

**CHARTER TOWNSHIP OF WATERTOWN  
CLINTON COUNTY, MICHIGAN**

**ORDINANCE NO. 34  
MEDICAL MARIHUANA ORDINANCE**

AN ORDINANCE TO CATEGORIZE ZONING ORDINANCE DEFINITIONS BY ALPHABET, DEFINE MEDICAL MARIHUANA USES, AND ESTABLISH CLASS B HOME OCCUPATIONS TO REGULATE THE GROWING, STORAGE AND DISTRIBUTION OF MEDICAL MARIHUANA AS A HOME OCCUPATION AND TO OTHERWISE PROHIBIT IT AS A LAND USE.

THE CHARTER TOWNSHIP OF WATERTOWN ORDAINS:

Section 28-7 – Definitions - is hereby amended and sections 28-8, 28-9, 28-10 and 28-11 are hereby created to add to Article I – In General - of Chapter 28 and Section 28-147 is hereby created to add to Division 1 –Generally – of Article III – District Regulations – of Chapter 28, and Section 28-569 – Home occupations - of Article IV – Supplemental Regulations - of Chapter 28 of the Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan.

**Sec. 28-7. Definitions, A through C.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

*Accessory use* means a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

*Agriculture* means the use of land as a source of income by tilling the soil, raising trees or field crops, or animal husbandry.

*Alterations* means any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

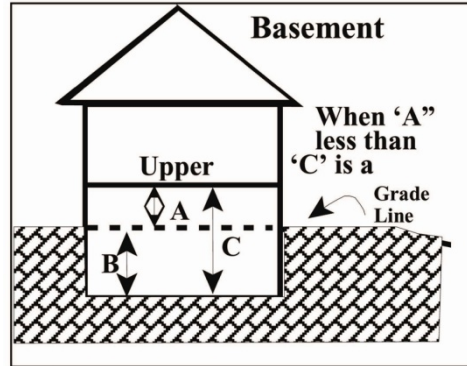
*Architectural features* means architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

*Average grade* means the average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the

finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

*Basement* or *cellar* means a portion of a building having more than one-half of its average height below grade.

*Bed and breakfast establishment* means a use within a detached single-family dwelling in which guests are provided a sleeping room, breakfast access to bathing and lavatory facilities in return for payment.

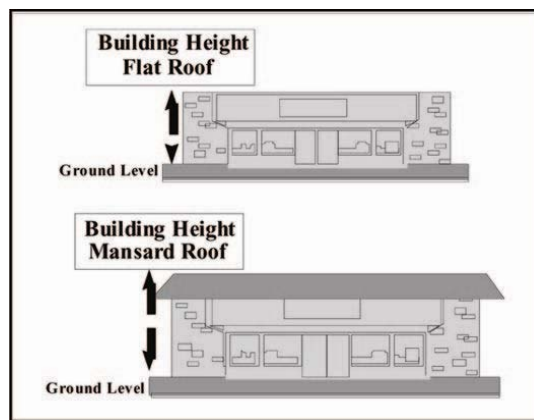
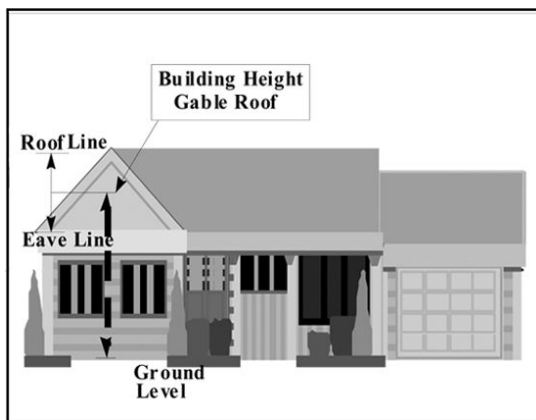


building below use transient and for

*Buildable area* means the space remaining within a lot after the minimum setback and open space requirements of this chapter have been met.

*Building* means an independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



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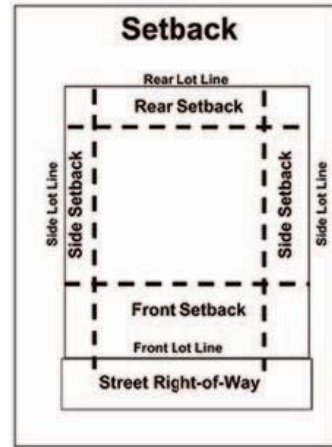
*main,* means a building in which is conducted the principal use of the lot on which it is situated.

*Building permit* means a written authority as issued by the building inspector on behalf of the township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this chapter and the state construction code.

*Building setback lines* means lines marking the setback distance from the lot lines which

establish the minimum permitted front, side, or rear yards as required by the zoning district in which a lot is located.

- (1) *Front setback line.* The line marking the setback distance from the front lot line which establishes minimum front yard setback area.
- (2) *Rear setback line.* The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- (3) *Side setback lines.* Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



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*Commercial* means this term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than 12 days during any one, six-month period.

*Commercial wireless telecommunication services* means licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Comprehensive development plan, or master plan* means the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 168 of 1959 (MCL 125.321 et seq.).

#### **Sec. 28-8. Definitions, D through F.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Day care, commercial,* means a facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.

*Day care, home.*

- (1) *Family day care home.* A single-family residence, occupied as such, in which care is provided for more than one but fewer than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- (2) *Group day care home.* A single-family residence, occupied as such, in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

*District, zoning,* means a portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

*Drive-through facility* means a commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

*Driveway, private,* means a private easement or accessway providing vehicular access to up to three lots or parcels. For setback purposes, a private driveway shall be considered the same as a public street.

*Dwelling or dwelling unit* means any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, recreational vehicle, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this chapter.

*Dwelling, multiple-family,* means a building or portion thereof, used or designed for residential use for three or more families living independently of each other and each doing their own cooking and housekeeping.

*Dwelling, single-family (detached),* means a detached building used or designed for residential use exclusively by one family.

*Dwelling, two-family,* means a detached building used or designed for residential use exclusively by two families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

*Erected* means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term "erect."

*Essential services* means the erection, construction, alteration, or maintenance in any zoning district by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential services equipment. Cellular telephone or communications towers shall not be considered essential services.

*Excavating* means the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

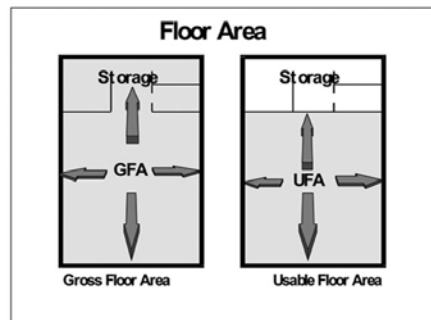
*Family.*

- (1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be permanent.

*Farm* means the use of land for cultivation or for the raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

*Fence* means any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

*Floor area, gross (GFA)* means the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include the basement floor area only if more than one-half of the average basement height is above finish lot grade. (See basement.) Gross floor area shall not include attic space having headroom of seven feet or less, or interior



balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

*Floor area, usable (UFA)* means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

*Frontage.* See lot width.

### **Sec. 28-9. Definitions, G through M.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garage* means an accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall not be construed to permit the storage on any one lot of commercial vehicles exceeding a rated capacity of one ton.

*Home occupation, class A* means an occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a class A home occupation.

*Home occupation, class B* means a registered primary caregiver storing, growing and delivering marihuana to patients in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, initiated law of 2008, MCL 333.26421 (the "act") and the requirements of this chapter as an incidental and secondary use of a residential dwelling. The term home occupation as used in this code, unless specifically designated as a class B home occupation, shall mean a class A home occupation.

*Hospital* means an institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel/motel* means a building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

*Inoperative vehicles* means any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

*Intensive livestock operations.*

- (1) A total of 750 dairy cattle (all classes); 750 slaughter or feeder cattle, 2,200 swine (all classes), 100,000 poultry (all classes); 5,000 sheep or goats (all classes); or 200 horses (all classes); or
- (2) A population per acre of at least four dairy cattle, four slaughter or feeder cattle, 20 swine, 700 poultry, ten sheep or goats, or four horses.

*Junk* means, for the purpose of this chapter, miscellaneous solid waste, rubbish, scrap, debris, or reclaimable material located outside a fully enclosed building, including, but not limited to tires, vehicle parts, paper, rags, scrap metal, scrap equipment, glass, household appliances, garbage, and vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

*Junk yard* means and includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

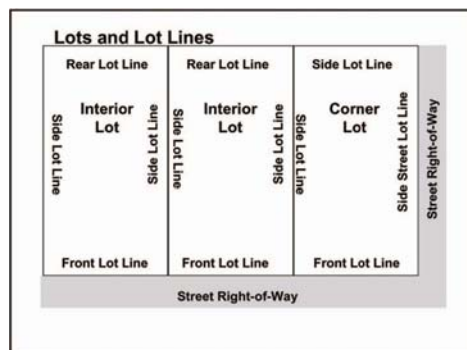
*Kennel, commercial* means any building and/or land used, designed or arranged for the commercial sale, boarding, breeding, care or treatment of three or more dogs, cats or other domestic animals for profit.

*Kennel, private* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats or other domestic animals belonging to the owner thereof and kept for purposes of sale provided that no more than three such animals, six months of age or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

*Landmark tree* means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

*Loading space* means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

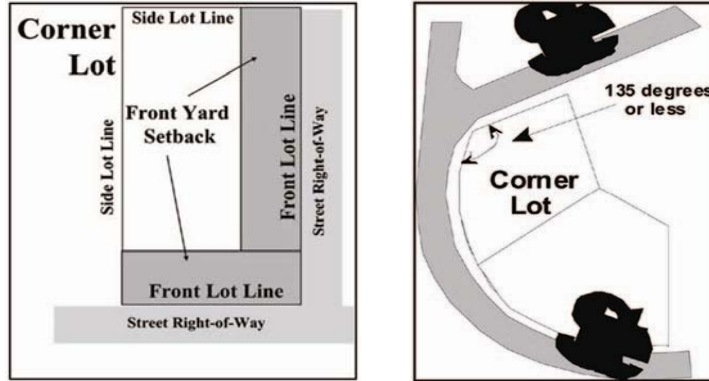
*Lot* means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this chapter. The



word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

*Lot area* means the total horizontal area within the lot lines of a lot excluding road right-of-way.

*Lot, corner*, means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less.



*Lot coverage* means the part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.

*Lot, depth*, means the mean horizontal distance from the front lot line to the rear lot line, or the two front lines of a through lot.

*Lot, double frontage (through)* means a lot other than a corner lot having frontage on two more or less parallel streets.

*Lot, interior*, means a lot other than a corner lot with only one lot line fronting on a street.

*Lot lines* means the property lines or other described lines bounding the lot.

- (1) *Front lot line*. In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.
- (2) *Rear lot line*. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose of determining depth of the rear yard. In cases where none of these definitions are applicable, the zoning administrator shall designate the rear lot line.
- (3) *Side lot line*. Any lot line not a front lot line or a rear lot line. A side lot line

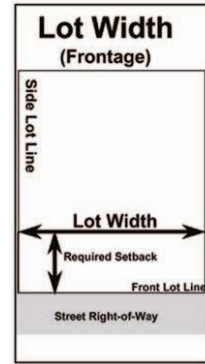
separating a lot from another lot or lots is an interior side lot line.

- (4) *Street lot line.* A lot line separating the lot from the right-of-way of a street or an alley.

*Lot of record* means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

*Lot, waterfront,* means a lot having frontage directly upon a lake, river or other naturally formed impoundment of water that meets the lot width requirements of the district in which it is located.

*Lot width (frontage)* means the horizontal distance between lines, measured at the front yard setback line.



*Manufactured home* means a residential building, dwelling unit, dwelling room, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. The term includes the terms "mobile home" or "modular home."

*Manufactured home park* means a parcel or tract of land under the control of a person upon which two or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

*Manufactured home space* means a plot of ground within a manufactured home park designed for the placement of one manufactured home.

*Master plan or comprehensive development plan* mean the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 168 of 1959 (MCL 125.321 et seq.).

*Medical marijuana dispensary* means a dispensary, collective, cooperative or grow house where one or more primary caregivers are growing medical marijuana in the same non-residential building, structure or lot, storing medical marijuana in the same non-residential building, structure or lot, or providing patients with medical marijuana out of the same non-residential building, structure or lot.

*Motel* means a series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

*Motor home* means a motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

**Sec. 28-10. Definitions, N through R.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Nonconforming building or structure* means a building or structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the provisions of the ordinance from which this chapter is derived in the zoning district in which it is located.

*Nonconforming lots of record* means a legally recorded lot that conformed with all township zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

*Nonconforming use* means a use which lawfully occupied a building or land at the effective date of this chapter or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

*Nonresidential district* means the B-1 local business district, the B-2 business district, and the LI light industrial district.

*Nursing home* means a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable state law.

*Open air business* means uses operated substantially in the open air, including, but not limited to:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- (2) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

*Ordinary high-water mark* means the line between upland and bottomland which persists

through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

*Parking lot* means a facility providing vehicular parking spaces with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

*Parking space* means an off-street space of at least 180 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

*Personal service establishments* means any commercial business conducting services that are performed primarily on the premises.

*Planned unit development* means a development of land that is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

*Porch, enclosed*, means a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

*Porch, open*, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

*Primary caregiver* means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*

*Public utility* means any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

*Public water supply*, means a central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated by maintained by a public utility authority.

*Recreation vehicle or equipment* means vehicles or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or

vehicles of a similar nature.

*Residential district* means and shall refer to the AP agricultural preservation district, AG agricultural district, RR rural residential district, R-1 single-family residential district, R-2 two-family residential district, R-3 multiple-family residential district, VSC village service center district, and MHP manufactured home park district, as described in this chapter.

*Roadside stand* means a farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

**Sec. 28-11. Definitions, S through Z.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

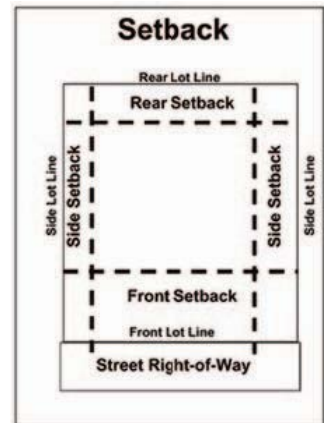
*Salvage yard* means an open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

*Sanitary sewer service* means "Available Public Sanitary Sewer System" as defined by section 26-80 of the Watertown Charter Township Code.

*Satellite dish antenna or dish antenna* means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

*Setback or setback area* means the minimum required horizontal distance measured from the front, side, or rear lot the case may be, which describes an area termed the required setback on a lot or parcel.

*Significant natural feature* means any natural area as designated by the planning commission, township board, or the department of natural resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, landmark trees, or other natural features.



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*State licensed residential facility* means a residential care family or group facility licensed by the state under Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), which provides resident care services under 24-hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the state for care and treatment of persons released from or assigned to adult correctional institutions.

- (1) A family home facility includes a state licensed residential facility providing resident services to six or fewer persons.

- (2) A group home facility includes a state licensed residential facility providing resident services to more than six persons.

*Story* means that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this chapter, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the average grade from which the height of the building is measured, or, if it is used for business purposes.

*Story, half*, means that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet and which contains a clear height of at least seven feet, at its highest point.

*Street, public*, means a public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

*Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

*Substantial improvement.*

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (2) The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the national register of historic places or the state register of historic places.

*Temporary building or use* means a structure or use permitted by the zoning administrator to exist during periods of construction of the main building or for special events as permitted by this chapter.

*Travel trailer* means a vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight feet in width or 35 feet in length. It includes folding campers and truck mounted campers.

*Use, principal*, means the primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

*Uses, adult*, means and shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- (1) *Adult book store*. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) *Adult cabaret*. An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (3) *Adult motion picture theater*. An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (4) *Massage establishment*. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, the feet, or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (5) *Nude artist and photography studio*. Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
- (6) *Specified anatomical areas*. Specified anatomical areas are defined as less than completely and opaquely covered:
  - a. Human genitals, pubic region, buttock, and female breast below a point

immediately above the top of the areola; and

- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(7) *Specified sexual activities.*

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

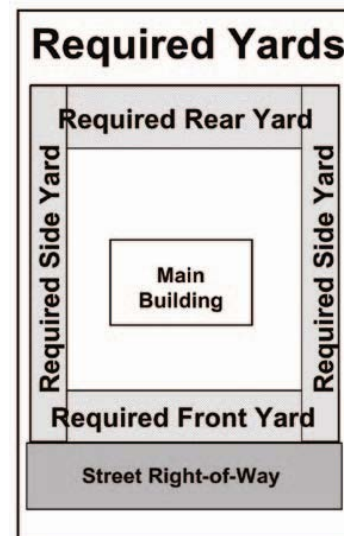
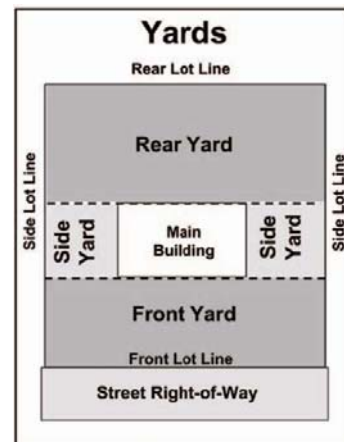
*Vehicle repair* means any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

*Vehicle service station* means a building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, handwashing, minor repair, and servicing, but not including vehicle repair as defined in this chapter.

*Vehicle wash establishment* means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Wind energy conversion system:* “Wind energy conversion system” (WECS) is any system or assembly that contains any or all of the following characteristics:

1. A windmill, turbine or any similar machine designed to be operated by the wind for the purpose of mechanical or electrical power generation;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas turned by the wind into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. A generator, alternator, or other device utilized to convert the mechanical energy generated by the wind into electrical energy;
5. A tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.



*Wind energy conversion system, small:* a wind energy conversion system consisting of wind turbines, towers, and associated control or conversion electronics, which is primarily intended to reduce or replace the on-site consumption of utility power.

*Yard* means an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- (2) A rear yard is an open space extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- (3) A side yard is an open space of uniform width between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

*Yard, required,* means as that set forth in the applicable chapters of the township zoning ordinance as the minimum yard requirement for each zoning district.

*Zoning Act* means the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

*Zoning administrator* means the person designated by the township board to administer the provisions of this chapter.

**Sec. 28-147. Prohibited uses, generally.**

Medical marihuana dispensaries and class B home occupations not expressly permitted in a zoning district are prohibited in that district.

**Sec. 28-569. Home occupations.**

- (1) Class A home occupations.

(a) Class A home occupations shall be approved by the zoning administrator, who shall issue an approval upon receipt of a letter from the applicant stating his intent to comply with the requirements of this section.

(b) No persons other than members of the immediate family residing on the premises and not more than two other persons, who need not be residents, shall be engaged in such occupation.

(c) The use of the dwelling unit for the class A home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The class A home occupation shall be operated in its entirety within the principal dwelling or accessory building, but shall not in any case exceed a gross floor area equal to more than 25 percent of the gross floor area of the dwelling unit, excluding the basement.

(d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such class A home occupation, other than one non-illuminated sign located on the same property as the home occupation.

(1) Such sign shall not exceed six square feet in area or three feet in height.

(2) The permitted sign may be mounted flat against the wall of the main building facing the street or placed in any yard, except that such sign shall be at minimum of five feet from any lot line.

(3) The permitted sign shall not be placed within any street right-of-way.

(e) No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the class A home occupation or those goods actually produced on the premises.

(f) No traffic shall be generated by such class A home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such class A home occupation shall be met off the street and other than in the required front yard.

(g) No equipment or process shall be used in such a class A home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

(h) Class A home occupations are permitted in all zoning districts when in compliance with this section.

(2) Class B home occupations.

(a) Class B home occupations shall be allowed as a home occupation only in the AP, AG, RR, R-1, R-2, R- 3 and VSC districts. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that act and the general rules. Also, since federal law is not affected by the act or the general rules, nothing in this chapter, or any companion regulatory provision adopted in any provision of this code, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution under federal law. The act does not

protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal controlled substances act. Class B home occupations shall be established and operated in compliance with the provisions of section 28-569 and this section. For purposes of this chapter a class B home occupation shall not be considered to be a personal service establishment as defined in this chapter.

(b) Class B home occupations shall conform to the following provisions:

- (1) They shall be established, conform to and be operated in compliance with all of the provisions required of class A home occupations that are not in conflict with the provisions in this section;
- (2) The home occupation shall comply at all times and in all circumstances with the act and the general rules of the Michigan Department of Community Health;
- (3) Not more than one primary caregiver shall be permitted to service qualifying patients on a lot;
- (4) All medical marihuana shall be contained within an enclosed, locked facility;
- (5) All required building, electrical, plumbing and mechanical permits shall be obtained;
- (6) No lights used in conjunction with the home occupation shall be discernible to occupants of adjacent dwellings;
- (7) There shall be no signs visible from the exterior of the building which in any manner advertise or identify the presence of the home occupation;
- (8) The occupation shall occur only in single-family dwellings that are unattached to any other dwelling unit;
- (9) All transfers and deliveries of medical marihuana to patients shall occur within the home of the primary caregiver or residence of the patient;
- (10) The hours of operation for the home occupation shall be from 7am to 8pm;
- (11) There shall be no interior alterations for the purpose of conducting the home occupation which would render the dwelling unsuitable for residential use;
- (12) No part of any accessory structure, either attached or detached, shall be used to conduct the home occupation or produce or store inventory or materials used in conjunction with the home occupation.

(c) All information regarding class B home occupations is confidential and any government official who becomes aware of a class B home occupation as a result of the

requirements of this section shall not disclose any such confidential information to any other person except to those officials performing duties necessary to comply with the provision of this section. Records regarding class B home occupations are confidential and shall not be disclosed except upon order of a court of competent jurisdiction.

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**ORDINANCE NO. 34 CERTIFICATION**

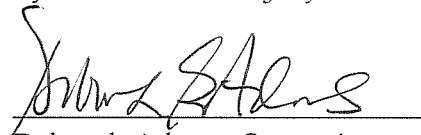
**PASSED** by roll call vote of the members as follows:

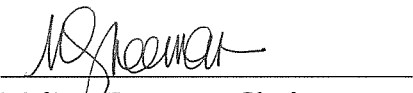
**Yes:** Trustee Westrick, Treasurer Thelen, Clerk Freeman, Trustee Weitzel,  
Trustee Maahs, Trustee Mitchell, Supervisor Adams

**No:** None

**ADOPTED** by the Township Board April 18, 2011.

**EFFECTIVE** May 1, 2011 (*seven days after date of final publishing*)

**BY:**   
Deborah Adams, Supervisor  
Charter Township of Watertown

  
Melissa Freeman, Clerk  
Charter Township of Watertown

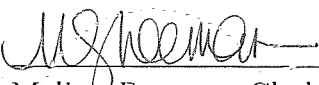
**Public Hearing:** March 2, 2011  
**First Reading:** March 21, 2011  
**First Publication:** March 27, 2011 (Grand Ledge Independent & DeWitt Bath Review)  
**Adoption:** April 18, 2011  
**Final Publication:** April 24, 2011 (Grand Ledge Independent & DeWitt Bath Review)  
**Effective Date:** May 1, 2011

Published March 27, 2011 and April 24, 2011 in the Grand Ledge Independent & DeWitt-Bath Review Newspapers.

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I, the undersigned, the duly qualified Clerk of the Charter Township of Watertown, Clinton County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of Ordinance No. 34, adopted by the Township Board on April 18, 2011.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 18 day of April, 2011.

  
Melissa Freeman, Clerk  
Charter Township of Watertown