

**TOWNSHIP OF DALTON**  
**COUNTY OF MUSKEGON, MICHIGAN**

At a regular meeting of the Township Board of the Township of Dalton, held in the Township Hall, 1616 East Riley Thompson Road, Muskegon, Michigan, on the 8th day of February, 2021, at 6:00 p.m.

PRESENT: Nola Twining, Lee Witte, Renea Knight, Kerry Knight, Gerold Flater, Lori Hayes and Jeffrey Martin.

ABSENT: None.

The following ordinance was offered by Member Gerold Flater and seconded by Member Lori Hayes.

**ORDINANCE NO. 2021-01**

**AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE**

**[Marihuana Facilities]**

THE TOWNSHIP OF DALTON ORDAINS:

Section 1. **Marihuana Facilities.** The zoning ordinance of the Township of Dalton is amended by the addition of Section 4.55 thereto as follows:

**4.55 Treatment of Marihuana Facilities.**

- A. Dalton Township provides for certain types of facilities or establishments licensed under the Medical Marihuana Facilities Licensing Act (“MMFLA”) and the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”) under the zoning ordinance by making specific reference to the type of facility or establishment allowed using the definitions in those statutes. If those facilities or establishments are permitted in the zoning ordinance, they are permitted only by specific reference to a “grower,” “processor,” “provisioning center,” “safety compliance facility,” or “secure transporter” as those terms are defined by the MMFLA and MRTMA, and the terms “marihuana micro-business” and “marihuana retailer” as defined by the MRTMA. The term “grower” shall include all classes of growers, unless a specific class is specified. These facilities or establishments shall not be considered to be similar to or to fall within any other category of use provided for in the zoning ordinance. By way of example and not limitation, none of these listed uses shall be considered to be a farm, greenhouse, home occupation, accessory use, personal service establishment, restaurant, retail store, drug store or pharmacy, manufacturing facility, office, or laboratory.

- B. Without limiting the generality of the foregoing, no marihuana facility or establishment described in the MMFLA or MRTMA is permitted in the R-1, R-2, or RM district.
- C. On-premises consumption as a Designated Consumption Establishment or for a Temporary Marihuana Event pursuant to the rules of the MRTMA are prohibited anywhere within the Township.
- D. The Zoning Board of Appeals shall not have jurisdiction to approve a use variance for a marihuana facility or establishment.

Section 2.     **Marihuana Growers.** Section 5.2 of the Dalton Township Zoning Ordinance is hereby amended by the addition of subsection H. thereto as follows:

- H. Licensed marihuana grower limited to a Class A license issued under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, or a Class A grower licensed under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, or both such Acts, provided that the total number of plants is limited to not more than 100. Growers are permitted only on a parcel under common ownership of 10 contiguous acres or more, not separated by a public right-of-way. This provision shall not be construed to allow 100 plants per 10 acres, but such that only one operation of up to 100 plants is permitted for a parcel meeting or exceeding the above qualifications. The Zoning Board of Appeals does not have jurisdiction to vary these requirements on use of the property.

Section 3.     **Retail Marihuana Facilities.** Section 11.2 of the Dalton Township Zoning Ordinance is hereby amended by the addition of subsection X thereto, and renumbering of the currently existing subsection X to Y, as follows:

- X. Licensed Provisioning Center, as defined by the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, and Licensed Marihuana Retailer as that term is defined by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, subject to the following:
  - 1. Not more than a combined total of 2 provisioning centers and/or marihuana retailers (not 2 of each) are permitted in that portion of the existing C-2 district abutting M-120, and not more than a combined total of 2 provisioning centers and/or marihuana retailers (not 2 of each) are permitted in the existing C-2 district abutting Whitehall Road. A provisioning center and marihuana retailer operating in the same building shall be treated as one facility or establishment. The permitted locations shall be allocated on a first come, first served basis to facilities or establishments which have and maintain the appropriate State licensing and any Township license, and which have received a land use permit and site plan review, if applicable, and any other Township zoning approval required. Land use approval may be given contingent upon receipt of a State and Township license. Priority for the number of permitted locations shall, if necessary, be based upon the issue date of the State license.
  - 2. The establishment is not located within 1,000 feet of a pre-existing public or private school providing an education in kindergarten or any of grades 1 through 12,

measured as the nearest distance between the marihuana establishment building and the property line of the school grounds.

3. There shall be no consumption of marihuana products on site.
4. The property and building shall be in compliance with all current requirements of the Zoning Ordinance for lot area, lot width, setbacks, overlay district requirements, and all other requirements. Properties or buildings which have non-conforming status are not eligible for this use.
5. The building shall have a minimum floor area of 1,500 square feet and shall be constructed or have been constructed as a commercial building, not a residential structure.
6. The facility or establishment shall be open for business not more than 12 hours, between the hours of 6 a.m. and 10 p.m. A schedule with the hours of operation shall be filed with the Township Zoning Administrator and changed not more often than once every 3 months.
7. The Zoning Board of Appeals does not have jurisdiction to vary these requirements on use of the property.

Section 4. **Safety Compliance Facilities; Secure Transporters.** Section 12.2 of the Dalton Township Zoning Ordinance is hereby amended by the addition of subsections O. and P. thereto, and re-numbering of current subsection O. to subsection Q. as follows:

- O. Marihuana Safety Compliance Facility licensed under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016 or the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, or both.
- P. Marihuana Secure Transporter licensed under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016 or the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, or both.

Section 5. **Section 4.18A Providing of Medical Marijuana.** That section 4.18A be deleted in its entirety.

Section 6. **Publication; Effective Date.** A summary of this ordinance shall be published in a newspaper of general circulation. This ordinance shall take effect thirty days following such publication.

AYES: Gerold Flater, Lori Hayes, Lee Witte and Jeffrey Martin.

NAYS: Nola Twining, Renea Knight and Kerry Knight.

ORDINANCE DECLARED ADOPTED.

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Lori Hayes, Township Clerk

Adopted: February 8, 2021

Published: February 21, 2021

Effective: March 23, 2021

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Dalton Township Board at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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Lori Hayes, Township Clerk