

**Vassar Township
Tuscola County, Michigan
Ordinance Authorizing and Permitting
Commercial Marijuana Facilities
Ordinance No. 2017-02**

SECTION 1.1 PURPOSE

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Marijuana Facilities in the Township of Vassar and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marijuana facilities in Vassar Township through the imposition of annual, nonrefundable licensing fees of not more than \$5,000.00 on each Commercial Marijuana Facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq. As amended; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801 et seq., which makes it unlawful to manufacture, distribute or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

SECTION 1.2 DEFINITIONS

- A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

"Affiliate" means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

"Application" means an application for a permit under this ordinance and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the **"applicant."**

"Commercial Marijuana Facility", "Marihuana Facility" or "Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Department" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Marijuana Facility.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marihuana" or "Marijuana" means that the term as defined in the Public Health Code. MCL 333.1101 et seq.; the Medical Marihuana Act MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable. See Marihuana plant.

"Marihuana plant" means any plant of the species Cannabis sativa L.

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

"Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

"Permit" means a current and valid permit for a Commercial Marijuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property.

"Permit Holder" means the person that holds a current and valid permit under this ordinance.

"Permitted Premises" Means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421 et seq., is not a provisioning center for purposes of this act.

"Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

"Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

"Registry identification card" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

"State operating license" or, unless the context requires a different meaning, **"license"** means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Township" means Vassar Township, a general law township located in Tuscola County, Michigan.

SECTION 1.3 AUTHORIZATION OF FACILITIES AND FEES

- A. The maximum number of each type of Commercial Marijuana Facility located in The Township of Vassar is set as follows at the time of adoption, but will be reviewed annually or as determined to be advisable at the discretion of the Vassar Township Board of Trustees.

The review and its findings shall be recorded in the minutes of the relevant meeting of the Vassar Township Board.

Type of Facility	Number Allowed
Grower Type A (Up to 500 plants)	Unlimited
Grower Type B (Up To 1,000 plants)	Unlimited
Grower Type C (Up to 1,500 plants)	Unlimited
Secure Transporter	Unlimited
Processor	Unlimited
Safety Compliance Facility	Unlimited
Provisioning Center	5

- B. A non-refundable local permitting fee shall be paid annually to the Township of Vassar by each Commercial Marijuana Facility licensed under this ordinance of no more than \$5,000 as set by resolution of the Vassar Township Board of Trustee's.

SECTION 1.4 GENERAL REQUIREMENTS

- A. No person shall operate a Commercial Marijuana Facility in the Township of Vassar without a valid Marijuana facility permit issued by the Township of Vassar and shall operate pursuant to the provisions of this ordinance.
- B. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- C. At the time of application, each Applicant shall pay a non-refundable application fee to defray the costs incurred by the Township as set by resolution of the Vassar Township Board of Trustee's, not to exceed any limitations imposed by Michigan Law.
- D. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder, and shall remain valid for one year, until the November 15th immediately following its approval. A completed application or renewal application must be received by the Township Zoning Administrator or Planning Commission Chairman no later than August 15th of each year in order to grant or renew the permit effective on November 15th of that year.
- E. Each year, any pending applications for renewal of existing permits shall be reviewed and granted or denied before applications for new permits are considered.
- F. It is the sole and exclusive responsibility of each current or prospective permit holder to at all times during its' operation or application period, immediately provide Vassar Township with all material changes in any information previously provided that may materially affect any state or local permit.
- G. No permit issued under this ordinance may be assigned or transferred to any person unless the assignee or transferee has submitted an application, fees and documentation required under this ordinance and has been granted a local permit by Vassar Township. No permit

issued under this ordinance is transferable to any other location other than the permitted premises on the permitted property.

- H. The original local permit issued under this ordinance shall be prominently displayed in the facility in a location where it can be readily viewed by the public, law enforcement or administrative officials at all times.
- I. Acceptance by the permit holder of a permit constitutes consent by the permit holder and its' owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random, unannounced examinations of their facility and all articles of property therein at any time to insure compliance with this ordinance, the permit or local and state regulations.
- J. A permit holder may not engage in any other marijuana facility on the permitted property or premises without first obtaining a separate local permit.
- K. No permit shall be granted or renewed for a Commercial Marijuana Facility in a residence, building or area not specifically zoned for that purpose.
- L. Receiving and maintaining a valid Marijuana Facility license issued by the State of Michigan is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.

SECTION 1.5 APPLICATION FOR PERMITS

- A. An application for a permit to operate a Commercial Marijuana Facility must be on a form provided by Vassar Township and shall be submitted to the Township Zoning Administrator or Planning Commission Chairman along with the following information:
 - 1. The name, address, phone number and email address of the applicant/s and the type of proposed commercial marijuana facility.
 - 2. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the proposed commercial marijuana facility.
 - 3. One copy each of the following:
 - a) Documentation showing the applicant's valid tenancy, ownership or other legal interest in the property and premises propose to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property, authorizing its' use for a commercial marijuana facility.
 - b) If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.
 - c) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed facility.
 - d) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - e) Application for a sign permit, if a sign is being proposed.
 - f) The non-refundable application fee as set by the Vassar Township Board.
 - g) Whether any applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application,

- denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
- h) A site plan of the proposed property and an interior floor plan of the proposed premises for the facility as required by the zoning ordinance.
 - i) Information regarding any other Commercial Marijuana Facility that the applicant is currently authorized to operate in any other jurisdiction within Michigan, another state or country and the applicant's involvement in each facility.
 - j) Application for Special Use Permit to be issued by the Township Planning Commission
 - k) Application for Site Plan review to be issued by the Township Planning Commission
- 4. Any other reasonable information requested by Vassar Township that is considered to be relevant to the processing or consideration of the application.
 - 5. Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure (FOIA) under state law.
- B. Upon receipt of the application and accompanying documentation, the Vassar Township Zoning Administrator or Planning Commission Chairman shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Zoning Administrator or Planning Commission Chairman shall act to process an application not later than fourteen business days from the date the application was accepted. If the application is deemed complete, the Zoning Administrator or Planning Commission Chairman shall forward all information to the Planning Commission and establish a date for public hearing and Planning Commission review.
- C. A provisional application means only that the applicant has submitted a valid application for a Commercial Marijuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township. The permits and approvals required include but are not limited to:
- 1. Special Use Permit as issued by the Township Planning Commission
 - 2. Site Plan approval from the Township Planning Commission
- D. Within 10 business days of the planning commission's approval of the applicant's Site Plan, Special Use Permit and Commercial Marijuana Facility Permit and payment of the annual non-refundable local permitting fee, the Vassar Township Planning Commission Secretary shall issue the Commercial Marijuana Facility Permit in order of the previously assigned sequential application number.
- E. An application is valid for one year from the processing date issued by the Township Zoning Administrator or Planning Commission Chairman. If all permits and approvals are not received in that time frame, the application shall be null and void.

SECTION 1.6 PERMIT RENEWAL

- A. A commercial marijuana facility permit shall expire the November 15 following final approval unless renewed by the Vassar Township Planning Commission and is valid until that date unless revoked as provided by law.
- B. A valid Commercial Marijuana Facility Permit may be renewed on an annual basis by submitting a renewal application form provided by Vassar Township and payment of the annual local permit fee. Renewal applications must be filed at least 90 days prior to the expiration of the facility's permit or 120 days prior for changes of location. Vassar Township will not accept renewal applications and permit forfeiture will result after the expiration date.

SECTION 1.7 APPLICABILITY

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Marijuana Facility were established without authorization before the effective date of this ordinance.

SECTION 1.8 PENALTIES AND ENFORCEMENT

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Vassar Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this ordinance.
- C. This ordinance shall be enforced and administered by the Township Zoning Administrator or such other Vassar Township official as may be designated from time to time by resolution of the Vassar Township Board of Trustees.

SECTION 1.9 SEVERABILITY

In the event any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 1.10 OPERATIONAL REQUIREMENTS

- A. A Commercial Marijuana Facility issued under this ordinance and operating in Vassar Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it deems reasonable.
- B. **Scope of Operation.** Commercial Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building and health departments. The Facility must hold a valid local Permit and State Commercial Marijuana Facility license for the type of Facility intended to be carried out on the permitted property. The Facility owner, Operator or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.

- C. **Location.** Each Commercial Marijuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial Marijuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of marijuana.
- D. No person under the age of eighteen (18) shall be allowed to enter into a Commercial Marijuana Facility without a parent or legal guardian.
- E. **Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - 1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility;
 - 2. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - 3. A locking safe permanently affixed to the permitted premises that shall store all usable marijuana and cash remaining in the Facility overnight;
 - 4. All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility; and
 - 5. All security recordings and documentation shall be preserved for at least 5 days by the permit holder and made available to any law enforcement upon request for inspection.
- F. **Sale of Marijuana.** Marijuana and marijuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.
- G. **Sign Restrictions.** No pictures, photographs, drawings or other depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible from outside of the Permitted Premises on the Permitted Property.
- H. **Use of Marijuana.** The sale, consumption or use of alcohol or tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.
- I. **Indoor Operation.** All activities of Commercial Marijuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or transfer of marijuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility.
- J. **Unpermitted Growing.** Only the entity named in a permit may grow at a commercial Marijuana grow facility.
- K. **Additional Conditions.** The Vassar Township Board may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

SECTION 1.11 EFFECTIVE DATE

This Ordinance shall take effect fifteen (15) days following publication or posting after final adoption by the Vassar Township Board of Trustees.

The undersigned Supervisor and Clerk of the Township of Vassar hereby certify that this Ordinance was duly adopted by the Vassar Township Board on the 10th day of October, 2017 and was published in the Tuscola County Advertiser on the 14th day of October, 2017. This Ordinance shall take effect fifteen (15) days after said date of publication.

Bruce Foether, Township Supervisor

Michael Clinesmith, Township Clerk

3. No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.
4. ~~Any medical marijuana dispensary shall be at least one thousand (1,000) feet from any school property line or from any church, library, or licensed day-care center.~~

I. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. SPECIAL LAND USES.

A. Private parks, recreation facilities and activities, campgrounds, shooting ranges, and golf courses.

1. Minimum site size shall be twenty (20) acres.
2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
3. Activities shall be adequately screened from abutting property.
4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
5. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

B. Home Occupations Outside of Dwellings.

1. The home occupation must be conducted entirely within an enclosed building.
2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.
3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.

- d) That the restrictions could be enforced by all property owners and by the Township.
8. Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
- a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c) That the restrictions could be enforced by all property owners and by the Township.

- P. Commercial marijuana grower
- Q. Commercial marijuana processor
- R. Commercial marijuana secure transporter
- S. Commercial marijuana safety compliance facility

ARTICLE 6

RM Medium Density Residential

Section 6.01. PRINCIPAL USES PERMITTED

- A. Single and two family dwellings (subject to Section 12.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations with dwellings (subject to the requirements of 5.01.F.)
- F. Buildings, structures and uses which are necessary to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

- A. Multiple family dwellings on parcels at least five (5) acres in size.
 - 1. There shall be no more than six (6) dwelling units per acre unless the units are served by a municipal sewer system.
 - 2. Each dwelling unit shall contain the minimum number of square feet specified in Section 9.02.

5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
 6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than (1) foot candle measured at floor level.
- G. Drive-Through Restaurants.
1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
 2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.
- H. Wholesale business operations.
- I. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments which do not serve alcoholic beverages.
- J. Commercial marijuana provisioning center
- K. Commercial marijuana processor
- L. Commercial marijuana secure transporter
- M. Commercial marijuana safety compliance facility

ARTICLE 9

I Industrial District

Section 9.01. PRINCIPAL USES PERMITTED, SUBJECT TO THE SITE PLAN REVIEW REQUIREMENTS OF ARTICLE 15.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial or commercial production.
- B. Truck terminals.
- C. Public utility service yards.
- D. Repair facilities.
- E. Laboratories.
- F. Warehousing, storage, or wholesale facilities.
- G. Building material sales operations.
- H. Crop production.
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Junk or recycling yards.
 - 1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
 - 2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
 - 3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
 - 4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.
- B. Recycling facilities.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications or wind generation towers (pursuant to Section 12.12).
- F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- G. Airports.
- H. [Commercial marijuana grower](#)
- I. [Commercial marijuana processor](#)
- J. [Commercial marijuana secure transporter](#)
- K. [Commercial marijuana safety compliance facility](#)

ARTICLE 10

Area, Setback and Height

Section 10.01. COMPLIANCE.

- A. All lots and structures shall comply with the area, setback, and height requirements of Section 10.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

ARTICLE 16

Procedures For Special Land Use Approval By Planning Commission

Section 16.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 16.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 16.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, lighting, or other causes.
- A. All specific requirements of the zoning district where the proposed use would be located shall be complied with.
- E. A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of State law, may be permitted through the issuance of a special land use permit pursuant to Article 16 of the Vassar Township Zoning Ordinance, in the specified zones, provided that:
 - 1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Vassar Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Vassar Township shall suspend the acceptance of applications for special land use permits pending the resolutions of the legal issue in question.
 - 2. At the time of application for the special land use permit, the marijuana facility must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marijuana Act, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
 - 3. At the time of application for a special land use permit (SLUP), the marijuana facility must have the Vassar Township permit application concurrently in process with the special land use permit and site plan approval, and then must be at all times in compliance with the Zoning ordinance of Vassar Township.

4. A marijuana facility, or activities associated with the licensed growing, processing, testing, or sale of marijuana, may NOT be permitted as a home occupation or accessory use nor may they include accessory uses, except as otherwise provided in this ordinance.
5. Signage requirement for marijuana facilities, unless otherwise specified, are as provided in Section 12.06 of the Vassar Township Zoning Ordinance.
6. Security – Medical Marijuana permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility;
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking safe permanently affixed to the permitted premises that shall store all Marijuana and cash remaining in the Facility overnight;
 - d. All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanges, displayed or dispensed outside the facility;
 - e. All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
- F. Marijuana growers shall be subject to the following standards:
 1. Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall comply with Section 10.02 of the Vassar Township Zoning Ordinance.
 2. Indoor Production and Processing. Marijuana production and processing shall be located entirely within one or more completely enclosed buildings.
 3. Lighting. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from dusk to dawn the following day.
 4. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
5. 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.
- G. Marijuana processors shall be subject to the following standards:
 1. Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall comply with Section 10.02 of the Vassar Township Zoning Ordinance.
 2. Indoor Production and Processing. Marijuana production and processing shall be located entirely within one or more completely enclosed buildings.

3. 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.
4. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

H. Marijuana Provisioning Centers shall be subject to the following standards:

1. Hours of Operation - A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 8:00 p.m., or as required by the State of Michigan.
 2. Indoor activities - All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window.
 3. Other Activities - Marijuana, alcohol or tobacco products shall not be smoked, ingested, or otherwise be consumed in the building space occupied by the provisioning center or the facility's permitted property.
 4. Physical Appearance - The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
 5. Buffer Zones - A provisioning center permitted premises shall not be located within 500' feet of any building on an adjacent property comprising an educational institution or school, college or university, church, house of worship or other religious facility, licensed child care center or preschool or public or private youth activity facility, with the minimum distances measured horizontally between the nearest buildings.
7. Odor - As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

I. Marijuana Safety Compliance Facilities shall be subject to the following standards:

1. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
2. Odor - As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - e. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

f. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

g. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

h. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

J. Marijuana Secure Transport Facilities shall be subject to the following standards:

1. No vehicle may be used for the ongoing or continuous storage of marijuana, but may only be used incidental to, and in furtherance of, the transportation of marijuana.
2. Vehicles used for the transport of marijuana must be stored indoors when not in use.

K. Additional Conditions. The Vassar Township Planning Commission may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

L. In addition to the items to be provided for a Special Use Permit according to Section 16.01, the applicant shall also provide a business operations plan that includes the following:

1. A description of the type of facility proposed and the anticipated or actual number of employees.
2. A security plan meeting the requirements of this ordinance and the State of Michigan.
3. A description by category of all products to be sold.
4. Material Safety Data Sheets for all nutrients, pesticides and other chemicals to be used in the facility.
5. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside the proposed facility.
6. A plan for disposal of marijuana and related byproducts that will be used at the proposed facility.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 16.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

4. No outdoor storage or display of merchandise or materials shall be allowed.
5. There shall be no more than two (2) employees, other than family members who reside in the home on the property.

C. Dog kennels and the raising of fur bearing animals.

1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.

Section 21.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual

Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons.

AFFILIATE. Any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BED AND BREAKFAST ESTABLISHMENTS. A structure which was constructed for single- family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Vassar.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

MARIHUANA FACILITY, MARIHUANA FACILITY OR FACILITY. An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver “as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

CONDOMINIUM, SITE. A condominium development which includes only detached single-family residences located on individual sites.

CONDOMINIUM, UNIT. That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any "condominium unit" consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance with minimum lot size or lot width.

DAY-CARE HOME, FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY-CARE HOME, GROUP. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FAMILY. One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, stables, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (½) of the basement height is above the finished lot grade.

FORESTRY. Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.

GROWER A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

HOME OCCUPATION. A commercial activity located within a residence or a residential accessory building in an area which is zoning for residential use.

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL. Any property on which four (4) or more dogs, or similar animals, which are four (4) months of age or older, are kept or harbored.

LICENSEE [A person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.](#)

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Tuscola County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

MARIJUANA OR MARIHUANA [The term as defined in the Public Health Code. MCL 333.1101 et seq.; the Medical Marihuana Act MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable.](#)

MARIHUANA PLANT [Any plant of the species Cannabis sativa L.](#)

MARIHUANA-INFUSED PRODUCT [A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.](#)

MEDICAL MARIJUANA. Marijuana, as defined in Section 7106 of the Michigan Public Health Code (MCL 333.7106), which complies with all requirements of the Michigan Medical Marijuana Act (Initiated Law 1 of 2008).

MEDICAL MARIJUANA CAREGIVER. A person authorized under the Michigan Medical Marijuana Act who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs.

MICHIGAN MEDICAL MARIHUANA ACT [The Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.](#)

PARAPHERNALIA Any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PERMITTED PREMISES A particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

PERSON An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.

PLANNING COMMISSION. The duly appointed Planning Commission of Vassar Township.

PLOT PLAN. A scale drawing submitted with a zoning permit application which shows property lines, driveways and roads, location and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams or drains. A plot plan may be prepared by the owner and need not be prepared by a surveyor or engineer.

PROCESSOR A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

PROVISIONING CENTER A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421 et, seq., is not a provisioning center for purposes of this act.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

RECYCLING FACILITY. A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.

REGISTERED PRIMARY CAREGIVER A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

REGISTERED QUALIFYING PATIENT A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

REGISTRY IDENTIFICATION CARD A term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

SAFETY COMPLIANCE FACILITY A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

SECURE TRANSPORTER A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SIGN, OFF-SITE (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

SIGN, PRINCIPAL ON-SITE. A sign advertising the name of a facility located on the same parcel of land as the sign.

SIGN, SECONDARY ON-SITE. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SITE PLAN. A plan in compliance with the requirements of Section 15.03.

SPECIFIED ANATOMICAL AREAS:

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE OPERATING LICENSE or, unless the context requires a different meaning, **"license"** means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Vassar.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

VARIANCE, NON-USE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

VARIANCE, USE. Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.