



# City of Walled Lake

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## ZONING/SITE PLAN APPLICATION APPLICATION FORM Medical Marihuana Facility

### Ordinance C-334-17, Medical Marihuana Facility Zoning Ordinance

Pursuant to the City of Walled Lake Ordinance C-334-17, Medical Marihuana Facility, the following application is intended to collect information and documentation establishing the applicant’s conformance with the ordinance. All applicants should note that site plan approval of a Medical Marihuana facility will be based upon the accuracy and completeness of the information provided. In the event applications are received in excess of the permitted number of locations within the Ordinance or two or more applicants have similar qualifications, the City of Walled Lake reserves its right to approve a permit which in the opinion of the City best meets its goals and safeguards as set forth in the ordinance or any applicable administrative rules adopted by the City. No financial or other right is established by the payment of the non-refundable application fee. All applications for renewal of a permit shall be reviewed per the standards set forth in the Ordinance. The City of Walled Lake reserves the right to approve or deny the license based upon the failure of any applicant to establish to the satisfaction of the City any requirement, standard or goal of the ordinance. The applicant understands this determination may involve a subjective interpretation of the application. Any license granted by the City is conditional upon all conditions established by applicable code, ordinance or rule including, without limitation, the State of Michigan granting a state license for the specific license applied for under this ordinance. This is step one (1) of two (2) to be eligible to apply for an Operating License.

**SECTION A- GENERAL – OFFICE USE ONLY**

1. Type of Facility Approval Requested (check all boxes that apply):

- Class “C” Grower Facility
- Provisioning Center
- Processor
- Secure Transporter
- Safety Compliance Facility

Name of Applicant: \_\_\_\_\_

2. Date and Time of Application:

\_\_\_\_\_

(a) Submitted : Date: \_\_ Time:

(b) Completed: Date: \_\_\_\_\_ Time: \_\_\_\_\_

3. Initial Application shall include nonrefundable \$500 preliminary review fee and \$250 site plan application fee for each facility applied for. The application shall also include a consultant review fee required by applicable or license or fee schedule.

\$500.00 Non-Refundable (collected in the form of a cash escrow) Fee paid on:  
\_\_\_\_\_

Site Plan Application Fee(s) paid on: \_\_\_\_\_

Consultant Review Fee of \$ \_\_\_\_\_ was paid on: \_\_\_\_\_

|                             |
|-----------------------------|
| <b>SECTION B- APPLICANT</b> |
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4. Name of Applicant : \_\_\_\_\_  
Authorized Signer (if not an individual): \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Sole Proprietor  Partnership

Corporation  Limited Liability Company

Other: \_\_\_\_\_

5. If entity is Sole Proprietor, state Owner/Proprietor's date of birth: \_\_\_\_\_ and provide a copy of photo identification.

6. If other than Sole Proprietor, list name, address and date of birth of all owners and provide copies of photo identification and percentage of ownership.

|    | <b>Name</b> | <b>Address</b> | <b>Date of Birth</b> | <b>% of Ownership</b> |
|----|-------------|----------------|----------------------|-----------------------|
| 1. |             |                |                      |                       |
| 2. |             |                |                      |                       |
| 3. |             |                |                      |                       |
| 4. |             |                |                      |                       |

7. Name and address, phone number, date of birth and photo identification of all anticipated employees of facilities not listed as owners. (This information must be provided and supplemented before any future employee not listed begins working at facility)

|    | Name | Address | Date of Birth |
|----|------|---------|---------------|
| 1. |      |         |               |
| 2. |      |         |               |
| 3. |      |         |               |
| 4. |      |         |               |

8. Whether the Applicant and/or proposed City Permittee or any investor in the proposed Marijuana Facility has an interest in any other Marijuana Facility and, if so, the type and location of each facility. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. If the Applicant or owner or any operator is a licensed caregiver or patient under the Michigan Medical Marihuana Act, please list their name and address, and caregiver or patient ID number issued by the State of Michigan. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. For any corporation or other legal entity who has a financial interest or affiliation with the requested permit, please state the following;

Name: \_\_\_\_\_

Name of Authorized Signer: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Interest or Affiliation: \_\_\_\_\_

**SECTION C- FACILITY LOCATION**

11. Name of proposed facility: \_\_\_\_\_

12. Location of proposed facility: \_\_\_\_\_  
 \_\_\_\_\_

13. A plan of the site including depiction of all buildings, structures, parking, outdoor storage or processing facilities including the following:

- i. Diagram of the Marijuana Facility including, but not limited to, its size and dimensions, specifications, physical address, location of common entryways, doorways, passageways, means of public entry or exit, limited access areas within the facility, and indication of the distinct areas or structures at a same location as provided for in Rule 24 of the Rules;
- ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits and a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises;
- iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act. Storage of marijuana shall comply with applicable Rules adopted pursuant to Section 206 of the Act.
- iv. Means of egress, including, but not limited to, delivery and transfer points;
- v. If the proposed Marijuana Facility is in a location that contains multiple tenants and any applicable occupancy restrictions;
- vi. description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;
- vii. Building structure information including new, pre-existing, free-standing, or fixed. Building type information including commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory or center;
- viii. Any proposed outdoor uses or operations related to the facility

Attach as Exhibit "A"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

14. With respect to the location of the facility, please state with specificity the exact location, address, suite number and, if necessary, the location of the facility within a building or the parcel of land. This location should include the distance in feet from each property line and any school or existing provisioning center located within a radius of 1,500 feet. An area map, drawn to scale, shall be provided indicating, within a radius of one thousand five hundred feet (1,500 ft.) from the boundaries of the proposed Marijuana Facility site, the proximity of the site to any school, existing Marijuana Facility, recreational facility, church, public or private park, or to any residential zone, structure

or use.

Attach as Exhibit "B"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

15. Please provide evidence of the Applicant's property interest in the proposed location and a copy of any lease or rental agreement pertaining to the proposed Marijuana Facility premises. Provide copies of documentation showing a legal and enforceable property interest. Attach as Exhibit "C".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

16. Identification of each type of Marijuana Facility License applied for (e.g. grower, provisioning center, etc.) and a detailed description of all services, products, items, uses, operations or merchandise produced, sold, offered, conducted or provided by the proposed Facility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Please identify the zoning district of the facility. \_\_\_\_\_

**SECTION D- FACILITY REQUIREMENTS**

18. When available, submit to the City a copy of the Applicant's application for a license submitted to the State of Michigan, Department of Licensing and Regulatory Affairs, for each city operating license requested.

Attach as Exhibit "E".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

19. Is consumption and/or use of medical marihuana prohibited at the Facility?

Yes                       No

20. Will all activity related to the Facility be done indoors?

Yes                       No

21. Will all Medical Marihuana contained within the building be in a locked Facility in accordance with the Michigan Medical Marihuana Facilities Licensing Act, as amended?

Yes                       No

22. A description of an operating plan for the proposed Marijuana Facility including the following:

- i. A description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;
- ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises;
- iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act.

Attach as Exhibit "F"

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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23. Do you understand, agree and accept that by signing and submitting this application that issuance or renewal of a City operating License constitutes unconditional and irrevocable acceptance and agreement by the City Licensee and all persons and entities operating under a City operating license or otherwise utilizing the facility to hold harmless, defend and indemnify the City, including its agents, employees and officers and officials to the fullest extent permitted by law for any and claims, damages, injuries or liabilities at law or equity in any way arising out of related to any acts, omissions, activities or conditions in any way related to the Marijuana Facility operated under a City operating license.

Yes                       No

24. Will all necessary building, electrical, plumbing and mechanical permits obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices are located?

Yes                       No

25. When available and prior to the issuance of any permit, the Applicant must submit all necessary building, electrical, plumbing and mechanical permits, as well as documented approval by the Walled Lake Fire department showing compliance with the Michigan Fire Protection Code and confirmation that the storage of any chemical, herbicide, pesticide and or fertilizer has also been approved by the Walled Lake Fire Department. Attach as Exhibit "G".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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26. In any portion of the structure where the storage of any chemicals such as herbicides, pesticides, and/or fertilizers, do you agree to be subject to inspection and approval by the Walled Lake Fire Department to ensure compliance with the Michigan Fire Protection Code?

- Yes                       No

27. Will you ensure that no other uses, other than accessory uses, will be permitted within the same Facility other than those associated with cultivating, processing, transporting or testing medical marihuana?

- Yes                       No

28. Please state and/or provide documentation showing the plan that all litter and waste will be properly and safely removed and will not constitute a source of contamination in areas where medical marihuana is exposed. Further, please include how the applicant will dispose of rubbish so as to minimize the development of odor and minimize the potential for development of waste odor and waste from becoming an attractant, harborage or breeding place for pests. Please include a detailed description of the ventilation system. Attach as Exhibit "H".

- Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

\_\_\_\_\_

a) Will litter and waste be properly removed and the operating systems for waste disposal maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed?

- Yes                       No

b) Will floors, walls and ceilings be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair?

- Yes                       No

c) Will there be there adequate screening or other protection against entry of pests, and will rubbish be disposed of so as to minimize the development of odor, minimize the potential for development of waste odor, and minimize the potential for waste becoming an attractant harborage or breeding places for pests?

- Yes                       No

d) Will all buildings, fixtures and other facilities be maintained in a sanitary condition?

- Yes                       No

e) Will each Facility center provide its occupants with adequate and readily accessible toilet facilities that will be/are maintained in a sanitary condition and in good repair?

- Yes                       No

29. Please state how the Applicant intends to avoid excessive noise, dust, vibrations, glare, fumes or odors detectable to the normal senses beyond the boundaries of the property. Attach as Exhibit "I".

- Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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a) Will each Facility be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes or odors detectible to the normal senses beyond the boundaries of the property on which that Medical Marihuana Facility will operate/operates or in violation of any other ordinance?

Yes                       No

30. Please provide the plan and supporting documentation showing that all disposal systems for spent water and spent soil have been adequately and safely disposed of and accounted for.

Attach as Exhibit "J".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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31. Please provide a security and safety plan, and at a minimum showing the facilities surveillance systems and continuous monitoring systems of the entire premise as required by the ordinance.

Attach as Exhibit "K".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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a) Will the Facility continuously monitor the entire premises with surveillance systems that include security cameras operating 24 hours a day, 7 days a week, every day of the year, and will these recordings be maintained for a period of at least 30 days?

Yes                       No

32. Please state and/or show the exterior signage or advertising identifying the facility, including any displays advertising goods, services or products offered at the facility

Attach as Exhibit "L".

Document(s) attached

If not attached, why not and when is applicant expected to supplement: \_\_\_\_\_

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a) Do you understand and agree that any exterior signage or advertising identifying the Facility as a medical marihuana facility is regulated by both state and local

law and must comply with both state and local requirements? Yes  No

**SECTION E- BUSINESS OPERATIONS AND SECURITY**

33.

Active Hours of Operations:

|              | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------------|--------|--------|---------|-----------|----------|--------|----------|
| <b>Open</b>  |        |        |         |           |          |        |          |
| <b>Close</b> |        |        |         |           |          |        |          |

34. Will security guards be provided?  Yes  No If yes, how many? \_\_\_\_\_

35. Days and Hours security guards will be provided:

|                 | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|-----------------|--------|--------|---------|-----------|----------|--------|----------|
| <b>24 Hrs?*</b> | Yes/No | Yes/No | Yes/No  | Yes/No    | Yes/No   | Yes/No | Yes/No   |
| <b>Start</b>    |        |        |         |           |          |        |          |
| <b>Finish</b>   |        |        |         |           |          |        |          |

\*If any day is not 24 hrs., please enter Start and Finish times.

**SECTION F- BACKGROUND**

36. Have you previously operated in this City or any other County, City, or State under a Medical Marijuana/Marihuana License or Permit?  
 Yes  No

37. Have any of the previously issued licenses or permits mentioned above been revoked or suspended?  
 Yes  No  
 If yes, provide an explanation for the revocation/suspension below.

38. Is the Applicant or Authorized Signer currently licensed by any governmental agency to engage in any business?  
 Yes  No

39. If yes to questions 34, 35 or 36, please list each such license or permit held, the city or state in which it is held, and expiration date thereof.

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40. Has the Applicant or any stakeholder been convicted or incarcerated for a felony within the past ten (10) years or ever been convicted of an illegal substance related felony?

Yes                       No

If yes, list the associated criminal case number(s), the statute(s) violated, the date(s) of conviction, the date(s) of imposition of probation and/or parole, and the name and address of the sentencing court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I HEREBY CERTIFY UNDER OATH AND PENALTY OF PERJURY THAT ALL THE INFORMATION CONTAINED IN THIS APPLICATION IS COMPLETE, TRUE AND ACCURATE. I UNDERSTAND THAT ANY OMISSIONS OR INACCURATE INFORMATION OF THE APPLICANT, MY AGENTS OR EMPLOYEES WILL DISQUALIFY MY APPLICATION FROM CONSIDERATION. I FURTHER CERTIFY I HAVE LEGAL AUTHORITY TO MAKE APPLICATION FOR THE PROPOSED MARIJUANA FACILITY LICENSE(S) AT THE PROPOSED LOCATION.**

Applicant's Signature:

Witness Signature:

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_

An application shall also be signed and dated by the property owner, or his/her duly authorized agent, of the premises where the proposed Marijuana Facility will be located certifying that the property owner has reviewed and been provided with a complete copy of the application and consents to use and occupancy of the premises as a Marijuana Facility as described and referenced in the application. Execution of an application by a property owner merely confirms consent to the proposed use and neither creates nor conveys any property right, expectancy or interest to use or occupy the premises by the Applicant.

If needed additional signatures:

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**LIST OF DOCUMENTS TO PROVIDE WITH APPLICATION**

(Where applicable, an attached document(s) may satisfy more than one requested document. If so, please identify the appropriate responsive Exhibit or document in the space provided.)

**Application Documents**

**Exhibit A & B:** Floor plan or drawings to scale and elevations as required by City of Walled Lake Ordinance No. C-334-17 with location plan showing surrounding area as required by Ordinance.

not: \_\_\_\_\_

**Exhibit C:** Copy of Proof of Ownership, Purchase Agreement, Lease, or options for the site where the Medical Marihuana Facility will be operated. (If leased, signed document by owner consenting of the lease to the site for a Medical Marihuana Facility).

not: \_\_\_\_\_

**Exhibit D:** Copy of map and/or other documents in response to question 15.

not: \_\_\_\_\_

**Exhibit E:** Copy of the Applicant’s application for license submitted to the State of Michigan, Department of Licensing and Regulatory Affairs.

not: \_\_\_\_\_

**Exhibit F:** Copy of operations statement, plan and or outline showing facility activities shall occur indoors and in locked building.

not: \_\_\_\_\_

**Exhibit G:** Copy of all necessary building, electrical, plumbing and mechanical permits, as well as documented approval by the Walled Lake Fire Department showing compliance.

not: \_\_\_\_\_

**Exhibit H:** Copy of plan for litter and waste removal and detailed description of ventilation system.

not: \_\_\_\_\_

**Exhibit I:** Copy of plan to avoid excessive noise, dust, vibrations, glare, fumes or odors.

not: \_\_\_\_\_

**Exhibit J:** Copy of plan and supporting documents showing disposal of spent water and soil safety plan.

not: \_\_\_\_\_

**Exhibit K:** Description of a security and safety plan as required in the City of Walled Lake Ordinance No. C-334-17 for Medical Marihuana Facility.

not: \_\_\_\_\_

**Exhibit L:** Any proposed text or graphical materials to be shown on the exterior of the proposed facility.

not: \_\_\_\_\_

**Additional Documents**

1. Copy of Articles of Incorporation or Limited Liability company or Partnership Agreement or assumed name certificate.

not: \_\_\_\_\_

2. Copy of Internal Revenue Service SS-4 EIN confirmation letter.

not: \_\_\_\_\_

3. Copy of Operating Agreement for LLC or Bylaws of Corporation or Partnership.

not: \_\_\_\_\_

4. Staffing plan.

not: \_\_\_\_\_

5. Proof of insurance showing compliance with City Ordinance.

not: \_\_\_\_\_

6. Executed Affirmation of Stakeholder

not: \_\_\_\_\_

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF WALLED LAKE

ORDINANCE NO. C-334-17

AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND DEFINITIONS AND ADOPT LAND USE REGULATIONS PERTAINING TO MARIJUANA FACILITIES AS PROVIDED BY THE *MEDICAL MARIHUANA FACILITIES LICENSING ACT*, MCL 333.27102, *et. seq.*

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to adopt certain definitions and land use regulations pertaining to marijuana facilities as provided by the *Medical Marihuana Facilities Licensing Act*, MCL 333.27102, *et. seq.* ("Act").

Section 2. Amendment to Article 2.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 2.00, "Definitions", Section 2.02, "Definitions", to include and amend the following definitions:

**"MARIJUANA OR MARIHUANA":** "Marijuana or Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

**"MARIJUANA FACILITY":** "Marijuana or Marihuana Facility" means a Marijuana or Marihuana Facility as defined and provided by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended ("Act") and includes the following:

**1) *Grower Facilities.*** "Grower" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances 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.

**2) *Provisioning Centers.*** "Provisioning center" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances 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 patients' 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 only assist a qualifying patient connected to the caregiver through the state's medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center.

**3) *Processor Facilities.*** "Processor" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances 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.

**4) *Secure Transporters.*** "Secure transporter" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

**5) *Safety Compliance Facilities.*** "Safety compliance facility" means a facility licensed under the Act and Article XI of the City of Walled Lake Code of Ordinances 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.

**“MARIJUANA FACILITY OPERATING LICENSE”:** A License authorizing the operation of a Marijuana Facility as follows:

**1) *State Operating License*** or, unless the context requires a different meaning, "State License" means a license that is issued under the Act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

“State Licensee” means a person holding a valid State operating license

**2) *City Operating License*** or, unless the context requires a different meaning, "City License" means a license that is issued under this Article that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

“City Licensee” means a person holding a valid City operating license

**"REGISTERED PRIMARY CAREGIVER"** means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* as amended.

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

**"REGISTRY IDENTIFICATION CARD"** means that term as defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.

### Section 3. Amendment to Article 10.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 10.00, "General Commercial District", Section 10.02, "Permitted Principal Uses" by amending subsection (b), which shall read as follows:

- (b) Any generally recognized retail business including not more than two (2) Marijuana Provisioning Centers and not more than one (1) Marijuana Safety Compliance Facility.

### Section 4. Amendment to Article 11.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 11.00, "C-3 Central Commercial District", Section 11.02, "Permitted Principal Uses" by amending subsection (b) 1., which shall read as follows:

- 1. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, any notions, or floral shops and not more than one (1) Marijuana Provisioning Center.

### Section 5. Amendment to Article 14.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 14.00, "Limited Industrial District", Section 14.02, "Permitted Principal Uses" by amending subsection (b) to add a new subparagraph 9, which shall read as follows:

- 9. Marijuana Facilities as follows:
  - A. Not more than three (3) Marijuana Grower Facilities;
  - B. Not more than three (3) Marijuana Processor Facilities;

- C. Not more than three (3) Marijuana Transporter Facilities;
- D. Not more than one (1) Marijuana Safety Compliance Facility;

Section 6. Amendment to Article 21.00

a) The City of Walled Lake Zoning Ordinance is hereby amended at Article 21.00, “General Provisions”, Section 21.28, “Site Plan Review” Sub-section E. 2. “Review by the Development Coordinator” is hereby amended to read as follows:

2. *Review by the Development Coordinator.* Development Coordinator approval of a site plan or sketch plan shall be required prior to the establishment, construction, expansion, or structural alteration of any structure or change in use when any provision of this zoning ordinance requires administrative site plan/sketch plan review and approval by the Development Coordinator. Unless another provision of this zoning ordinance expressly provides to the contrary, the following provisions apply to administrative site plan/sketch plan review by the Development Coordinator:

Sub-paragraphs a. thru m.: *unchanged.*

b) The City of Walled Lake Zoning Ordinance is hereby further amended at Article 21.00, “General Provisions”, by adopting a new Section 21.49 “Marijuana Facilities” which shall read as follows:

Section 21.49—MARIJUANA FACILITIES

**(a) Purpose and Definitions.** This ordinance is adopted for the purpose of promulgating City land use and zoning requirements for Marijuana Facilities by adopting local land use and zoning application, review and approval criteria for Marijuana Facilities in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* as amended (hereinafter “MMMA”) and for the further purpose of implementing provisions of Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended (hereinafter “Act”). In the event of any conflict between any provision of this Article and state law, state law shall be controlling regarding any conflicting provisions. For purposes of this section, the following definitions shall apply:

“**ACT**”: “Act” means the Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et. seq.* as amended.

“**DEPARTMENT**”: “Department” means the Michigan Department of Licensing and Regulatory Affairs.

“**RULES**” means the Rules adopted by the Department pursuant to the Act, as amended.

**(b) Number and Location.** A Marijuana Facility shall not be located in any zoning district or upon any property or structure except as expressly provided by this section. The number and placement of Marijuana Facilities shall comply with zoning district limitations and requirements as follows:

| <b>FACILITY</b>            | <b>ZONING DISTRICT</b> | <b>NUMBER</b>                              |
|----------------------------|------------------------|--|
| <i>Grower</i>              | I-1                    | <i>Three (3)</i>                           |
| <i>Processor</i>           | I-1                    | <i>Three (3)</i>                           |
| <i>Secure Transporter</i>  | I-1                    | <i>Three (3)</i>                           |
| <i>Provisioning Center</i> | C-2, C-3               | C-2: <i>Two (2)</i><br>C-3: <i>One (1)</i> |
| <i>Safety Compliance</i>   | I-1, C-2               | I-1: <i>One (1)</i><br>C-2: <i>One (1)</i> |

**(c) Conditions.** Any land use, site plan or other zoning approval of a Marijuana Facility granted under any provision of this zoning ordinance shall be deemed *conditional* upon the timely approval and issuance of the following: (1) a State Marijuana Facility Operating License, and; 2) a City Marijuana Facility Operating License, and; 3) a building permit as required by the Rules, and; 4) a certificate of occupancy as required by the Rules. Revocation or denial of a required Marijuana Facility Operating License, building permit or certificate of occupancy shall render any approval of a Marijuana Facility granted under any provision of this zoning ordinance null and void.

**(d) Approved Site Plan Required.** Use of any property or existing structure as a Marijuana Facility within a C-2 or C-3 zoning district requires Administrative Review and approval of a site plan by the Development Coordinator pursuant to Section 21.28 E. 2. of this Article. Marijuana Facilities within an Industrial Zoning District or requiring new construction in any zoning district shall require site plan review and approval by the Planning Commission as provided in section 21.28 of this Article. Marijuana Facilities shall be operated and maintained in compliance with the approved site plan for the facility. Any use of property or a structure without, or in violation of, an approved site plan shall constitute a violation of this zoning ordinance and a nuisance per se subject to abatement by a court of competent jurisdiction.

**(e) Site Plan Application and Review Criteria.** A site plan and site plan approval application for a Marijuana Facility shall generally comply with section 21.28 “Site Plan Review”. Except as otherwise provided by this section, a site plan application for a Marijuana Facility shall be processed in accordance with the Administrative Review procedures in Section 21.28 E.2. by the Development Coordinator. Marijuana Facilities in an Industrial Zoning District or requiring new construction in any zoning district shall require site plan review and approval by the Planning Commission. In addition to the criteria set forth in Section 21.28, the following shall apply to a site plan/application for a Marijuana Facility:

(1) Identification of the type of Marijuana Facility applied for (e.g. grower, provisioning center, etc.) and a detailed description of all services, products, items, uses, operations or merchandise produced, sold, offered, conducted or provided by the proposed Marijuana Facility including hours of operation;

(2) Marijuana Facility uses, operations and activities shall comply with the Rules and all operating regulations adopted pursuant to Section 206 of the Act. A plan for the proposed Marijuana Facility shall be provided including the following:

i. Diagram of the Marijuana Facility including, but not limited to, its size and dimensions, specifications, physical address, location of common entryways, doorways, passageways, means of public entry or exit, limited access areas within the facility, and indication of the distinct areas or structures at a same location as provided for in Rule 24 of the Rules;

ii. A floor plan, drawn to scale, showing the layout of the Marijuana Facility and the principal uses of the floor area depicted therein, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits and a detailed depiction of where any uses other than marijuana related uses are proposed to occur on the premises;

iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act. Storage of marijuana shall comply with applicable Rules adopted pursuant to Section 206 of the Act.

iv. Means of egress, including, but not limited to, delivery and transfer points;

v. If the proposed Marijuana Facility is in a location that contains multiple tenants and any applicable occupancy restrictions;

vi. description of the products and services to be provided by the Marijuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;

vii. Building structure information including new, pre-existing, free-standing, or fixed. Building type information including commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory or center;

viii. Any proposed outdoor uses or operations related to the facility

(3) A description of waste disposal procedures, methods and facilities for marijuana waste products including, but not limited to, usable and non-usable marijuana. Waste product disposal and storage shall comply with applicable Rules adopted pursuant to Section 206 of the Act;

(4) A description of any proposed signs including a detailed depiction of sign language or displays, dimensions, locations, quantity, configuration and illumination. Signs and advertisement/product displays shall comply with applicable provisions of the City's Sign Ordinance and the Rules.

(5) Signed and dated verification by the property owner, or his/her duly authorized agent, of the premises where the proposed Marijuana Facility will be located certifying that the property owner has reviewed and been provided with a complete copy of the application and consents to use and occupancy of the premises as a Marijuana Facility as described and referenced in the application.

(6) A detailed description of the proposed security plan for the facility including identification of all proposed security measures, equipment and devices. A security plan shall comply with the Rules and security regulations and requirements adopted pursuant to Section 206 of the Act. Security plans require review and approval by the Chief of Police. The Chief of Police may require review and recommendation of a proposed security plan by an independent consultant with credentialed expertise in the field of site/facility security measures. The cost of an independent review by an independent security consultant shall be paid by the applicant.

(7) A Marijuana Facility shall not be located less than five hundred feet (500') from a school or existing provisioning center. For purposes of this ordinance "School" means any public or private school meeting all requirements of the compulsory education laws of the state.

(8) All facility operations, transactions and activities, including cultivation, shall be conducted within an enclosed structure. Other than waste disposal, outdoor storage is prohibited.

(9) An area map, drawn to scale, shall be provided indicating, within a radius of one thousand five hundred feet (1,500 ft.) from the boundaries of the proposed Marijuana Facility site, the proximity of the site to any school, existing Marijuana Facility, recreational facility, church, public or private park, or to any residential zone, structure or use.

(10) A Provisioning Center shall not sell or dispense any Marihuana Product, as defined by the Rules, prior to 1 pm on Sundays.

**(f) City Consultant Review.** The City may, in its discretion, refer an application to any City consultant for review and recommendation. An applicant shall be responsible for payment of any City consultant review fees and the City may require advance payment of a reasonable escrow amount to cover City consultant review fees. The balance of any unused escrow proceeds to cover City consultant review fees shall be refunded to the applicant upon final action and determination on an application.

**(g) Action on Application.** Upon reviewing the application and all findings and recommendations of the City Department Heads and consultants, the Development Coordinator, or planning commission where applicable, shall take action on the application according to the applicable review criteria and procedures in Section 21.28 and the provisions specific to Marijuana Facilities as set forth in this zoning ordinance. An application for site plan approval of a Marijuana Facility that is materially incomplete or would result in a violation of state or local law or the Rules shall be denied. Approval of a site plan for a Marijuana Facility does not guarantee, represent or imply approval of a Marijuana Facility Operating License or any other permit or local approval that may be required by City codes or ordinances for the proposed facility.

**(h) Temporary Operation.** City Council may by resolution provide for temporary operation of a Marijuana Facility as provided by Rule 19 of the Rules.

Section 7. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 8. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 9. Repealer.

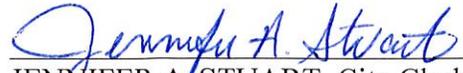
All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 10. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL* 125.3101, *et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on January 16, 2018 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES: (5)                    Ambrose, Loch, Lublin, Owsinek, Ackley  
NAYS: (1)                    Costanzo  
ABSENTS: (1)                Helke  
ABSTENTIONS: (0)

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

  
\_\_\_\_\_  
JENNIFER A. STUART, City Clerk  
CITY OF WALLED LAKE

  
\_\_\_\_\_  
LINDA S. ACKLEY, Mayor  
CITY OF WALLED LAKE

Introduced:   December 19, 2017  
Adopted:     January 16, 2018  
Effective:    February 15, 2018

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF WALLED LAKE

RESOLUTION ADOPTING ADMINISTRATIVE RULES  
CONCERNING PROCESSING APPLICATIONS FOR  
MARIJUANA FACILITIES

**RESOLUTION 2018-10**

At a Regular Meeting of the City Council of the City of Walled Lake, County of Oakland, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 20<sup>th</sup> day of March 2018, at 7:30 p.m.

WHEREAS, on November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marijuana Act (“MMMA” or “Act”), which has been codified at MCL 333.26421, *et seq.*, and provides for affirmative defenses relative to the possession, use, distribution, manufacture, transportation and cultivation of medical marijuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations set forth in the Act; and

WHEREAS, the MMMA provides for affirmative defenses relative to the cultivation, distribution, manufacture, transportation processing, possession and delivery of medical marijuana by primary caregivers to qualifying patients in accordance with the provisions of the Act; and

WHEREAS, the MMMA does not specifically identify or address medical marijuana land uses and related facilities and does not provide any regulations or guidance as to where and on what conditions a marijuana-related land use or facility can be located or operated, or if such a use or facility can or cannot be regulated in any particular way; and

WHEREAS, on September 21, 2016, the State of Michigan adopted PA 281 of 2016, PA 282 of 2016 and PA 283 of 2016 (collectively “new legislation”) resolving many previously unsettled areas of law regarding medical marijuana by enacting comprehensive regulations pertaining to facilities that grow, process and dispense medical marijuana pursuant to the MMMA and further including provisions pertaining to the scope and manner of permissible local regulation of medical marijuana facilities and related land uses; and

WHEREAS, the new legislation included adoption of the Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et seq.* (“Act”) providing for the establishment and licensure of Medical Marijuana Facilities (i.e. Grower Facilities, Provisioning Centers, Processor Facilities, Secure Transporters, and Safety Compliance Facilities). The Act further allows a host municipality to authorize and regulate Marijuana Facilities by ordinance, including land use regulations of Marijuana Facilities through the enactment of zoning ordinances as provided in the Act; and

WHEREAS, pursuant to authority conferred upon the City by the Act, The City of Walled Lake has adopted ordinances regulating the establishment and approval of Marijuana Facilities within the City including adoption of zoning and land use regulations pursuant to Ord. No. C-334-17; and

WHEREAS, the Act requires the Michigan Department of Licensing and Regulatory Affairs (“LARA”) to adopt administrative rules pertaining to the approval and processing of state licensure required by the Act. LARA adopted temporary emergency rules on December 4, 2017 (“Rules”). The Rules require coordination between the City and state concerning the processing of both local and state approvals of Marijuana Facilities required by the Act; and

WHEREAS, in order to facilitate orderly, efficient, fair and coordinated processing of the various state and local applications and approvals in a manner consistent with the requirements of the Act, the Rules and the City’s codes and ordinances, City Council has determined that it is necessary and expedient to adopt the following administrative rules concerning processing of City applications for local approval of Marijuana Facilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. City Council approves the following, for the reasons and based on the findings and recitals set forth above hereby adopts the following Administrative Rules concerning processing of city applications for Marijuana Facilities:

#### ***Marijuana Facility Administrative Rules***

**1) Purpose.** These rules are intended to facilitate orderly, efficient, fair and coordinated processing of the various state and local applications and approvals in a manner consistent with the requirements of the Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et. seq.* (“Act”), the state administrative rules adopted pursuant to the Act (“State Rules”) and to further implement the administration of the City’s Codes and Ordinances pertaining to Marijuana Facilities. These rules are not intended to amend, modify or repeal any existing City codes or ordinances. In the event of any conflict between these rules and the Act, State Rules or any applicable City code or ordinance, the conflicting provision of the Act, State Rules or applicable City Code or Ordinance shall be controlling.

**2) Application.** Application for any required City approval of a Marijuana Facility concerning the establishment or operation of a Marijuana Facility shall be made on a City approved form available on request and free of charge through the City Clerk’s office. Applications concerning the establishment or operation of a Marijuana Facility shall be submitted to the City Clerk’s office. An application for site plan and/or operational approval of a Marijuana Facility shall be deemed complete upon submission of a completed and fully executed form along with additional information, submittals, documents, plans, fees, approvals and other attachments as may be required by applicable codes, ordinances and/or the application form. Upon receipt of an application for site plan and/or operational approval of a Marijuana Facility, the City Clerk shall

conduct a preliminary review of the application for purposes of determining completeness and preliminary eligibility as provided by these rules.

**3) Fees.** All Fees, including without limitation consultant review escrow fees, as may be required by applicable code, ordinance, resolution or fee schedule shall be paid in full at the time of application for the establishment or operation of a Marijuana Facility. The City shall reject and return an application concerning establishment or operation of a Marijuana Facility that does not include payment of all required fees. Unless otherwise provided by applicable Code or Ordinance, Fees concerning application for the establishment or operation of Marijuana Facility include the following:

- a) Zoning/site plan application fee: \$250.00
- b) Zoning/site plan consultant review escrow fee: Determined by Finance
- c) Preliminary administrative review fee: \$500.00
- d) Business license administrative review application fee: \$5,000.00
- e) Business license renewal fee: \$5,000.00

**4) Preliminary Review.** Upon receipt of an Application for site plan and/or operational approval of a Marijuana Facility and payment of all required fees, the City Clerk shall conduct a preliminary review of the Application for purposes of determining completeness and preliminary eligibility of the proposed or existing facility at the proposed or existing location. The City Clerk shall notify the applicant of the results of the preliminary review, including deficiencies rendering the application incomplete, and afford the applicant an opportunity to withdraw the application and receive a refund of the application fee and consultant review fee if the preliminary review reveals the proposed facility is not eligible for further review. If an application is incomplete, the applicant may withdraw the application and receive a refund of refundable fees, or cure any deficiencies rendering the application incomplete. Preliminary administrative review fees are non-refundable. Unless the Applicant withdraws the application, the Clerk shall forward a complete application for an eligible facility and all supporting materials for final review, recommendation and/or action by City staff, administration and/or consultants as may be required by applicable City Code or ordinance. Unless otherwise provided by these rules or applicable code or ordinances, complete applications for an eligible facility will be processed in the order received as determined by the date the application is completed.

**5) Preliminary Eligibility.** Upon determining a proposed or existing Marijuana facility is not an eligible facility, the Clerk shall notify the applicant in writing including the reasons rendering the proposed or existing Marijuana facility ineligible. Applications for an ineligible facility shall be returned to the applicant along with all refundable fees. A preliminary finding of eligibility does not guarantee, promise or represent that the facility satisfies all other applicable code and ordinance requirements needed for final approval or renewal. A proposed or existing Marijuana facility shall be ineligible if any of the following apply:

- a) The proposed Marijuana facility is not a permitted use in the proposed zoning district;
- b) The quota established by ordinance for the proposed facility has been exhausted;

- c) Any unpaid, past due or delinquent City taxes, assessments and/or liens have not been paid in full as of the date of application for the property where a proposed or existing Marijuana Facility is located. Established payment plans for past due or delinquent taxes, assessments or liens shall not render a proposed or existing facility eligible;
- d) Any unpaid, past due or delinquent City fees have not been paid in full as of the date of application for services rendered or provided to either the Applicant or the property where a proposed or existing Marijuana Facility is located. Established payment plans for past due or delinquent fees shall not render a proposed or existing facility eligible;
- e) Any other reason rendering the proposed or existing facility ineligible under the Act, MMMA, State Rules or applicable code or ordinance.

**6) *Priority Applications.*** Any other provision in these rules notwithstanding, complete applications for site plan or operational approval of an eligible Marijuana Facility shall be reviewed, processed and acted upon according to the priorities established by this rule. Any approval of a priority application shall be conditional upon code compliant completion of the improvement giving rise to the priority.

- a) **First Priority.** Applications including code compliant plans to establish both City water and sewer service to a property unserved by City water and sewer service at the time of application. All tap/connection fees required by ordinance must be paid prior to review of the application as a prerequisite to this first level of priority. An application proposing both a first and third priority improvement shall have priority over an application proposing only a first priority improvement.
- b) **Second Priority.** Applications including code compliant plans to establish either City water or sewer service to a property unserved by City water or sewer service at the time of application. All tap/connection fees required by ordinance must be paid prior to review of the application as a prerequisite to this second level of priority. An application proposing both a second and third priority improvement shall have priority over an application proposing only a second level priority.
- c) **Third Priority.** Applications including code compliant plans to construct non-facility specific exterior or structural improvements of a general nature to either the structure or grounds of the proposed facility including, but not limited to, façade/architectural improvements, re-paving or improving parking facilities and/or lighting, landscape improvements, replacing or constructing public sidewalks, etc. The cost of qualifying improvements must not be less than \$20,000.00 as a prerequisite to this third level of priority. The cost of the proposed qualifying improvement must be documented by a credible estimate from a qualified contractor. Applications within this third level of priority will be prioritized according to total cost of qualifying improvements.

**7) *Submission and Review Dates.*** Applications for site plan and/or operational approval of a Marijuana Facility shall not be accepted by the Clerk's office prior to 9:00 am April 2, 2018. The Clerk shall conduct preliminary reviews of applications as the applications are submitted and

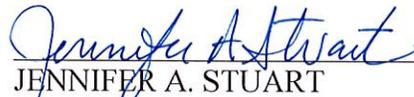
received by the Clerk's office. Following preliminary review, final review and action on complete applications for site plan and/or operational approval of eligible Marijuana Facilities shall commence on May 1, 2018 according to the priorities and procedures established by these rules and applicable codes and ordinances.

Motion to approve Resolution offered by Loch and seconded by Ambrose.

AYES: (4)                      Owsinek, Robertson, Loch, Ackley  
NAYS: (3)                      Ambrose, Costanzo, Lublin,  
ABSENT: (0)  
ABSTENTIONS: (0)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN    )  
  ) SS  
COUNTY OF OAKLAND    )

  
\_\_\_\_\_  
JENNIFER A. STUART  
City Clerk

  
\_\_\_\_\_  
LINDA S. ACKLEY  
Mayor

CITY OF WALLED LAKE

# Site Plan Review Application

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2014



**CITY OF WALLED LAKE  
APPLICATION FOR SITE PLAN REVIEW**

**NOTICE TO APPLICANT:** Applications for Site Plan Review must be submitted to the City *in substantially complete form*. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Checklist (attached), plus the required review fees. Regular meetings of the Planning Commission are held on the second Tuesday of each month at 7:30 p.m. All meetings are held at the Walled Lake City Hall, 1499 E. West Maple Road, Walled Lake, Michigan 48390. Phone number (248) 624-4847.

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**TO BE COMPLETED BY APPLICANT:**

I (we) the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Owner(s) (if different from Applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Applicant's Legal Interest in Property: \_\_\_\_\_

---

Location of Property: Street Address: \_\_\_\_\_

Nearest Cross Streets: \_\_\_\_\_

Sidwell Number: \_\_\_\_\_

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., "acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Size: (Square Feet): \_\_\_\_\_ (Acres) \_\_\_\_\_.

Existing Zoning (please check):

- |  |  |
|--|--|
| <input type="checkbox"/> R-1A Single Family Residential District   | <input type="checkbox"/> C-2 General Commercial District |
| <input type="checkbox"/> R-1B Single Family Residential District   | <input type="checkbox"/> C-3 Central Business District   |
| <input type="checkbox"/> RD Two Family Residential District        | <input type="checkbox"/> O-1 Office District             |
| <input type="checkbox"/> RM-1 Multiple Family Residential District | <input type="checkbox"/> CS Community Service District   |
| <input type="checkbox"/> RM-2 Multiple Family Residential District | <input type="checkbox"/> I-1 Limited Industrial District |
| <input type="checkbox"/> MH Mobile Home District                   | <input type="checkbox"/> P-1 Vehicular Parking District  |
| <input type="checkbox"/> C-1 Neighborhood Commercial District      |  |

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Please Complete the Following Chart:

| Type of Development    | Number of Units | Gross Floor Area | Number of Employees on Largest Shift |
|------------------------|-----------------|------------------|--------------------------------------|
| Detached Single Family |                 |                  | N/A                                  |
| Attached Residential   |                 |                  | N/A                                  |
| Office                 |                 |                  |                                      |
| Commercial             |                 |                  |                                      |
| Industrial             |                 |                  |                                      |
| Other                  |                 |                  |                                      |

Professionals Who Prepared Plans:

A. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Primary Design Responsibility: \_\_\_\_\_

B. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Primary Design Responsibility: \_\_\_\_\_

C. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Primary Design Responsibility: \_\_\_\_\_

---

**ATTACH THE FOLLOWING:**

1. The required fee, 8 copies of site plan (11x17), sealed by a registered architect, engineer, landscape architect or community planner.
2. A brief written description of the existing and proposed uses, including but not limited to: hours of operation, number of employees on largest shift, number of company vehicles, etc.
3. Proof of property ownership.
4. Review comments or approval received from county, state, or federal agencies that have jurisdiction over the project, including but not limited to:
  - Road Commission for Oakland County       Michigan Department of Environmental Quality
  - Oakland County Health Division       Michigan Department of Natural Resources

**PLEASE NOTE:** The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted subsequent to site plan approval.

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**APPLICANT'S ENDORSEMENT:**

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner Authorizing this Application

\_\_\_\_\_  
Date

|                                    |                         |
|------------------------------------|-------------------------|
| <b>TO BE COMPLETED BY THE CITY</b> | Case No.                |
| Date Submitted: _____              | Fee Paid:               |
| Received By: _____                 | Date of Public Hearing: |
| <b>CITY ACTION</b>                 |                         |
| Approved: _____ Denied: _____      | Date of Action:         |

**CITY OF WALLED LAKE**  
**SITE PLAN REVIEW CHECKLIST**

Each applicant is required to submit certain materials to the City. This checklist is provided as a benefit to the applicant, who must also review the Zoning Ordinance for applicable standards and regulations. Using this checklist will help the applicant in submitting a complete site plan review application. *Failure to submit a complete application can result in delay or denial of the site plan.*

The site plan shall consist of an overall plan for the entire development, drawn to a scale of not less than 1" = 30' if the site is less than five acres, and 1" = 50' if the site is more than five acres. To assist in the processing of applications, please check each applicable item provided in your submission. Please submit a brief written description of the existing and proposed uses of the site including but not limited to gross floor area; hours of operation; number of units; number of employees on largest shift; number of company vehicles; etc. Mark each of the boxes with one of the following: **P - Provided, NP - Not Provided, NA - Not Applicable.**

|  | <b>Applicant</b>         | <b>Staff</b>             | <b>Planning<br/>Commission</b> |
|--|--------------------------|--------------------------|--------------------------------|
| <b>A. Application Form</b>   |                          |                          |                                |
| The application form shall contain the following information:            |                          |                          |                                |
| 1. Applicant's name and address.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 2. Name and address of property owner, if different from applicant.      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 3. Common description of property and complete legal description.        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 4. Dimensions of land and total acreage.                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 5. Existing zoning and zoning of all adjacent properties.                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 6. Proposed use of land and name of proposed development, if applicable. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 7. Proposed buildings to be constructed.                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 8. Name and address of firm or individual who prepared site plan.        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 9. Proof of property ownership.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |

**B. Site Plan Descriptive and Identification Data**

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch=30 feet for property less than 5 acres, or 1 inch=50 feet for property 5 acres or more in size. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

|  | <b>Applicant</b>         | <b>Staff</b>             | <b>Planning<br/>Commission</b> |
|--|--------------------------|--------------------------|--------------------------------|
| 1. Applicant's name, address, telephone number.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 2. Title block.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 3. Scale.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 4. Northpoint.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 5. Dates of submission and revisions (month, day, year).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 6. Location map drawn to a scale with northpoint.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 7. Legal and common description of property.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 8. Written description of proposed land use.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 9. Zoning classification of petitioner's parcel and all abutting parcels.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 10. Proximity to section corner and major thoroughfares.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 11. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The Architectural plan of the buildings shall be prepared by and bear the seal of a Registered Architect. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 12. Boundary dimensions of the property. The boundaries of the site shall be clearly differentiated from other contiguous property.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 13. Notation of any variances which have been or must be secured.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 14. The performance guarantees to be provided including the amounts, types, and terms.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 15. The area of the site in square feet and acres excluding all existing and proposed public right-of-way; and the total area of all building, pavement and other impervious surface.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 16. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |

- |   | <b>Applicant</b>         | <b>Staff</b>             | <b>Planning<br/>Commission</b> |
|---|--------------------------|--------------------------|--------------------------------|
| 17. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to site or use.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |
| 18. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or City. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the City due to failures (as a basis for performance guarantees). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>       |

**C. Site Data**

- |  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| 1. Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. On parcels of more than one (1) acre, topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Proposed lot lines, lot dimensions, property lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Dimensions and centerlines of existing and proposed roads and road rights-of-way.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Acceleration, deceleration, and passing lanes, where required.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Proposed location of access drives and on-site driveways.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Location of existing drainage courses, flood plains, lakes and streams, with elevations.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Location and dimensions of existing and proposed interior sidewalks and sidewalks in the right-of-way, in accordance with Section 21.36.                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Exterior lighting locations and method of shielding lights from shining off the site.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Trash receptacle location(s) and method of screening in accordance with Section 21.39.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Transformer pad location and method of screening, if applicable.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Front, side, and rear yard dimensions.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|  | <b>Applicant</b>         | <b>Staff</b>             | <b>Planning Commission</b> |
|--|--------------------------|--------------------------|----------------------------|
| 13. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 14. Information needed to calculate required parking in accordance with zoning ordinance standards.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 15. The location of lawns and landscaped areas.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 16. Detailed landscape plan in accordance with the requirements of Section 21.35 indicating location, types and sizes of materials. A landscaping and property maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of any berms shall be provided. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 18. All existing and proposed easements.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 19. Designation of fire lanes.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 20. Loading/unloading area.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 21. All proposed screen and free standing architectural walls, including typical cross-section and the height above ground on both sides.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 22. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 23. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 24. A three (3) foot wide hard surfaced splash area shall be installed in the road right-of-way along the curb edge, plus along both sides of any driveway approach, pursuant to the design and installation standards maintained by the City and in accordance with Section 21.35(d).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |

**D. Building and Structure Details**

|  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| 1. Location, height, and outside dimensions of all proposed buildings or structures.           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Indication of number of stories and number of commercial or office units contained therein. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Typical building floor plans.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Total floor area  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|   | <b>Applicant</b>         | <b>Staff</b>             | <b>Planning Commission</b> |
|---|--------------------------|--------------------------|----------------------------|
| 5. Location, size, height, and lighting of all proposed signs..   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 6. Obscuring walls or berm locations with cross-sections where required.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |
| 7. Building façade elevations drawn to a scale of one (1) inch equals four (4) feet, or to another scale approved by the Inspector and adequate to determine compliance with the requirements of the Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any other outdoor or roof-located mechanical equipment, such as air conditioning, heating units and transformers that will be visible from the exterior. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>   |

**E. Information Concerning Utilities, Drainage, and Related Issues.**

|  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| 1. Location of sanitary sewers and septic systems, existing and proposed.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Location and size of water mains, well sites, and water service leads, existing and proposed.                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Location of hydrants, existing and proposed, with reasonable access thereto for use by public safety and fire fighting personnel. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Location of storm sewers and storm sewer facilities existing and proposed, including storm water retention/detention facilities.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Indication of site grading, drainage patterns, and other storm water control measures.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Storm water drainage and retention calculations.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Location of gas, electric, and telephone lines, above and below ground.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Types of soils and location of flood plains and wetland, if applicable.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Assessment of potential impacts from the use, processing, or movement hazardous materials or chemicals, if applicable.            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Soil erosion and sedimentation control measures.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|   | Applicant                | Staff                    | Planning<br>Commission   |
|---|--------------------------|--------------------------|--------------------------|
| 11. Existing ground elevations on the site of appropriate intervals to show drainage patterns, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Curbs and gutters, in accordance with Section 21.44.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>E. Information Applicable to Multiple-Family Residential Development.</b>  |                          |                          |                          |
| 1. The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Density calculations by type of residential unit (dwelling units per acre).  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Floor plans of typical buildings with square feet of floor area.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Building elevations of typical buildings.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Garage and/or carport locations and details, if proposed.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Dedicated road or service drive locations.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Community building location, dimensions, floor plans, and elevations, if applicable.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Swimming pool fencing detail, including height and type of fence, if applicable.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Location and size of recreation and open space areas.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Indication of type of recreation facilities proposed for recreation area.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>F. General Notes.</b>  |                          |                          |                          |
| 1. If any of the items listed above are not applicable, the following information should be provided on the site plan:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a. A list of each item considered not applicable.   |                          |                          |                          |
| b. The reason(s) why each listed item is not considered applicable.   |                          |                          |                          |
| 2. Other data may be required if deemed necessary by the City or Planning Commission to determine compliance with the provisions of this Ordinance.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF WALLED LAKE  
ORDINANCE NO. C-285-10**

**AN ORDINANCE TO AMEND CHAPTER 18  
“BUSINESSES”, OF THE CITY OF WALLED CODE OF  
ORDINANCES BY ADDING A NEW ARTICLE XI  
“MEDICAL MARIJUANA DISPENSARIES” TO  
REGULATE AND REQUIRE LICENSING OF MEDICAL  
MARIJUANA DISPENSARIES WITHIN THE CITY.**

THE CITY OF WALLED LAKE ORDAINS:

Section 1 of Ordinance

Chapter 18 “Businesses” Article XI of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

**ARTICLE XI. MEDICAL MARIJUANA DISPENSARIES**

**Section 18-354. Purpose and Intent.**

This ordinance is adopted for the purpose of regulating and promulgating licensing requirements for Medical Marijuana Dispensaries by providing for licensing, regulation and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* (hereinafter “Act”). In the event of any conflict between any requirement or provision arising under this Article and the Act, the Act shall be controlling regarding any conflicting provisions.

**Section 18-355. Definitions.**

As used in this ordinance:

- (a) “City” means the City of Walled Lake.
- (b) "Debilitating medical condition" means medical conditions defined as debilitating under the Act, as amended.
- (c) "Department" means the state department of community health.
- (d) “Dispense” means to deliver marijuana for a medical use to an ultimate qualifying patient by a primary caregiver including administering, preparing, cultivating or processing marijuana for a medical use and the packaging, labeling, or compounding necessary to prepare medical marijuana for such delivery.
- (e) "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient as defined under the Act, as amended.

(f) "Entity" means any incorporated or unincorporated company, business, enterprise, association, club, collective, organization or partnership whether for profit or non-profit, regardless of how control, membership or ownership is determined.

(g) "Marijuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, [MCL 333.7106](#).

(h) "Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition as defined under the Act, as amended.

(i) "Medical Marijuana Dispensary" means any land, facility, building or structure used, maintained or occupied to directly or indirectly dispense, or facilitate dispensing marijuana for a medical use by another as provided and authorized by the Act in exchange for any valuable consideration. A Dispensary may include a collective of one or more primary caregivers and their respective qualifying patients operating under a single Medical Marijuana Dispensary License provided all caregivers, qualifying patients and facilities comply with all requirements, restrictions, limitations or qualifications provided by the Act for protected, authorized medical use of marijuana.

(j) "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, [MCL 333.17001](#) to [333.17084](#), or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, [MCL 333.17501](#) to [333.17556](#).

(k) "Primary caregiver" means a person 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 as defined under the Act, as amended.

(l) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition as defined under the Act, as amended.

(m) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver as defined under the Act, as amended.

(n) "School" means any public or private school meeting all requirements of the compulsory education laws of the state.

(o) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant as defined under the Act, as amended.

(p) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days as defined under the Act, as amended.

(q) "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 marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition as defined under the Act, as amended.

### **Section 18-356. License Required.**

A person shall not engage in the business or occupation of a Medical Marijuana Dispensary within the City without first obtaining a Medical Marijuana Dispensary License issued by the

City pursuant to the requirements and procedures set forth in this Article and Articles II and III of this Chapter 18, as amended. In the event of any conflict between the provisions of this Article and Article II and Article III of this chapter, this Article shall be controlling.

**Section 18-357. General License Requirements and Conditions.**

- (a) A Medical Marijuana Dispensary License shall not be issued or renewed for a Medical Marijuana Dispensary proposed or located in any zoning district within the City other than a commercial or industrial zoning district.
- (b) A Medical Marijuana Dispensary License shall not be issued or renewed for a Medical Marijuana Dispensary that does not comply with all provisions, requirements, limitations, qualifications or restrictions providing for protected medical use of marijuana authorized by the Act.
- (c) A Medical Marijuana Dispensary License shall not be issued or renewed for an existing or proposed Medical Marijuana Dispensary located within one thousand feet (1,000 ft.) of a school.
- (d) A Medical Marijuana Dispensary License shall not be issued or renewed for an existing or proposed Medical Marijuana Dispensary that does not restrict and limit access to the facility areas where marijuana is kept, stored, cultivated, processed, used, exchanged, possessed, sold, or distributed to only qualifying patients and primary caregivers as allowed, limited, restricted or qualified under the Act.
- (e) Issuance or renewal of a Medical Marijuana Dispensary License constitutes unconditional and irrevocable acceptance and agreement by the licensee and all persons and entities operating under a Medical Marijuana Dispensary License or otherwise utilizing the facility to hold harmless, defend and indemnify the City, including its agents, employees and officers and officials to the fullest extent permitted by law for any and claims, damages, injuries or liabilities at law or equity in any way arising out of related to any acts, omissions, activities or conditions in any way related to a licensed Medical Marijuana Dispensary.
- (f) A Medical Marijuana Dispensary License shall be for a specific fixed location which shall be considered the licensed premises.
- (g) A Medical Marijuana Dispensary License shall not be issued for a proposed Dispensary located within one thousand feet (1,000 ft.) of an existing approved Medical Marijuana Dispensary that dispenses marijuana for a medical use directly to qualifying patients.

### **Section 18-358. General Licensing Procedures.**

Except as otherwise specifically provided in this Article, the general procedures and requirements for issuance and administration of business licenses by the City, as set forth in Articles II and III of this Chapter 18, shall apply to Medical Marijuana Dispensary Licenses. Upon receipt of an application and payment of all required fees, the City Clerk shall forward the application and all supporting materials to the Department Head for each City Department for review, investigation and recommendation. The City Manager shall review the application and all findings and recommendations of the City Department Heads for compliance with the requirements of this Article and the Act.

### **Section 18-359. Application.**

(a) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for a Medical Marijuana Dispensary License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals required by Articles II and III of this chapter, the application shall include payment of an application fee in an amount set by resolution of council and all of the following:

1. The name, address, phone number, Michigan drivers license number, and/or Michigan state identification number and registry identification number issued by the department, if any, for all the following:

- i. The owner(s) and/or proprietor(s) of the proposed Dispensary in whose name the license is to be issued;
- ii. If the proposed licensee is an entity, the name, address and telephone number of the entity;
- iii. The owners, members, officers and shareholders of an entity if the proposed licensee is an entity.

2. A copy of any lease or rental agreement pertaining to the proposed Dispensary premises;

3. A security plan, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the Dispensary facility and premises;

4. An executed release of liability, indemnification and hold harmless agreement in the form set forth in the City's application form and proof of insurance providing general liability coverage for loss, liability and damage claims arising out of injury to persons or property in an amount to be set by resolution of Council;

5. The maximum number of caregivers and qualifying patients utilizing the proposed Dispensary;

6. An area map, drawn to scale, indicating, within a radius of one thousand five hundred feet (1,500 ft.) from the boundaries of the proposed Dispensary site, the proximity of the site to any school, existing dispensary, recreational facility, church, public or private park, or to any residential zone;

7. A description of the screening, registration and validation process for persons receiving or dispensing marijuana at the proposed Dispensary;

8. Disclosure of any citation or conviction for, or guilty/no contest plea to, any violation of the laws of the United States, any state, or any local unit of government regulating controlled substances by the applicant or any of its members, officials, owners or shareholders;

9. A description of the process for tracking medical marijuana quantities and inventory controls, including on-site cultivation (if any), processing and medical marijuana products received from outside sources;

10. A description of an operating plan for the proposed dispensary including the following:

i. A description of the products and services to be provided by the Dispensary, including retail sales of food and/or beverages, if any, and any related accommodations or facilities;

ii. A floor plan, drawn to scale, showing the layout of the Dispensary and the principal uses of the floor area depicted therein, including a detailed depiction of where any services other than the dispensing of medical marijuana are proposed to occur on the premises;

iii. A detailed description of all marijuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the Act.

11. A description of waste disposal procedures, methods and facilities for marijuana waste products including, but not limited to, usable and non-usable marijuana;

12. A description of any proposed signs including a detailed depiction of sign language or displays, dimensions, locations, quantity, configuration and illumination.

(b) A criminal background investigation shall be performed for each individual identified in the application.

(c) An inspection of the proposed Dispensary and site by City Officials shall be performed prior to issuance of a license and subsequent to completion of all modifications, improvements, changes and installations to the premises to verify compliance with the requirements and provisions of this Article and all other applicable building, fire and local code requirements, including, but not limited to, eligibility for issuance of a final certificate of occupancy.

**Section 18-360. Criteria for issuance, denial of license.**

(a) Upon reviewing the application and all findings and recommendations of the City Department Heads, the City Manager shall approve, deny, or approve the application subject to conditions based upon compliance with the requirements of this Article and the Act.

(b) The City manager shall approve and issue a license provided: 1) the application and proposed Dispensary are in full compliance with the requirements of this Article and all requirements, limitations, restrictions and qualifications provided for protected medical use of marijuana authorized by the Act, and; 2) the Dispensary as proposed would not result in any violation of this Article or non compliance with any provision of the Act or other state law, and; 4) the application sets forth a security plan suitable to the proposed site and facility that provides adequate security and lighting on site to protect persons and property from criminal activity, and; 5) the Dispensary facility and site pass inspection.

(c) The City Manager shall deny: 1) any application that is either incomplete or does not comply with the requirements of this Article, or; 2) any application that contains false or materially misleading information, or; 3) any application proposing a Dispensary that does not comply with the requirements of this Article and all requirements, limitations, restrictions and qualifications provided by the Act for protected, authorized medical use of marijuana, or; 4) any application or proposed Dispensary that does not qualify for approval under this Article.

(d) The City Manager may conditionally approve an application that contains only minor deficiencies conditional upon curing any deficiencies within a timely manner.

**Section 18-361. Operating Requirements.**

All Medical Marijuana Dispensaries in the city shall be maintained, occupied, used and operated in compliance with all applicable provisions, limitations, qualifications, restrictions and requirements providing for protected medical use of marijuana authorized by the Act and the following operating requirements:

1. Security shall comply with the following minimum standards:

(a) The licensed premises shall be maintained and operated in compliance with an approved security plan;

(b) A Dispensary shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times.

(c) Usable marijuana on site when not actively dispensed or transported shall be kept or stored within a secured, locked enclosure accessible only to caregivers and/or qualifying patients as permitted under the Act;

(d) Marijuana cultivated on site, if any, shall be within an enclosed, locked facility as required by the Act.

2. Hours of operation shall be limited to: Monday through Saturday, 10.00 a.m. to 8.00 p.m. and Sunday noon to 7.00 p.m.

3. Dispensaries shall dispense marijuana for a medical use only as authorized and in the manner permitted by the Act.

4. Licenses issued pursuant to this Article, in addition to any state issued license, permit or certification shall be conspicuously posted on the premises.

5. Entry into the premises by persons under the age of eighteen is prohibited unless they are a Qualifying Patient and accompanied by a parent or legal guardian.

6. Dispensaries shall not possess or dispense marijuana in excess of the quantities authorized and permitted under the Act

7. Dispensaries and/or caregivers operating out of or utilizing a Dispensary shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the premises and shall make at least one daily bank drop that includes all cash collected on that business day.

8. All dispensing, including sales, distribution, furnishing or exchange of marijuana for a medical use upon the licensed premises shall be made directly by and between persons protected for the medical use of marijuana under and in accordance with the Act.

9. Marijuana shall not be possessed, handled, used or made accessible to persons other than caregivers and qualifying patients as authorized by the Act.

10. Any change of membership, ownership, shareholder or official status of a licensed entity shall be disclosed and identified by the licensee to the City subject to the confidentiality rules under the Act.

11. Department registry identification numbers for all persons dispensing or otherwise engaging in the medical use of marijuana at or upon the licensed premises shall be promptly disclosed to the City subject to the confidentiality rules under the Act.

12. There shall be no outdoor dispensing, open use or display of marijuana upon the licensed premises.

### **Section 18-362. Assignment of license prohibited**

The assignment of or attempt to assign any license issued pursuant to this Article is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

### **Section 18-363. License Expiration, Renewal.**

(a) A Medical Marijuana Dispensary License expires one (1) year after issuance or renewal.

(b) A Medical Marijuana Dispensary License shall be renewed if:

- 1) The licensee submits written request for renewal to the City prior to expiration and pays a renewal fee in an amount to be determined by resolution of Council;
- 2) The City Manager, or his/her designee, verifies that at or immediately prior to expiration, the information, conditions and representations contained in the approved application remain materially correct, true and accurate;

- 3) Inspection of the Dispensary premises at or immediately prior to expiration verifies compliance with this Article and requirements, restrictions, limitations and qualifications providing for protected medical use of marijuana authorized under the Act, and;
- 4) No more than a combination of two (2) violations of this Article and/or the Act occurring at or upon the licensed premises.

**Section 18-364. Revocation, suspension.**

Any violation of any provision of this Article or the Act shall constitute cause to revoke or suspend a license pursuant to the procedures and provisions of Article II, Chapter 18 of the City Code of Ordinances.

**Section 18-365. Prohibitions.**

No person or entity shall dispense, distribute, sell, convey, exchange, possess, use or give away marijuana in the city except in compliance with the provisions of this Article or as otherwise authorized and permitted by the Act.

**Section 18-366. Penalties, remedies.**

Any Person violating any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-15 of the City Code of Ordinances. Additionally, the city may seek enforcement and abatement of any violation of this Article by instituting any legal or equitable action in any court of competent jurisdiction.

**Sections 18-367 through 18-399. Reserved.**

Section 2 of Ordinance

Amended only as specified above and in this ordinance, the City of Walled Lake Code of Ordinances shall remain in full force and effect. In the event of a conflict between the Act and any provision of this ordinance, the applicable provisions of the Act shall apply.

Section 3 of Ordinance

If any provision of this ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

Section 4 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law when they were commenced.

**REPEALED**

