Memo
FROM THE DESK OF THE ZONING ADMINISTRATOR

To: Planning Commission
Date: 4/16/2011
Re: April 20 Meeting Notes

- TXT 1505 – Medical Marihuana – Review draft Zoning and Licensing Ordinances provided by Hubbard Law of Lansing. The draft provided in the packet has been slightly amended form the one sent out Thursday, see the comment page. There are areas that we need to come to consensus on that are within our control and they are enumerated on the comment page.

- MSP 1416 - Public Hearing to adopt the Master Plan – We have come to the end of our comment period. Based on a concern from the Fisher Companies, we looked at creating future use areas based on current zoning as we did for the east and south end. The county has reviewed the plan without comments for change.

NEW BUSINESS

- SUP 1513 - Special Use Permit for a Group Day Care (up to 12 children) at 5721 Jonathon Ln – The state statues require approval of this use if it meets the spacing requirements from other group daycares and other problem uses such as half way houses. This location meets those spacing requirements and we must approve the application. However, we do have control over hours of operation and duration of operation, as well as fencing and parking. The lot is fenced and meets the required 2 parking spaces. This use is drop off and has a low parking demand. We received a letter urging us to be concerned about problems listed therein. We should approve the application and set hours of operation.
Date:  April 20, 2011
Time:  7:00 p.m.
Place:  Union Township Hall

Pledge of Allegiance

Roll Call

Minutes of March 16, 2011 regular meeting

Correspondence

Approval of Agenda

Public Comment: restricted to three (3) minutes regarding issues not on this agenda

UNFINISHED BUSINESS
   1.)  TXT 1505 – Medical Marihuana – Review draft Zoning and Licensing Ordinances provided by Hubbard Law of Lansing.
   2.)  MSP 1416 - Public Hearing to adopt the Master Plan

NEW BUSINESS
   1.)  SUP 1513 - Special Use Permit for a Group Day Care (up to 12 children) at 5721 Jonathon Ln

Other Business

Extended Public Comment

Adjournment
A regular meeting of the Charter Township of Union Planning Commission was held on March 16, 2011 at 7:00 p.m.

Meeting was called to order at 7:00 p.m.

Roll Call
Fuller, Henley, Jankens, Mielke, Primeau, Squattrito and Wagner were present. Dinse was excused.

Others Present
Woody Woodruff, John Barker and Stan Shingles

Approval of Minutes
February 16, 2011 – regular meeting
Primeau moved Wagner supported to approve the February 16, 2011 regular meeting minutes as presented. Ayes: all. Motion carried.

Correspondence
- Letter from Fisher Companies – Master Plan

Approval of Agenda
Add under “Other Business” 1.) Appointment to ZBA, 2.) Fisher Companies Request and 3.) Zoning permit on Remus Road
Wagner moved Primeau supported to approve the agenda as amended. Ayes: all. Motion carried.

Public Comment
No comments were offered.

UNFINISHED BUSINESS
1.) TXT 1505 – Medical Marihuana
A discussion was held with Andria Ditschman of the Hubbard Law Firm, Lansing, Michigan on the Medical Marihuana Ordinance
She will have a rough draft of the ordinance for the Commission’s review at the April 20, 2011 meeting.

NEW BUSINESS
1.) SPR 1509 – Isabella Development Corporation, E. Remus Rd. West of the Ice Arena, Site Plan Review for the Mt. Pleasant Discovery Museum
Applicant
Tim Bebee of Central Michigan Surveying and Development 1985 Parkland presented the site plan for the Mt. Pleasant Discovery Museum to the Commission.
Planning Commission

Fuller moved Jankens supported to approve SPR 1509 – Isabella Development Corporation, E. Remus Rd. west of the Ice Arena, site plan for the Mt. Pleasant Discovery Museum contingent on approvals from the Mt. Pleasant Fire Department, Isabella County Road Commission, Storm Water Management and the landscaping plan being approved by the Zoning Administrator. Ayes: all. Motion carried.

2.) SPR 1510 – Members First Credit Union 4811 Encore Boulevard, Site Plan Review for New Credit Union

Applicant
John Schwank of the Thompson-Phelan Group, Inc. 9834 Dixie Hwy, Anchorville, Mi presented the site plan for a new credit union located at 4811 Encore Boulevard.

Planning Commission
Henley moved Mielke supported to approve SPR 1510 – Members First Credit Union 4811 Encore Boulevard, site plan for a new credit union contingent on Mt. Pleasant Fire Department approval and all lighting be down shielded. Ayes: all. Motion carried.

OTHER BUSINESS

1.) Appointment to the ZBA
Jankens moved Wagner supported to appoint Mary Henley as the Planning Commission representative to the Zoning Board of Appeals. Ayes: all. Motion carried.

2.) Fisher Companies Request
Woodruff informed the Commission that the Fisher Companies requested that the current zoning be reflected in the future land use map

3.) Zoning Permit
Woodruff informed the Commission that he issued a zoning permit for a golf simulator and pro shop on E. Remus Rd.

Extended Public Comment

- John Barker the Township Supervisor addressed the Commission and stated that Stan Shingles would be at the next meeting after his appointment is approved by the Board of Trustees. Mr. Barker also updated the Commission on the Community Kitchen Project

Adjournment
The Chair adjourned the meeting at 9:02 p.m.

APPROVED BY: ____________________________

Alex Fuller, Secretary

(Recorded by Kathy Blizzard)
MARIHUANA DISPENSARY AND MARIHUANA GROWING FACILITY LICENSES

A. Purpose

The purpose of this section is to regulate the location, but not exclude the use and handling of medical marihuana consistent with the Michigan Medical Marihuana Act, MCL 333.26421 et seq by designating the specific locations for the medical use of marihuana. Under no circumstances is the use or handling of marihuana inconsistent with the Michigan Medical Marihuana Act, MCL 333.26421 et seq permissible in the Charter Township of Union. In creating these regulations, the Township acknowledges that the majority of voters in Michigan have found and declared that Medical research has discovered beneficial uses for marihuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of Debilitating Medical Conditions; that legalizing the medical use of marihuana will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need for that use; and that, although federal law currently prohibits any use of marihuana except under very limited circumstances, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law.

While the Township defers to these findings, it recognizes that there are some uses which, by their very nature, present the potential for deleterious effects upon adjacent residential and commercial areas. The Township also recognizes that the regulation of the use and handling of medical marihuana is necessary to minimize these risks while insuring that medical marihuana is available to persons registered under the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

B. Definitions

As used in this Ordinance, the following words and phrases are defined as follows:

1. Act means the Michigan Medical Marihuana Act being MCL 333.26421, et seq.

2. Code means any code or ordinance adopted by the Township.

3. Department means the state of Michigan Department of Community Health.

4. Debilitating Medical Condition shall have the same meaning as is set forth in the Act.

5. Enclosed Locked Facility means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Primary Caregiver or Qualifying Patient.
6. **Marihuana** means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368 being MCL 333.7106.

7. **Marihuana Club** means an association or organization whose affiliation is related to the medical use of marihuana whose relationships are of a transitional nature involving three or more unrelated persons. The term Marihuana Club does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G. of the Township’s Zoning Ordinance.

8. **Marihuana Dispensary** means any structure, building or mobile unit where marihuana is transferred, delivered, acquired or sold. The term Marihuana Dispensary does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G. of the Township’s Zoning Ordinance.

9. **Marihuana Growing Facility** means any structure or building where marihuana is cultivated or manufactured. The term Marihuana Growing Facility does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G. of the Township’s Zoning Ordinance.

10. **Medical Use** means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered Qualifying Patient’s Debilitating Medical Condition or symptoms associated with the Debilitating Medical Condition.

11. **Person** means an individual, partnership, corporation, association, club, joint venture, estate, trust, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

12. **Primary Caregiver** means a person who is at least 21 years old and who has agreed to assist with a Qualifying Patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs and has been issued and possesses a Registry Identification Card from the State of Michigan, or maintains a copy of their registry identification application if the State of Michigan has failed to issue a valid Registry Identification Card in response to a valid application within twenty (20) days of its submission.

13. **Qualifying Patient** means a person who has been diagnosed by a physician as having a Debilitating Medical Condition and has been issued and possesses a Registry Identification Card, or maintains a copy of their registry identification application if the State of Michigan has failed to issue a valid registry identification card in response to a valid application within twenty (20) days of its submission.

14. **Registry Identification Card** means the non-transferable confidential Registry Identification Card issued by the Department to Qualifying Patients and Primary Caregivers.
15. School means any public or private institution of learning, elementary through secondary (K-12) and any preschool.

16. Township means the Charter Township of Union.

17. Written Certification means a document signed by a physician, stating the patient's Debilitating Medical Condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's Debilitating Medical Condition or symptoms associated with the debilitating medical condition.

18. Zoning Administrator means an individual appointed by the Township Board delegated to administer the Charter Township of Union Zoning Ordinance.

**License Required**

A Marihuana Dispensary and/or Marihuana Growing Facility shall not operate in the Charter Township of Union without first obtaining a license from the Zoning Administrator pursuant to the requirements of this Ordinance. The licensing requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing and/or permitting requirements imposed by any other state, or local law. A license granted under this Ordinance shall be valid for a period of one (1) year from the date the license was originally issued.

**License Application**

1. An applicant, shall submit to the Zoning Administrator, along with the License Application, the following:

   a. Payment of all applicable fees as established by resolution of the Township Board and published in the Township Schedule of Fees.

   b. Name(s) and address(es) of the owner(s) of the Marihuana Dispensary and/or Marihuana Growing Facility.

   c. If the owner(s) of the Marihuana Dispensary and/or Marihuana Growing Facility is not a natural person, the name(s) and address(es) of any and all officer(s), director(s) and of any and all person(s) holding an ownership interest in the entity.

   d. Name and address of all physicians who will render services on the premises of the Marihuana Dispensary.

   e. A valid and current certificate of occupancy issued by the Building Official after all necessary inspections have been conducted, which may include but are not
limited to electrical inspection, plumbing inspection and the mechanical
inspection.

f. Copies of the Marihuana Dispensary’s and/or Cultivation Facility’s Articles of
Incorporation and By-laws.

g. Name and address of the business manager(s) of the Marihuana Dispensary and/or
Marihuana Growing Facility if the manager(s) is someone other than the
owner(s).

h. A signed release on a form included with the Application form permitting the
Isabella County Sheriff Department to perform a criminal background check to
ascertain whether any person named on the application has been convicted of a
misdemeanor involving any controlled substance or any felony under Michigan
law, or the law of any other state or the United States.

i. Proof of ownership or legal right to possession of the premises upon which the
Marihuana Dispensary and/or Marihuana Growing Facility will be operating at
the time the application is submitted. If the premises upon which the Marihuana
Dispensary and/or Marihuana Growing Facility is located will be leased, the
application shall include written consent by the owner of the property permitting
the premises to be used for a Marihuana Dispensary and/or Marihuana Growing
Facility.

j. An operating/business plan for the proposed Marihuana Dispensary and/or
Marihuana Growing Facility which includes the following:

i. For a Marihuana Dispensary, a written statement that will be
conspicuously posted on the premises and provided to the Qualified
Patients and Primary Caregivers which includes the following:

1. A description of potential side effects of marihuana; and
2. A description of the Marihuana Dispensary’s means of educating
Qualified Patient(s) and Primary Caregiver(s) on the right to
engage in the medical use of marihuana; and
3. The licensee’s policy to refuse service.

ii. A description of the activities that will be undertaken on the premises
including all products and services to be offered.

iii. A description of the products and services available at the site, including
an indication of whether the Marihuana Dispensary proposes to engage in
the preparation and/or retail sale of food for human consumption.

iv. Description of the means the Marihuana Dispensary shall employ to safely
dispense marihuana.
k. For Marihuana Growing Facilities, a certificate signed by a qualified professional indicating that equipment necessary to handle heating, ventilation and air balance requirements has been installed to prevent the growth of harmful mold or other conditions harmful to individuals inside the facility.

l. A floor plan, drawn to scale, showing the layout of the premises upon which the Marihuana Dispensary and/or Marihuana Growing Facility will be operating and the principal uses of the floor area depicted.

m. Proof that the Marihuana Dispensary and/or Marihuana Growing Facility has developed, and will maintain on the premises, or has entered into a contractual relationship with an outside resource to provide on-site training curriculum capable of meeting employee training needs which includes, but is not limited to, professional conduct, ethics and patient confidentiality. Upon completion of the on-site training, the Marihuana Dispensary and/or Marihuana Growing Facility shall submit to the Township Administrator an affidavit signed by every employee verifying the employee has completed the training.

n. A signed agreement to hold the Charter Township of Union harmless.

Nature of License

1. A license issued pursuant to this Ordinance authorizes a Marihuana Dispensary to transfer, deliver, and acquire marihuana at a specified location, or a Marihuana Growing Facility to cultivate or manufacture marihuana consistent with the Medical Marihuana Act, MCL 333.26421 et seq. This license shall be specific to the Marihuana Dispensary or Marihuana Growing Facility and its specific site, it does not run with the parcel, is not transferable and shall expire one (1) year after the date of its issuance. The license may be subject to terms and conditions as the Zoning Administrator deems necessary to carry out the terms, conditions, and intent of this Ordinance.

2. A Marihuana Dispensary or Marihuana Growing Facility shall not be eligible for a license if any person required under this ordinance to be named on the application has been convicted of a misdemeanor involving any controlled substance or any felony under Michigan law, or the law of any other state of the United States.

3. The license requirement in this Ordinance applies to all Marihuana Dispensaries and Marihuana Growing Facilities that exist on the effective date of this Ordinance or are established after the effective date of this Ordinance.

4. There shall be no more than ___ Marihuana Dispensary Licenses and ________Marihuana Growing Facility Licenses granted per calendar year.

5. To the extent the State of Michigan adopts additional or stricter laws or regulations governing the medical use of marihuana, the additional or stricter laws or regulations shall control the establishment or operation of any Marihuana Dispensary and/or Marihuana Growing Facility in the Township. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance, denial, or maintenance of any license under this Ordinance, and non-compliance with any
applicant state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

6. Any Marihuana Dispensary and/or Marihuana Growing Facility licensed pursuant to this Ordinance may be required to demonstrate, upon demand by the Township or by local law enforcement officer that the source and quantity of marihuana found at the property upon which a Marihuana Dispensary and/or Marihuana Growing Facility is located is in full compliance with any applicable state law or regulation.

7. The issuance of any license pursuant to this Ordinance shall not create an exception, defense, or immunity to any person in regard to any potential criminal liability the licensee may have for the medical use of marihuana.

License Requirements

In order to obtain and maintain a Marihuana Dispensary License or Marihuana Growing Facility License from the Charter Township of Union Township Zoning Administrator, a Marihuana Dispensary and/or Marihuana Growing Facility shall:

1. Prohibit any person under eighteen (18) years of age on the premises unless the person possesses a Registry Identification Card or the equivalent, and the person is accompanied by their Primary Caregiver.

2. Transfer, deliver, acquire or sell marihuana in a Marihuana Dispensary and cultivate and/or manufacture marihuana in a Marihuana Growing Facility within an enclosed building, not visible from the exterior of the building.

3. Operate only between the hours of 8:00 a.m. and 7:00 p.m., including deliveries to and from the premises.

4. Keep all marihuana in any form within an enclosed locked facility which shall not be visible from any location outside of the building.

5. Monitor and secure the premises twenty-four (24) hours per day by security measures that include at a minimum:

   a. Installation and use of security cameras to continuously monitor and record all areas of the premises upon which the Marihuana Dispensary and/or Marihuana Growing Facility will be operating. Recordings from security cameras shall be maintained in a secure off-site location.

   b. Any marihuana kept at the Marihuana Dispensary or Marihuana Growing Facility premises overnight shall be secured in a safe. The safe must be permanently fixed to the premises.

6. Prominently display on the premises the Marihuana Dispensary and/or Marihuana Growing Facility license.
7. Prominently display on the premises of the Marihuana Dispensary a written statement which includes the following:
   a. A description of potential side effects of marihuana; and
   b. A description of the Marihuana Dispensary’s means of educating Qualified Patient(s) and Primary Caregiver(s) on the right to engage in the medical use of marihuana; and
   c. The Dispensary’s policy to refuse service.

8. Operate in compliance with any and all laws, rules and regulations administered by the Isabella County Health Department and any other applicable state requirements if the Marihuana Dispensary prepares food for human consumption on site.

9. Package the useable marihuana with a label that shall contain the name of the strain of marihuana, the name of the Marihuana Dispensary, the delivery date, dollar amount, weight, and a statement that:

   This product is for medical use and not for resale and is manufactured without any regulatory oversight for health, safety or efficacy.

10. Prohibit the ingestion, smoking or other consumption of controlled substances, including marihuana, on the Marihuana Dispensary and/or Marihuana Growing Facility site.

11. Refrain from emitting odors emanating from the marihuana from the building.

12. Refrain from growing, cultivating and manufacturing marihuana on the site of a Marihuana Dispensary.

13. Refrain from the transfer, delivery and acquisition of marihuana on the site of a Marihuana Growing Facility.

14. Limit all light trespass from the lights used for growing marihuana at a Marihuana Growing Facility.

15. Prohibit any person on the premises of a Dispensary or Growing Facility unless they:
   a. Possess a Registry Identification Card or the equivalent;
   b. Assist a Qualifying Patient in the use or administration of marihuana;
   c. Are an owner of the premises or an employee of the Marihuana Dispensary or Marihuana Growing Facility; or
   d. Are a service worker engaged in maintenance activities or law enforcement, emergency personnel and/or zoning personnel.

**Location Requirements**
1. A Marihuana Dispensary and/or Marihuana Growing Facility shall not be located on the same parcel as a dwelling unit.

2. The parcel on which a Marihuana Dispensary is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Dispensary, a Medical Marihuana Grow Facility, or a Marihuana Club is located, as measured between property lines.

3. The parcel on which a Marihuana Dispensary is located shall be situated at least five hundred (500) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.

4. The parcel on which a Marihuana Growing Facility is located shall be situated at least ________ feet from the parcel on which another Marihuana Growing Facility, a Marihuana Dispensary, or a Marihuana Club is located, as measured between property lines.

5. The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.

**Inspections**

Marihuana Dispensaries and Marihuana Growing Facilities shall:

1. Be inspected only during reasonable hours by the Zoning Administrator or their designee with the exception of probable cause inspections.

2. Be notified of the date and time of the inspection by first class mail at least thirty (30) days prior to the inspection date. Property owners shall be responsible for informing tenants of the inspection notice.

3. Be permitted to be inspected without prior notice if the Zoning Administrator has probable cause to believe that there exists, on the premises, a condition that makes the premises unsafe or there is evidence that an ordinance violation may exist.
4. Acknowledge that if access to the property or premises is denied, the Zoning Administrator may, upon showing probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this Ordinance, petition and obtain such order from a court which has jurisdiction.

5. Be issued a violation notice by the Zoning Administrator if a code violation exists. The licensee shall be advised of the time period to correct the violation(s). If upon inspection of the premises the Zoning Administrator determines that a violation presents an immediate threat to the health, safety or welfare of the public, the violation shall be corrected immediately and operation of the Dispensary or Growing Facility can not resume until reinspecktion and approval by the Zoning Administrator.

6. Be subject to reinspecktion of the premises upon correction of a violation on the date specified in the violation notice or sooner if requested by the licensee and if Township scheduling permits.

7. Permit the Township to inspect its records ensuring that transfers of marihuana quantities do not exceed the maximum amount allowed under the Act. Said records shall be redacted to insure confidentiality, anonymity, and privacy to Qualifying Patients and Primary Caregivers.

8. Comply with all other regulations and/or ordinance provisions, including but not limited to the Township’s Zoning Ordinance regulations pertaining to the medical use of marihuana.

**Enforcement**

Enforcement of this Ordinance shall be the responsibility of the Zoning Administrator.

**Suspension and Revocation**

1. The Zoning Administrator may suspend or revoke any license issued under the provisions of this Ordinance upon any of the following findings:
   
   a. A violation of any of the regulations or provisions outlined within this Ordinance or any other applicable Charter Township of Union Ordinance.
   
   b. Operation of a Marihuana Dispensary and/or Marihuana Growing Facility in an unlawful manner or in such a manner contrary to the public health, safety and welfare.
   
   c. Any attempt by a licensee to transfer the license to another or to use the same improperly.
   
   d. The information provided to the Township was falsified, incomplete, and/or inaccurate.
e. If the operation of the Marihuana Dispensary and/or Marihuana Growing Facility is held invalid or unconstitutional by any court of competent jurisdiction.

f. Abandonment of the premises upon which the Marihuana Dispensary and/or Marihuana Growing Facility is operating. For the purpose of this section, the cessation of the use of the property for two (2) months or more and a clear intent by the licensee to abandon the use shall constitute abandonment.

g. Conviction, of any person required to be named on the application, of a crime which, if occurring prior to submittal of the application, could have been cause for denial of the license application.

h. Temporary or permanent closure, or other sanction of the business, by the Township, or by the County, or State Public Health Department or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this Ordinance or other applicable law.

2. Upon serving notice on the licensee of a license suspension by the Zoning Administrator, all activity related to the medical use of marihuana at the property upon which a Marihuana Dispensary and/or Marihuana Growing Facility is conducted shall cease immediately.

3. A Person aggrieved by the suspension of a license shall have the right to a hearing before the Township Manager, provided that a written request thereof is filed with the Township Manager within five (5) business days of the receipt of the notice of license suspension. The hearing shall be conducted within five (5) business days from receipt of the notice by the Township Manager provided scheduling permits. The Township Manager shall, after the holding a hearing, reinstate, reinstate with conditions, or revoke the license. Any decision made by the Township Manager shall be final. No person or entity whose license has been revoked shall be eligible to receive another license to operate within the Township for two (2) years from the date of the license revocation.

Appeals and Exceptions

1. Appeals. Any Person aggrieved by a decision other than a suspension of the Zoning Administrator relating to the enforcement of this Ordinance may appeal such decision to the Township Manager. Such appeal shall be filed in writing and given to the office of the Township Manager within fifteen (15) business days from the date of the decision. The Township Manager may reverse or affirm, wholly or in part, or may modify the order, requirement, interpretation, or decision of the Zoning Administrator.

2. Exceptions. Whenever the strict application of the requirements of this Ordinance would accomplish a result contrary to same, an appeal for an exception from such requirements may be filed with the Zoning Administrator on a form provided for such purpose. The Zoning Administrator may except a provision of this Ordinance only after determining
that unique conditions exist where an exception would not adversely impact neighboring properties and could not be addressed by other methods proscribed by this Ordinance, and is otherwise satisfactory, complies with the intent of this Ordinance, and is not detrimental to the public health, safety, and welfare.

**Violations and Penalties**

1. A Person who violates any provision of this Ordinance, or any condition of an approval granted pursuant to this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of $75.00, plus costs including all direct and indirect expenses incurred by the Township in connection with the municipal civil infraction. However, in no case shall costs of less than $9.00 or more than $500.00 be ordered.

2. In addition to the issuance of a municipal civil infraction, the Sheriff’s Department, the Zoning Administrator, or the Zoning Administrator’s designee, shall have the authority to issue a cease and desist order for any operation found to be in violation of any of the terms of this Ordinance.

3. The imposition of the penalties herein prescribed shall not preclude any Township official from instituting appropriate action to restrain, correct, remove, or otherwise abate a violation of this Ordinance.

**Compliance with State Law**

**Severability**

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Repeal.**

All ordinances or parts of ordinances of the Charter Township of Union inconsistent herein are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

**Effective Date.**

This Ordinance shall take effect on ________________, 2011.
FINDINGS AND PURPOSE

The purpose of this section is to regulate the location, but not exclude the use and handling, of the medical use of marihuana consistent with the Michigan Medical Marihuana Act, MCL 333.26421 et seq by designating the specific locations for the medical use of marihuana. Under no circumstances is the use or handling of marihuana inconsistent with the Michigan Medical Marihuana Act permissible in Charter Township of Union. In creating these regulations, the Charter Township of Union acknowledges that the majority of voters in Michigan have found and declared that medical research has discovered beneficial uses for marihuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions; that legalizing the medical use of marihuana will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need for that use; and that, although federal law currently prohibits any use of marihuana except under very limited circumstances, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law.

While the Charter Township of Union defers to these findings, it recognizes that there are some uses which, by their very nature, present the potential for deleterious effects upon adjacent residential and commercial areas. The Charter Township of Union also recognizes that the regulation of the use and handling of marihuana for medical use is necessary to minimize these risks while insuring that it is available to persons registered under the Michigan Medical Marihuana Act.

FEDERAL PROSECUTION

Nothing in this Ordinance, or in any companion regulatory provision adopted in any other Charter Township of Union Ordinance, is intended to grant, nor shall they be construed as granting, immunity from state or federal prosecution or forfeiture of property.

ILLEGAL NONCONFORMING USE

A use which purports to have engaged in the medical use of marihuana prior to enactment of this Ordinance, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or state law.
SECTION 3  DEFINITIONS

3.20  CUSTOMARY AGRICULTURAL OPERATION

Any land or building used for orchards, nurseries, animal husbandry, dairying, or for the purpose of producing vegetables, livestock or fowl, grain, or other crops. The term Customary Agricultural Operation does not include the production, manufacture or cultivation of marijuana.

3.24.1  ENCLOSED LOCKED FACILITY

A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Qualifying Patient or Primary Caregiver, built and maintained in a manner consistent with applicable building and property maintenance codes.

3.44.1  MARIHUANA

As defined in Section 7106 of the Public Health Code, 1978 PA 368 being MCL 333.7106.

3.44.2  MARIHUANA CLUB

An association or organization whose affiliation is related to the medical use of marihuana whose relationships are of a transitional nature involving three or more unrelated persons. The term Marihuana Club does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G.

3.44.3  MARIHUANA DISPENSARY

Any structure or building where marihuana is transferred, delivered, acquired, or sold. The term Marihuana Dispensary does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G.

3.44.4  MARIHUANA GROWING FACILITY

Any structure or building where marihuana is cultivated or manufactured. The term Marihuana Growing Facility does not include those medical marihuana accessory uses conditionally permitted by Section 8.2.G.

3.45.1  MEDICAL USE OF MARIHUANA

The acquisition, possession, cultivation, manufacture, use delivery, transfer, or transportation of marihuana or paraphernalia related to the administration of marihuana to treat or alleviate a registered Qualifying Patient’s debilitating medical condition or symptoms associated with said condition.

3.56.1  PERSON
An individual, partnership, corporation, association, club, joint venture, estate, trust, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

3.57.1 PRIMARY CAREGIVER

A person who is at least twenty-one (21) years old and who has agreed to assist with a Qualifying Patient’s medical use of marihuana and who has never been convicted of a felony involving illegal drugs and has been registered pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

3.60.1 QUALIFYING PATIENT

A person who has been diagnosed by a physician as having a debilitating medical condition and has been registered pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

SECTION 8 GENERAL PROVISIONS

8.2 ACCESSORY USE

G. The medical use of marihuana, to the extent made lawful by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended, but only in One-Family Dwellings, Two-Family Dwellings and Multiple-Family Dwellings subject to the following conditions:

1. No marihuana plants shall be cultivated in any structure other than an enclosed locked facility within a dwelling unit which is the legal and primary place of residence of the person cultivating those plants. An enclosed locked facility means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Qualifying Patient or Primary Caregiver, built and maintained in a manner consistent with applicable building and property maintenance codes.

2. No more than 72 marihuana plants shall be cultivated in any dwelling unit.

3. Cultivation shall not be visible from the exterior of the dwelling unit.

4. No transfer or delivery of marihuana shall occur at a dwelling unless between Qualifying Patients residing in the same dwelling unit or between a Primary Caregiver and the Qualifying Patients to whom he or she is connected through the Department of Community Health’s registration process.

5. No marihuana plants shall be cultivated in any accessory structure, including but not limited to, a detached garage, shed, greenhouse, kennel, or barn.
6. Cultivation of marihuana plants shall not exceed 15% of the useable gross floor area of a dwelling unit.

7. Equipment used in the cultivation of marihuana plants, that increases the energy use and heat generation which exceeds levels reasonably attributable to residential uses is prohibited.

8. Engaging in the medical use of marihuana as permitted as an Accessory Use to a dwelling shall not generate more than an additional five (5) trip ends per day.

8.20 LIMITATIONS ON PUBLIC OR GROUP ORGANIZATIONS BUILDINGS

(How is this section applied with section 30?)

(Also, later the use by sup references section 30 but there is no specific category for this use.)

SECTION 13 AGRICULTURAL (AG) DISTRICT
13.2 PERMITTED USES

D. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 14 R-1 RURAL-RESIDENTIAL DISTRICT
14.2 USE REGULATIONS

F. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 15 R-2A ONE-AND-TWO FAMILY, LOW DENSITY RESIDENTIAL DISTRICT
15.2 PERMITTED USES

E. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 16 R-2B ONE-AND-TWO FAMILY, MEDIUM DENSITY RESIDENTIAL DISTRICT
16.2 PERMITTED USES

E. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or
storage activities.

SECTION 17 R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT
17.2 PERMITTED USES

C. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:

7. Marihuana Club

D. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 18 R-3B MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT
18.2 PERMITTED USES

C. Special Uses: The following special uses may be permitted in this District when all requirements, conditions and procedures of Section 30 are complied with:

7. Marihuana Club

D. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 19 R-4 MOBILE HOME PARK DISTRICT
19.2 PERMITTED USES (What to do with mobile homes)

B. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.

SECTION 20 R-5 MOBILE OR MODULAR HOME DISTRICT
20.2 PERMITTED USES (What to do with mobile homes)

E. Accessory structures and uses in conformity with Section 8 that are customarily incidental to the above permitted uses, provided accessory buildings and uses shall not be used for commercial or industrial purposes, including, but not limited to, retail, manufacture or storage activities.
SECTION 22  B-4 GENERAL BUSINESS DISTRICT
22.2  PERMITTED USES

(Note except for Marihuana Club I did not include MMMA uses here as I treated MMMA uses similar to the Adult Book Store use and began inclusion in the B-4 district???)

R.  Marihuana Club, provided the requirements of Section 30.4.AD are met.

SECTION 23  B-5 GENERAL BUSINESS DISTRICT
23.2  PERMITTED USES

J.  Marihuana Club provided the requirements of Section 30.4.AD are met.

K.  Marihuana Dispensary, provided the following requirements are met:

1.  **State Law.** A Marihuana Dispensary shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.

2.  **Zoning Permit and Marihuana Dispensary License Required.** Both a zoning permit and a Marihuana Dispensary License must be obtained for a specific site before a Marihuana Dispensary is operated in the Charter Township of Union.

3.  **Standards and Review of Zoning Permit.** The Zoning Administrator shall review each application for a zoning permit for a Marihuana Dispensary and shall grant or deny the permit within twenty-one (21) days based on the Zoning Ordinance requirements for Medical Marihuana Dispensaries. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.

4.  **Not Transferable.** Permits are not transferrable and shall only apply to the specific site approved.

5.  **Dwelling Units.** A Marihuana Dispensary shall not be located on the same parcel as a dwelling unit.

6.  **Drive thru.** Drive thru facilities are prohibited on a Marihuana Dispensary site.

7.  **Dispersal and Spacing.** The parcel on which a Marihuana Dispensary is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Dispensary, a Medical Marihuana Grow Facility, or a Marihuana Club is located, as measured between property lines. The parcel on which a Marihuana Dispensary is located shall be situated at least five hundred (500) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.

8.  **Site Requirements.** Marihuana Dispensaries must be located on a site that provides:
a. off street parking located ...;
b. illuminated and unscreened off street parking;
c. a front and side setback from any public sidewalk of 50 feet, measured from the face of the building to the sidewalk;
d. driveways and parking areas as specified in Section 30.4.B.2;
e. entrances and exits as specified in Section 30.4.B.2;
f. not more than one (1) sign announcing the service, shall be permitted as regulated in Section 11.7;
g. greenbelt planting and screening will be required so as to obscure view from any adjacent residential district. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers;
h. no storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted upon the premises.

9. Operational Requirements. A Marihuana Dispensary shall:
   a. prohibit persons under the age of 18 from entering the business, unless they are in the possession of a Registry Identification Card or the equivalent, and are accompanied by their Primary Caregiver;
   b. operate only between the hours of 8:00 a.m. and 7:00 p.m., including deliveries to and from the premises;
   c. keep all marihuana in any form at the location, within an enclosed, locked facility which shall not be visible from any location outside of the building;
   d. prohibit the ingestion, smoking or other consumption of controlled substances, including marihuana, on the site;
   e. refrain from emitting odors emanating from the marihuana, from the building;
   f. a Marihuana Dispensary shall not operate in connection with or at a location at which any other commodity, product or service is also available.

10. Enforcement. Violations of the Marihuana Dispensary requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

SECTION 24 B-6 AUTO-RELATED HIGHWAY BUSINESS DISTRICT
24.2 PERMITTED USES

K. Marihuana Club provided the requirements of Section 30.4.AD are met.

L. Marihuana Dispensary provided the requirements Section 23.2.K are met.
SECTION 25  B-7 RETAIL AND SERVICE HIGHWAY BUSINESS DISTRICT
25.2 PERMITTED USES

H. Marihuana Club provided the requirements of Section 30.4.AD are met.
I. Marihuana Dispensary provided the requirements of Section 23.2.K are met.

SECTION 26  I-1 LIGHT INDUSTRIAL DISTRICT
26.2 PERMITTED USES

T. Marihuana Growing Facility, provided the following requirements are met:

1. State Law. A Marihuana Growing Facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, as they may be amended from time to time.

2. Zoning Permit and Marihuana Growing Facility License Required. Both a zoning permit and a Marihuana Dispensary License must be obtained for a specific site before a Marihuana Dispensary is operated in the Charter Township of Union.

3. Standards and Review of Zoning Permit. The Zoning Administrator shall review each application for a zoning permit for a Marihuana Growing Facility and shall grant or deny the permit within twenty-one (21) days based on the Zoning Ordinance requirements for Medical Marihuana Growing Facilities. A denial can be appealed to the Zoning Board of Appeals, which shall hear and decide the appeal or request for a variance within 45 days, and thereafter the applicant can appeal to the circuit court.

4. Not Transferable. Permits are not transferrable and shall only apply to the specific site approved.

5. Dwelling Units. A Marihuana Growing Facility shall not be located on the same parcel as a dwelling unit.

6. Drive thru. Drive thru facilities are prohibited on a Marihuana Growing Facility site.

7. Dispersal and Spacing. The parcel on which a Marihuana Growing Facility is located shall be situated at least ____________ feet from the parcel on which another Marihuana Growing Facility, a Marihuana Dispensary, or a Marihuana Club is located, as measured between property lines. The parcel on which a Marihuana Growing Facility is located shall be situated at least one-thousand (1000) feet from a residential zoning district or a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines or a property line and zoning district boundary when applicable. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12) and any preschool.

8. Site Requirements. Marihuana Growing Facilities must be located on a site that provides:
   a. off street parking located ...;
   b. illuminated and unscreened off street parking;
   c. a front and side setback from any public sidewalk of 50 feet, measured from the face of the building to the sidewalk;
d. driveways and parking areas as specified in Section 30.4.B.2;
e. entrances and exits as specified in Section 30.4.B.2;
f. not more than one (1) sign announcing the service, shall be permitted as regulated in Section 11.7;
g. greenbelt planting and screening will be required so as to obscure view from any adjacent residential district. Screening shall consist of non-deciduous trees, not less than three (3) feet in height, planted and maintained in live condition not less than fifteen (15) feet on centers;
h. no storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials shall be permitted upon the premises.

9. Operational Requirements. A Marihuana Growing Facility shall:
a. prohibit persons under the age of 18 from entering the business, unless they are in the possession of a Registry Identification Card or the equivalent, and are accompanied by their Primary Caregiver;
b. keep all marihuana in any form within an enclosed, secured building which shall not be visible from any location outside of the building;
c. prohibit the ingestion, smoking or other consumption of controlled substances, including marihuana, on the site;
d. refrain from emitting odors emanating from the marihuana, from the building;
e. a Marihuana Growing Facility shall not operate in connection with or at a location at which any other commodity, product or service is also available.

10. Enforcement. Violations of the Marihuana Growing Facility requirements shall be subject to prosecution by the Charter Township of Union, and more than two (2) violations in any twelve (12) month period shall be cause for the revocation of the zoning permit, but only after prior written notice of each violation and thirty (30) days prior written notice of a hearing before the Zoning Board of Appeals on the question of revoking the zoning permit.

SECTION 27 I-2 LIGHT INDUSTRIAL DISTRICT
26.2 PERMITTED USES

P. Marihuana Growing Facility provided the requirements of Section 26.2.T are met.

SECTION 30 SPECIAL USE PERMITS
30.4 SPECIAL USES PERMITTED

AD. Marihuana Club, Provided:

1. The Marihuana Clubs are located only in R3-A, R3-B, B-4, B-5, B-6, or B-7 Districts.
2. There shall be no ingestion, smoking or other consumption of controlled substances, including marihuana, on the site.
3. The use shall be consistent with the requirements of Section 8.20.
4. A Marihuana Club shall not be located on the same parcel as a dwelling unit.

5. For sites located in R3-A and R3-B zoning districts the parcel on which a Marihuana Club is located shall be situated at least one thousand (1000) feet from the parcel on which another Marihuana Club is located, as measured between property lines.

6. A Marihuana Club shall be situated at least five hundred (500) feet from a parcel on which a church, house of worship, school, licensed day care, community center or public park is located as measured between property lines. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (k-12) and any preschool.

7. Driveways and parking areas shall be as specified in 30.4.B.2.

8. Entrances and exits shall be as specified in 30.4.B.2.

9. No signage announcing the use is erected on the site.

SECTION 31  PLANNED UNIT DEVELOPMENT (PUD)
(Do we want to treat uses differently? So residential still allowed for patient or caregiver and do we want to allow dispensary in commercial aspect or club?)
Comments on Zoning Amendment

- Pg 3) 8.2.1,5 - Decide if faculty can/should be allowed in accessory bldg.
- Pg 3) 8.2.2 - Decide about 2 caregivers living in one dwelling, only one caregiver in unit if at full limit of 5 plus self patients.
- Pg4) 8.2.6 - Decide if 15% of dwelling is adequate, example, 1,200 SF ranch on crawl space gets 180 SF, = 13.4’ x 13.4’ room. 1,200 SF on basement would double the size of facility. Prefer “gross SF” over “Usable” as it compiles calculation- excludes bathrooms, closets, utility rooms etc.
- Pg 4) 8.20 - Limitation on ...Group...Buildings as SUP. Odd requirements- 75% of adjacent property owners within 300’ must sign approval petition (bad practice, see Michigan Zoning and Planning, 3rd ed. Clan Crawford, Jr. Sect 2.08). Final approval is given to Twp Board. However, it is a use by right in all commercial districts, not mentioned in any Residential or Industrial district, and is not mentioned in the SUP section, except that sororities, fraternities and other similar uses except “club” specifically, but has “any other group of transitional people”. However, a marihuana club is not a housing use such as contemplated in the multi family zone. Therefore I conclude it is not an SUP but a use by right with extra steps of a petition and board approval.
- Pg 4) 13.2.D There has been an unintentional deletion of the original 13.2.D which allowed for Family Day Care as a use by right in AG zones. I checked the original document in the clerk’s files, and checked the amendments following and conclude this is a typo. We should add this provision as 13.2.H and remunerate following.
- Pgs 4~5) 14.2~20.2 All the residential zone accessory uses should be at end of permitted uses.
- P 5) 17.2 I don’t think a club is appropriate in a dwelling unit of an apartment. The R3 zone is intended for apartments and entire buildings being used as a frat, which we have historically approved in an apartment zone.
- Pg 5) 19.2 Mobile home parks (What to do about mobile homes?) I think we mention park rules trump our zoning and leave it to the parks.
- Pg 5) 20.2 This district is for owner occupied lots and is more like a standard residential zone than a mobile home park with lots being rented. We have two subdivisions based on this zone and while the density is the highest allowed, the lots are reasonably sized, especially compared to a park with 10’ between units.
- Pg 6) 22.2 Note- I am ok with a tier system for clubs and dispensaries.
- Pg 6) 23.2.K.4 – An owner may not carry the permit to another location, does this provision allow the use to be transferred to a new owner at the approved site, i.e. approval runs with the land? The licensing section states it does not run with the parcel, should this section clearly state that?
- Pg 6) 23.2.K.9.f the intent seems to not have a party store with a dispensary room, however we might add items incidental to the use and permitted under the MMMA such as paraphernalia.
- Pg 7&8) 23.2.K.8.a and similar 26.2.T.8.a Off street parking reference in accord with Section 10 and provide one parking space for each 200 SF of gross floor area.
- 8) 26.2.T.8.a Off street parking in accordance with section 10 and 10.2.D
• Pg 8) 26.2.T.7 1,500’ dispersal worked well for adult uses, and limits each business zone to one, perhaps 2 uses before they fail spacing.
• Pg 8, 9) I1 and I2 growing facilities- I would insert 1,000’ from another growing facility as consistent with dispensary spacing.
• Pg 9) 30.4 Strike clubs in R3 apartment and condo zones entirely.
• Pg 10) can we eliminate signage for clubs? And why if we can?
• Pg 10) Sect 31 PUDs- Keep residential and commercial uses in the mix.

Comments on Licensing Regulation

➢ Pg 3) 17. – Is the word “attestation” a technical term from MMMA that should be used here instead of “stating” or “Certification”? This definition is directly from the statute.
➢ Pg 3) License Required, Para 1, next to last sentence “federal” - we excluded federal law and acknowledge state law in the Purpose section, is this contradictory to that? Federal should be deleted.
➢ Pg 3) License Application, c. include “and all” with “any” – “Any and All persons holding ownership”, any problems with shell companies? Well I think they hold an ownership interest in the entity but I will work with this language to see if we can broaden it. Could an employee of Dispensary or Grow facility have a felony or misdemeanor charge under theory he is not caregiver but an employee of a caregiver? If we do not limit who can open a dispensary in the Township, then yes, an owner could have a criminal history and still open the facility even if the Caregiver/Patients are clear.
Comments on Zoning Amendment

- Pg 3) 8.2.1, 5 - Decide if faculty can/should be allowed in accessory bldg. Discuss.
- Pg 3) 8.2.2 - Decide about 2 caregivers living in one dwelling, only one caregiver in unit if at full limit of 5 plus self patients. Can still allow two caregivers as written, however, they cannot grow the maximum number of plants allowed on that site, must either move to another site for part of the growing or not serve as many patients or not grow 12 plants per patient.
- Pg 4) 8.2.6 - Decide if 15% of dwelling is adequate, example, 1,200 SF ranch on crawl space gets 180 SF, = 13.4’ x 13.4’. 1,200 SF on basement would double the size of facility. Prefer “gross SF” over “Usable” as it complicates calculation-excludes bathrooms, closets, utility rooms etc. I will talk to some folks to see if we can get examples of adequate space. I have clients that have used up to 35%, but frankly that is a lot of marihuana in one dwelling. I used useable as this further limited the space but I understand the complication. You reference “gross SF” but the ordinance definition is “gross floor area” correct.
- Pg 4) 8.20 - Limitation on ...Group...Buildings as SUP. Odd requirements-75% of adjacent property owners within 300’ must sign approval petition (bad practice, see Michigan Zoning and Planning, 3rd ed. Clan Crawford, Jr. Sect 2.08). Final approval is given to Twp Board. However, it is a use by right in all commercial districts, not mentioned in any Residential or Industrial district, and is not mentioned in the SUP section, except that sororities, fraternities and other similar uses except “club” specifically, but has “any other group of transitional people”. However, a marihuana club is not a housing use such as contemplated in the multi family zone. Therefore I conclude it is not an SUP but a use by right with extra steps of a petition and board approval. I agree that the 75% requirement and petition is strange and not a good zoning practice. However, I think we need to be careful to not overly regulate other types of clubs compared to Marihuana Clubs. So if you intend to keep 8.20 in the ordinance for other clubs, we need to decide how we want to apply it to Marihuana Clubs. As drafted, a Marihuana Club in a residential district will be by sup with a requirement of notice to those within 300 feet but not agreement of 75% as stated in 8.20. And in other districts the Marihuana Club will be by right, similar to other types of clubs, but other clubs still require that 75% by petition and a Marihuana Club will only have to meet the requirements listed in the sup section. Seems like we shouldn’t treat general clubs more strictly then a Marihuana Club. I think the real question is whether 8.20 is necessary or should also be rewritten?
- Pg 4) 13.2.D There has been an unintentional deletion of the original 13.2.D which allowed for Family Day Care as a use by right in AG zones. I checked the original document in the clerk’s files, and checked the amendments following and conclude this is a typo. We should add this provision as 13.2.H and remunerate following.
- Pgs 4~5) 14.2~20.2 All the residential zone accessory uses should be at end of permitted uses.
- P 5) 17.2 I don’t think a club is appropriate in a dwelling unit of an apartment. The R3 zone is intended for apartments and entire buildings being used as a frat, which we have historically approved in an apartment zone. Marihuana Clubs are not allowed on any parcel with a dwelling unit pursuant to 30.4.AD.4. so it would have to be on a lot without dwelling units, similar to churches or VFW halls.
• Pg 5) 19.2 Mobile home parks (What to do about mobile homes?) I think we mention park rules trump our zoning and leave it to the parks, Well for the accessory section (use in one’s home) we need to treat them like others. But let’s not allow the clubs, we just won’t list them here as an allowed use.

• Pg 5) 20.2 This district is for owner occupied lots and is more like a standard residential zone than a mobile home park with lots being rented. We have two subdivisions based on this zone and while the density is the highest allowed, the lots are reasonably sized, especially compared to a park with 10’ between units.

• Pg 6) 22.2 Note- I am ok with a tier system for clubs and dispensaries.

• Pg 6) 23.2.K.4 – An owner may not carry the permit to another location, does this provision allow the use to be transferred to a new owner at the approved site, i.e. approval runs with the land? The licensing section states it does not run with the parcel, should this section clearly state that? Interesting. The licensing permit must be specific to the location and those applying so I don’t recommend that those be transferred, but the zoning permit is really only tied to the site. However, I am concerned that if the zoning permit transfers we will have those who argue that they already have the right to continue with the business. I am going to take this provision out for now but leave it in the licensing ordinance. And, 23.2.K.2 requires both a zoning permit and license. Pag 6) 23.2.K.9.f the intent seems to not have a party store with a dispensary room, however we might add items incidental to the use and permitted under the MMMA such as paraphernalia. This is a very prohibitive provision that your PC may not want at all. The idea here is that there will not be a coffee shot and dispensary or sale of tshirts and other clothes and a dispensary. If you are ok the discussion, I would like to keep it there to point out the options and modify after the meeting?

• Pg 7&8) 23.2.K.8.a and similar 26.2.T.8.a Off street parking reference in accord with Section 10 and provide one parking space for each 200 SF of gross floor area.

• 8) 26.2.T.8.a Off street parking in accordance with section 10 and 10.2.D

• Pg 8) 26.2.T.7 1,500’ dispersal worked well for adult uses, and limits each business zone to one, perhaps 2 uses before they fail spacing.

• Pg 8, 9) 11 and I2 growing facilities- I would insert 1,000’ from another growing facility as consistent with dispensary spacing. Review this section again to be sure I made the changes consistent with your last two suggestions.

• Pg 9) 30.4 Strike clubs in R3 apartment and condo zones entirely. If I do, then they will only be allowed in the B-4 through B-7 district and I should move the regulations out of the SUP section. Right now as proposed, it is by sup in R-3A and R-3B but not in a dwelling unit, and by right, consistent with conditions, in B-4 – B-7.

• Pg 10) can we eliminate signage for clubs? And why if we can? My legal basis would be that such signage is not consistent with a residential use. What type of signage do you allow for other types of clubs in residential areas? If you include signs for those other clubs we should include signs for Marihuana Clubs. This is a sticky situation as I would love to say no signs with a marihuana leaf in a residential district but I think it is more defensible to say no sign rather than
to try and regulate the content. So if you all signs for other clubs then we should hear too, although I hope we limit them to small sizes and no neon ...

• Pg 10) Sect 31 PUDs- Keep residential and commercial uses in the mix. But not Marihuana Clubs, even if they are by right in the commercial districts?

Comments on Licensing Regulation

➢ Pg 3) 17. – Is the word “attestation” a technical term from MMMA that should be used here instead of “stating” or “Certification”?
➢ Pg 3) License Required, Para 1, next to last sentence “federal” - we excluded federal law and acknowledge state law in the Purpose section, is this contradictory to that?
➢ Pg 3) License Application, c. include “and all” with “any” – “Any and All persons holding ownership”, any problems with shell companies? Could an employee of Dispensary or Grow facility have a felony or misdemeanor charge under theory he is not caregiver but an employee of a caregiver?
NOTICE is hereby given that a Public Hearing will be held on Wednesday, April 20, 2011, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Planning Commission for the purpose of hearing any interested persons regarding adoption of a new Master Plan for Union Charter Township.

The Master Plan includes information about the demographics, natural features and land uses in the Township. The Plan formulates goals for the future land use actions in the township that are the result of an analysis of the existing conditions, four community input sessions, a survey and staff direction. There are chapters devoted to a discussion of utilities, transportation, the rural/urban interface, development opportunities and collaboration opportunities. An implementation plan and Future Land Use Plan offer direction for future activities in the township to further the goals expressed in the text.

Any interested person may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning the Master Plan may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

William Woodruff,
Zoning Administrator
January 24, 2011

Woody Woodruff
Union Township Zoning Administrator
2010 S. Lincoln
Mount Pleasant, MI 48858

Dear Mr. Woodruff:

Per the requirements of the Michigan Planning Enabling Act, the Isabella County Planning Commission reviewed the draft of the proposed new Union Township Master Plan at their January 13, 2011 meeting. After review, the Planning Commission considers the Plan to be consistent with the Isabella County Master Plan. Further, the Commission does not consider the Plan to be inconsistent with the Master Plans of the surrounding municipalities. Attached is the excerpt of the unapproved minutes from their meeting related to the review.

The Isabella County Planning Commission would like to thank you for the opportunity to review and comment on your new Master Plan. If you have any questions or concerns, please feel free to contact my office at (989) 772-0911, ext 208 or at mzalewski@isabellacounty.org.

Sincerely,

Michael Zalewski
Isabella County Planner/Zoning Administrator
PUBLIC COMMENT

None heard.

REVIEW OF UNION TOWNSHIP MASTER PLAN

Mr. Zalewski explained that staff has previously sent out two emails with a link to the draft Master Plan. Staff has reviewed the plan thoroughly and would remind the Commission that the Michigan Planning Enabling Act states that the County Planning Commission shall submit comments that include but not limited to the following:

a. A statement whether the County Planning Commission considers the proposed Master Plan to be inconsistent with the Master Plan of any contiguous municipality.

b. A statement whether the County Planning Commission considers the proposed Master Plan to be inconsistent with the County Master Plan

The statements and all other comments provided by the Commission are advisory only. He further stated that it appears that the Union Township Master Plan is consistent with the Master Plans for the City of Mt. Pleasant and Isabella County.

Mr. Zalewski further referenced particular sections of the plan that were not concerns necessarily but rather certain items of interest. He stated that he has contacted Union Township, but has not yet spoken with Woody Woodruff regarding these points. The first item was on page 73, there is a chart of building permits by zoning district; however, there is no data since 2003 and also they have no data for 1998. And after 1998 the number of permits jumps considerably. On page 83 they state “There is a pending lawsuit between the Tribe and the City of Mt. Pleasant, Isabella County and the State of Michigan...” This lawsuit has since been settled. He also stated that he received an email from Commission member Vance Johnson regarding the future land use map on page 99, along M-20 west of town. The future land use map has this area designated as A-3 and this was a concern for Central Asphalt, which they intend to bring up to the Township directly. In reviewing the language of the plan, it appears that the A-3 designation is intending to allow for mixed land use and development based on existing characteristics of the area.

Mr. Nieporte stated that the Union Township plan is utilizing three Agricultural Classifications similar to what is used in the County Zoning Ordinance. The A-3 classification being the area that should be developed first.

Mr. Zalewski stated that if they are not already, Union Township should consider updating their ordinance as well to bring it in line with their new Master Plan.

Mr. Gilchrist asked if the DEQ or Health Department have to be consulted when writing a Master Plan.

Mr. Nieporte stated that no it is not required that the Health Department and the DEQ be notified; staff looks at the flood plains when doing their planning.

Ms. Alwood stated that the Union Township Master Plan was nicely developed; they incorporated interviews and photos to make the document look nice. The document does seem
to date itself though, as they mention that the waste water treatment plan funding will be closed in the late fall of 2010 and they also mention pending litigation with the tribe. She also suggested that labeling of the parks would be nice on their parks map.

Mr. Neyer stated that Union Township thoroughly discussed farmland preservation in their Draft Master Plan.

It was the consensus of the board that the proposed Master Plan is not inconsistent with the County Master Plan and does not appear to be inconsistent with the Master Plans of the other contiguous municipalities. The board requested staff to forward the comments to Union Township.

Mr. Zalewski stated that a ‘Notice of Intent’ was received from Jasper Township, so it would be expected that a Draft Master Plan may be coming from them in the coming year. They are located in Midland County directly East of Coe Township.

REVIEW OF THE PLANNING COMMISSION ANNUAL REPORT

Mr. Zalewski explained that the Planning Commission is required to make an annual written report to the Board of Commissioners concerning their operations and the status of planning activities. Staff has prepared the 2010 annual report for your review. The Commission will need to review the report and decide to send it to the Board of Commissioners with or without changes. In this year’s report staff has included a copy of the annual ‘zoning permit and violation activity report’ that is sent to the Townships. Also included is a copy of the annual variance report presented to the ZBA at their last meeting. This report is intended to provide an overview of all planning and zoning activities in the last year.

Ms. Alwood suggested that the board should visit each township that the County has zoning jurisdiction over once per year.

It was the consensus of the board to forward the Planning Commission Annual Report to the Board of Commissioners.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Nieporte discussed the department web page update as well as the new map viewer update. The update to the map viewer makes it much more user friendly as well as gives the user more tools to use. He also talked about bidding on publishing the county plat book, in hopes that we can save the Extension office some cost and also be able to allow them to purchase fewer books, thus keeping the cost down. Creating this plat book will also help the County off set costs to the general fund because we will be bringing revenue into the GIS fund. He explained that the department has been working on creation of layers as well as many updates to the GIS layers that we currently have, such as Roads, Hydro, and Point address files. These files are being used by central dispatch to help the dispatchers better route personnel to emergency locations as needed.
February 18, 2011

Mr. Woody Woodruff, Zoning Administrator
Charter Township of Union
2010 S. Lincoln
Mt. Pleasant, Mi. 48858

Re: Draft Master Plan

Dear Mr. Woodruff,

Having read the Draft Master Plan, it appears that there has been much time and effort put forth in your attempt to address the many and varied interests that comprise our community. I compliment you on this effort.

As we previously discussed, my comments are primarily directed to the area along and south of M-20 primarily from Bradley Road west to Lincoln Road. A significant portion of these properties are owned by various Fisher Companies who have been operating commercial and industrial businesses at these locations since the 1950’s. The existing land use map on page 41 of the draft fairly accurately reflects these uses.

One item of particular importance stuck out to me when comparing the existing land use map and the future land use map (pg 99). While the northern and eastern areas of the map remain largely consistent between the two maps, the area to the west retains no consistency whatsoever. In fact the future land use map projects no residential, commercial, or industrial area whatsoever west of Crawford Road. This, simply put, is not a fair characterization of how land is being used in the western half of the township.
The data in the draft master plan clearly supports protecting existing farm land (pg 33) which is presumably why the draft future use map is drawn the way it is. It would seem, however, that any area receiving an agricultural designation should at least be capable of sustaining some type of agricultural activity, and that is simply not the case in much of this area. Using the maps found on pages 17 and 31 it is clear that the area bordered by Bradley, Broomfield, Meridian and Remus Roads contains no suitable agricultural land. Understanding that the agricultural designation of A-3 provides for development in accordance with existing zoning and a “strict set of rules” (pg 37), I am still concerned that the future use map would be drawn in a manner so inconsistent with present and trending land use.

I ask that the future land use map be redrawn to take these concerns into account.

Thank you for your consideration,

Vance Johnson
Fisher Companies
APPLICATION FOR SPECIAL USE PERMIT

Kimberly y Alfredo Morado

I (We) Partio Property Management

AT 5271 Jonathon Ln

OWNERS OF PROPERTY

LEGAL DESCRIPTION AS FOLLOWS:

T 14 N  R 4 W  Sec 13
Country Squire Estates
Sub #2  Lot 64

Respectfully request that a determination be made by the Township Board on the following request:

X I. Special Use Permit

II. Junk Yard Permit

***************************************************************

Note: Use one of the sections below as appropriate. If space provided is inadequate, use a separate sheet.

I. Special Use Permit is requested for Kims Kinz Daycare

Give reason why you feel permit should be granted: Kim Morados kindergarten

II. Junk Yard Permit requirements are:

Location of property to be used 

Zoning of the area involved is 

Zoning of the abutting areas 

***************************************************************

Fees $200 Signature of Applicant

Kimberly A. Morado

9441919 Rec#9441921
For a county or township, a group day-care home shall be issued a special use permit, conditional use permit, or other similar permit if the group day-care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group day-care home.

(ii) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.

(iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group day-care home to identify itself.

(f) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
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Affidavit of Publication

STATE OF MICHIGAN
County of Isabella
County of Gratiot
County of Clare

Al Frattura being duly sworn, deposes and says that he is Publisher of the MORNING SUN, a public newspaper printed and published by Morning Star Publishing Company, in the Cities of Mt. Pleasant (Isabella County), Clare (Clare County) and Alma (Gratiot County) in said counties and circulated in said cities and counties, that the annexed printed notice was duly printed and published in said newspaper at least once in each week for 1 successive week(s), and that the first publication of said notice in said newspapers was on the 5th day of April, 2011 and that last publication of said notice in said newspapers was on the 5th day of April, 2011.

Al Frattura

Subscribed and sworn to before me the 6th day of April 2011.

Linda Kunkel
Notary Public

My commission expires

UNION TOWNSHIP PUBLIC HEARING
NOTICE - SPECIAL USE PERMIT

NOTICE: is hereby given that a Public Hearing will be held on Wednesday, April 20, 2011, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Planning Commission for the purpose of hearing any interested persons in the following request for a Special Use Permit, as allowed by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by Kimberly and Alfredo Morado, a Special Use Permit in a R2B zone for a Group Day Care.

Legal Description of property: T14N R4W Sec 13, Country Squire Estates Sub #2, Lot 64.

This property is located at 5271 Jonathon Lane.

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Phone (989) 772 4600 extension 241.

William Woodruff,
Zoning Administrator
DEAR FRIENDS AND NEIGHBORS,

THIS LETTER IS PRESENTED IN MY ABSENCE FROM MT PLEASANT. I AM SERIOUSLY CONCERNED ABOUT A VENTURE OF THIS NATURE. IT WILL IN MY OPINION HAVE THE EFFECT OF LOWERING THE PROPERTY VALUES. IF NOT CONDUCTED IN A PROPER AND ORDERLY MANNER.

ALSO THE FENCE MAY NOT BE ADEQUATE FOR A VENTURE OF THIS NATURE. I HAVE SEVERAL MORE QUESTIONS SUCH AS HOW MANY IS THIS DAY CARE BEING LICENSED FOR? AND WILL THE PROPRIETORS HAVE A VESTED INTEREST IN THIS NEIGHBORHOOD. WHAT ASSURANCE DO WE HAVE OF THE PLACE BEING KEPT IN A NEAT AND CLEAN MANNER. SINCE I AM AN EQUITY HOLDER IN A PROPERTY VERY NEAR TO THIS ONE SOME TYPE OF WRITTEN AGREEMENT AND CERTAIN MONIES SET ASIDE IN A FUND TO REMEDY SUCH THINGS AS UP GRADED FENCING, AND OR ANY ADDITIONAL CLEANING OR REPAIRS SHOULD THE NEED ARISE.

THANK YOU FOR TAKING INTO CONSIDERATION THESE CONCERNS.

REGARDS,

KURT