

ORD. NO. 2018-02
SPECIFIC CRITERIA FOR MEDICAL MARIJUANA FACILITY
SPECIAL USE PERMITS

Marijuana growers and marijuana processors shall be subject to the following standards:

1. Minimum Lot Size, A minimum lot size standard shall apply as follows:
 - a) In the Agricultural District, the subject property shall be a minimum of one (1) acre;
 - b) In the Commercial or Industrial zoning districts, the minimum lot size shall be as set for in the district regulations pertaining to all parcels in said districts.

2. Minimum Yard Depth/Distance from Lot Lines. For outdoor production, the setback requirements shall be as follows:
 - a) Front yard setback: 30 feet;
 - b) Side yard setbacks: 20 feet;
 - c) Rear yard setback: 20 feet.

3. Indoor Production and Processing. In the Commercial and Industrial zoning districts, marijuana production, to the extent authorized by Arlington Township Ordinance(s), shall be located entirely within one or more completely enclosed buildings.

4. Maximum Building Floor Space. The following standards apply in the Commercial and Industrial zoning districts:
 - a) Building floor space of up to fifty percent (50%) of the subject lot size (as measured in square yards) may be used for all activities associated with marijuana production on the subject property;
 - b) If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building,

5. Security Cameras. Security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.

ZONING ORDINANCE
ARTICLE XIII
SPECIAL USE PERMIT CRITERIA

13.01 (C)

Planning Commission Recommendation. The Planning Commission shall review the application for the special use permit, together with any findings and reports and recommendations of Township consultants and other reviewing agencies. The Planning Commission shall make a recommendation to the Township Board for approval, approval with conditions, or denial of the special use request.

13.01 (D)

Standards for Granting Special Use Approval. Upon receipt of the Planning Commission's recommendation the Township Board shall base its action on the following standards:

1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
3. The proposed special use shall be compatible with and in accordance with the general principles and future land use configuration of the Township Land Use Plan and shall promote the intent and purpose of this Ordinance.
4. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
 - a) The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - b) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
 - d) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - e) The hours of operation of the proposed use. Approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

5. The location of the proposed special use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
 - a) Proximity and access to major thoroughfares.
 - b) Estimated traffic generated by the proposed use.
 - c) Proximity and relation to intersections.
 - d) Location of and access to off-street parking.
 - e) Required vehicular turning movements.
 - f) Provision for pedestrian traffic.
6. The proposed special use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
7. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
8. The proposed use shall be compatible with the natural environment.

ZONING ORDINANCE
ARTICLE V
SITE PLAN APPROVAL

SECTION 5.04 CRITERIA FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Township Board as a basis upon which site plans will be reviewed and approved, after receiving a recommendation from the Township Planning Commission. The Township Planning Commission and the Township Board shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.

- B. The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.
- C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.
- E. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent properties. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. All streets shall be developed in accordance with the Van Buren County Road Commission design specifications.
- H. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this Ordinance. Building entrances designed for vehicular access shall not access any building through the front yard of a development.
- I. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

- J. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.