

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 Code, Chapter 42, Zoning:

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 area of the site that is not available for the use and enjoyment of all or a portion 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 Level 1,500 square feet, with a minimum of 460 square feet on ground floor

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. One (1) nonilluminated 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 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.

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), PB (Planned Business), or LM (Light Manufacturing) district, on lots of 5 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.
- 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.A~~G~~ 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 p~~o~~ools 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 3.0, Zoning Districts, Section 5.11, Off-Street Parking, Subsection 3.11.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)
0 degrees (parallel parking)	12	8	20 (plus maneuvering)
45 degrees	15	9	18 9
60 degrees	18	9	18 9
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 of any incomplete improvements and 10% 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 approved 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, _____, 2020. 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 _____, 2020, 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 _____, 2020 at _____ p.m., further a synopsis of this Ordinance was duly published in the _____, _____, 2020 edition of the _____, a newspaper of general circulation in the Township.

Rik Kowall, Supervisor

Terry Lilley, Clerk

Dated: _____

Dated: _____

**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. One (1) nonilluminated 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 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.

I. MEDICAL USE OF MARIJUANA

The acquisition, possession, cultivation, use, delivery or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana 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, the MMMA and the requirements of this subsection, shall be permitted as a home occupation, as regulated by this subsection. The Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - i. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
 - ii. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - iii. The MMMA’s definition of “medical use” of marijuana includes the “transfer” of marijuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition,” but only

if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.

- iv. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
 - v. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
 - vi. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical use of marijuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - vii. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA’s purpose of ensuring that (i) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients, so as to become an illegal commercial operation, in the nature of a marijuana collective, cooperative or dispensary.
- B. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver.
- i. The medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
 - ii. Medical marijuana home occupations are not permitted in multiple-family dwellings and other non-single home occupations. As such, cultivation or other medical use of marijuana as a medical marijuana home occupation is limited to single-family dwellings.
 - iii. All medical marijuana plants cultivated shall be contained within a fully enclosed, locked facility, inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient cultivating the plants.
 - iv. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - v. A registered primary caregiver operating a medical marijuana 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.
 - vi. The dwelling shall not be within 500 feet of another Registered Primary Caregiver.

- vii. No persons other than a full-time resident residing on the premises shall be engaged in such home occupation. Non-resident persons shall not be employed.
- viii. No person other than the primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of marijuana, except to the extent that the primary caregiver lawfully transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
- ix. 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.
- x. Qualifying medical marijuana patient visits are restricted to between the hours of 7 a.m. and 8 p.m.
- xi. A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marijuana only on a confidential, one-to-one basis with no other caregiver being present at the same facility at the same time, and no other patient or other person being present at the same facility at the same time; provided that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any facility other than the patient's private residence.
- xii. 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.
- xiii. There shall be no change to the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
- xiv. There shall be no interior alterations for the purpose of conducting the home occupation, which would render the dwelling unsuitable for residential use.
- xv. Any modifications to the dwelling made for the purpose of cultivating medical marijuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections.
- xvi. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- xvii. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- xviii. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to smoke or consume marijuana.

- xix. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
- xx. No one under the age of 18 years shall have access to medical marijuana unless authorized by the state.
- xxi. A dwelling at which a registered primary caregiver of medical marijuana is functioning as a home occupation shall display indoors and in a manner legible and visible to the qualifying patients:
 - a. Notice that qualifying patients under the age of eighteen (18) are not allowed in the dwelling except in the presence of his/her registered primary caregiver of medical marijuana, parent or guardian; and
 - b. Notice that no consumption of medical marijuana shall occur at the dwelling at which a registered primary caregiver of medical marijuana is functioning as a home occupation, other than that allowed in Section xxii below.
- xxii. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- xxiii. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- xxiv. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
- xxv. If marijuana 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.
- xxvi. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
- xxvii. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- xxviii. No home occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbances. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil or atmosphere.
- xxix. If the registered primary caregiver of medical marijuana is not the owner of record of the dwelling at which a registered primary caregiver of medical marijuana is functioning as a home occupation, written and notarized consent must be obtained from the property owner to ensure their knowledge and consent with the use.
- xxx. 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, are subject to inspection and approval by the zoning administrator or other authorized official.

xxxi. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.

C. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit. The registered primary caregiver of medical marijuana shall maintain a permit in good standing at all times in compliance with all applicable state and Township laws, rules, and regulations.

- i. A complete and accurate application shall be submitted on a form provided by the Township and an issuance fee in an amount determined by resolution of the Township Board shall be paid.
- ii. After the first year of home occupation, the primary caregiver will have to submit a complete and accurate renewal form provided by the Township and a renewal fee in an amount determined by resolution of the Township Board shall be paid.
- iii. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; a description of the location at which the use will take place and a detailed plan for safety and security of marijuana, customers, and neighbors. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance, the MMMA and the MMMA General Rules. A permit shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and the MMMA General Rules.
- iv. The use shall be maintained in compliance with the requirements of this Ordinance the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
- v. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
- vi. Permits must be renewed on an annual basis based on a deadline determined by resolution of the Township Board. Permits shall be renewed with a fee schedule as follows:

First year of Home Occupation – 1st Year Issuance Fee.

Second year of Home Occupation with no complaints on file – Full Renewal Fee.

Third year of Home Occupation with no complaints on file – Full Renewal Fee.

Fourth year of Home Occupation – Half Renewal Fee

After the third year of home occupation with no complaints on file, permits may continue to be renewed at a rate of half the renewal fee so long as the Primary

Caregiver continues to operate with no complaints on file. If however, the Primary caregiver obtains a complaint on file, the primary caregiver will return to the second year renewal fee rate and have to operate for two additional years with no complaints on file before receiving a renewal rate decrease.

- D. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marijuana.
- E. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and Township Ordinance requirements must be met.
- F. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.
- G. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Zoning Ordinance or Code of Ordinances, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act, since federal law is not affected by the Act or the General Rules of the Michigan Department of Community Health, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this Zoning Ordinance nor the Act protects user, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substance Act.

II. MARIJUANA ESTABLISHMENTS PROHIBITED

- A. Any and all types of a “marijuana 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 completely 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 “marijuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely 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

Terry Lilley, Clerk

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

PLANNING COMMISSION 2021 Meeting Schedule First and Third Thursday of Each Month 7:00 P.M.

(1st Thursday)		(3rd Thursday)	
January	7	January	21
February	4	February	18
March	4	March	18
April	1	April	15
May	6	May	20
June	3	June	17
July	1	July	15
August	5	August	19
September	2	September	16
October	7	October	21
November	4	November	18
December	2	December	16