zoning Districts, Section 3.1.16, Planned Business District, Subsection 3.1.16.B, Principal Permitted Uses, to add the following section as Paragraph 3.1.16.B.xxxix:

xxxix. Outdoor Storage of Fleet Vehicles §4.37

PART 8: Amend Article 3.0, Zoning Districts, Section 3.10, ATTACHED DECKS, PORCHES, AND PATIOS IN RESIDENTIAL DISTRICTS, Subsection 3.10.A, to read as follows:

- A. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet or may project into a minimum rear yard setback provided, however, that this shall not be interpreted to include or permit fixed canopies

PART 9: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.J, to read as follows:

- J. The minimum floor area for a single-family home shall be as follows:
 - i. One story 1,000 square feet on ground floor
 - ii. One and one-half story 1,250 square feet, with 850 sq. ft. minimum on ground floor
 - iii. Two story 1,500 square feet, with 900 square feet minimum on ground floor
 - iv. Tri or Quad a minimum of 460 square feet on all levels.

The minimum floor area per dwelling unit shall not include area of basements, open unheated breezeways, open unheated porches, attached garages or utility rooms.

PART 10: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.N, to read as follows:

- N. No interior side setback required where adequate provision is made for emergency access and loading/unloading access at the rear of the building. If a nonresidential use abuts an RB district, the total of the two side yard setbacks may be reduced to 25 feet.

PART 11: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.P, to read as follows:

- P. Total minimum amount of habitable floor area ready for occupancy must equal the minimum amount of floor area required for a one-story building in the same zoning district.

PART 12: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.Q, to read as follows:

- Q. No building or structure shall be located closer than 25 feet to any regulated wetland, submerged land, watercourse, pond, stream, lake or like body of water. The setback shall be measured from the edge of the established wetland boundary as reviewed and approved by the Township.

PART 13: Amend Article 4.0, Use Standards, Section 4.1, Home Occupation, to read as follows:

Any use which is customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof is permitted. Provided further, that no article or service may be sold or offered for sale on the premises, except as such as is produced by such occupation and shall not require internal or external alterations or construction features, machinery, outdoor storage, or signs not customary in residential area. Any modifications to the dwelling made for the purpose of home occupation shall comply with all applicable building, electrical, and mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. One (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the residents of the premises. No persons other than a full-time resident residing on the premises shall be engaged in such home occupation. No home occupation shall be allowed if the traffic to be generated by such home occupation is in excess of that normally associated with a single-family residential use. Clinics, doctors' and dentists' offices, hospitals, kennels, millinery shops, tea rooms, barber shops, beauty parlors, and other similar uses shall not be deemed to be home occupations. Tailoring, sculpturing, writing, telephone answering, computer programming, and home crafts are examples of permitted home occupations.

No home occupation shall be conducted upon or from the premises which violate the Township's Code of Ordinances, including but not limited to the Township's Performance Standards as outlined in Chapter 14, Article II, Section 14-25 and the Township's Fire Prevention and Protection standards as outlined in Chapter 18.

I. MEDICAL USE OF MARIHUANA

The acquisition, possession, cultivation, use, delivery or distribution of marihuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marihuana Act ("MMMA") of 2008 and applicable provisions of the Township Zoning Ordinance.

- A. A registered primary caregiver, operating in compliance with the MMMA General Rules, shall be permitted as a home occupation, only in accordance with the following standards and requirements:
 - i. Medical marihuana home occupations are not permitted in multiple-family dwellings. As such, cultivation or other medical use of marihuana as a medical marihuana home occupation is limited to single-family detached dwellings.
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Parking Pattern	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)
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PART 20: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsections 5.9.Q, Minimum Requirements for Off-Street Parking Layout, Footnote 1, to read as follows:

¹Parking space length may be reduced to 17' where a vehicle will overhang a sidewalk or landscaped area. Sidewalk must be at least 7'-wide where there is an overhang.

PART 22: Amend Article 5.0, Site Standards, Section 5.19, Landscape and Screening Requirements, Subsection 5.19.B, General Provisions, Paragraph 5.19.B.iv to read as follows:

iv. All required landscape plantings shall be guaranteed for a period of two (2) years and those which are diseased or dead must be replaced in conformance with the approved landscape plan. The diseased or dead plantings must be replaced with plantings of the same size as those which were removed. A cash bond or standby letter of credit in an amount equal to 125% of the cost to install any incomplete improvements and 100% of any installed improvements must be posted for the two years during which the guarantee is in effect. The Director of Community Development shall review the amount of the guarantee for reasonableness prior to approval.

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(8) For any residential project, a parallel plan demonstrating the layout and density of residential uses that would be possible without use of the PD District.

PART 23: Amend Article 6.0, Development Procedures, Section 6.8, Site Plan Review and Approval, Subsection 6.8.B.15 to read as follows:

15. Density calculations (for residential projects) (Article 3).

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If any provision of the White Lake Township Code conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

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Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

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A public hearing on this Ordinance was held before the Planning Commission of the Charter Township of White Lake at a regular meeting held on Thursday, _____, 2021. This Ordinance was adopted by the Township Board of the Charter Township of White Lake at a meeting duly called and held on the ____ day of _____, 2021, and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active Clerk of the Charter Township of White Lake, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Township Board of said Township at a regular meeting held in the Township Board chambers, 7525 Highland Road in the Township, on _____, the ____ day of _____, 2021 at ____ p.m., further a synopsis of this Ordinance was duly published in the _____, _____, 2021 edition of the _____, a newspaper of general circulation in the Township.

Rik Kowall, Supervisor

Anthony Noble, Clerk

Dated: _____

Dated: _____