

**FORSYTH TOWNSHIP  
MARQUETTE COUNTY, MICHIGAN  
ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 2021-2**

At a regular meeting of the Township Board of Forsyth Township, Marquette County, Michigan, held at the Gwinn Community Center on August 13, 2021, at 5:00 p.m., Township Board Member Trustee Bodenus moved to adopt the following ordinance, which motion was seconded by Township Board Member Clerk Borrett:

*An Ordinance to amend the Forsyth Township Zoning Ordinance, as amended, to provide for the zoning regulation of Primary Caregiver Operations, Medical Marihuana Facilities and Adult Use Marihuana Establishments; and designate such Facilities and Establishments as conditional uses in order to maintain the public health, safety and welfare of the residents and visitors to Forsyth Township.*

THE TOWNSHIP OF FORSYTH, MARQUETTE COUNTY, ORDAINS:

**SECTION 1. AMENDMENT OF ARTICLE III, DEFINITIONS:** The Forsyth Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

“COMMERCIAL MEDICAL MARIHUANA FACILITY” OR “FACILITY”

- (1) *“Provisioning Center,”* as that term is defined in the Medical Marihuana Facilities Licensing Act (“MMFLA”), being a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers;
- (2) *“Processor,”* as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor;
- (3) *“Secure Transporter,”* as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee;
- (4) *“Grower,”* as that term is defined in the MMFLA, being a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and

packages marihuana for sale to a processor, provisioning center, or another grower; and

- (5) *"Safety Compliance Facility,"* as that term is defined in the MMFLA, being a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"MARIHUANA ESTABLISHMENT" OR "ESTABLISHMENT"

Means one of the following, or any other type of marihuana-related business licensed by the Department of Licensing and Regulatory Affairs or its authorized Michigan agency.

- (1) *"Marihuana grower,"* as that term is defined in the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), being a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments;
- (2) *"Marihuana microbusiness,"* as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments;
- (3) *"Marihuana processor,"* as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments;
- (4) *"Marihuana retailer,"* as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older;
- (5) *"Marihuana secure transporter,"* as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments;

- (6) *"Marihuana safety compliance facility,"* as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants;
- (7) *"Designated consumption establishment,"* as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA;
- (8) *"Excess marihuana grower,"* as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA;
- (9) *"Marihuana event organizer,"* as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA; and
- (10) *"Temporary marihuana event"* as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

"MARIHUANA BUSINESS"

Means any Facility or Establishment licensed under the MMFLA or MRTMA.

"PRIMARY CAREGIVER OPERATION"

Is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA").

"PATIENT"

As that term has been defined in the MMMA, being a person who has been diagnosed by a physician as having a debilitating medical condition and includes a visiting qualifying patient.

“PRIMARY CAREGIVER”

Means a person qualified under MCL 333.26423, and the rules promulgated therefore, including, but not limited to possession of a valid, unexpired registry identification card to assist with a Patient’s medical use of Marihuana, and authorized under the MMMA to operate as a Primary Caregiver.

“REASONABLY AVAILABLE ODOR CONTROL TECHNOLOGY”

An odor control technology that limits odor from a particular source or source category within the limits of Township ordinances by the application of control technology that is reasonably available considering technological and economic feasibility.

“OTHER MARIHUANA RELATED DEFINITIONS”

Other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Forsyth Township Marihuana Regulatory Ordinance. Any other marihuana related terms undefined by other Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

**SECTION 2. AMENDMENT OF ARTICLE IV, ZONING DISTRICT REGULATIONS:** The Forsyth Township Zoning Ordinance, Article IV, Zoning District Regulations, Commercial District C-1 Conditional Uses shall be amended to read as follows:

COMMERCIAL DISTRICT C-1

CONDITIONAL USES

NOTE: All conditional uses in C-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Business establishments such as photo processing (812921) and dry cleaners (812320) which chemicals in the processing of materials provided adequate disposal and handling of those chemicals is provided for, as specified in "OSHA" and/or "EPA" standards.

2. Boarding Kennels (112990).
3. Car washes (811192) when completely enclosed in a building and having adequate effluent disposal capability.
4. Indoor (713940) and outdoor recreational facilities.
5. Sales of new (441110) and used (441120) (441221) motor vehicles, campers, motor homes, recreational vehicles (441210), boats (441222), and other similar recreational types and motor vehicle rental, and manufactured homes (453930).
6. Utility substations.
7. Storage Unit Buildings - Mini Storage (493190).
8. Outdoor heating units on lots with less than one-half ( $\frac{1}{2}$ ) acre (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).
9. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
10. Grower, Class A, B, or C.
11. Marihuana Grower, Class A, B, or C.
12. Processor.
13. Marihuana Processor.
14. Secure Transporter.
15. Marihuana Secure Transporter.
16. Safety Compliance Facility.
17. Marihuana Safety Compliance Facility.
18. Provisioning Center.
19. Marihuana Retailer.

**SECTION 3. AMENDMENT OF ARTICLE IV, ZONING DISTRICT REGULATIONS:** The Forsyth Township Zoning Ordinance, Article IV, Zoning District Regulations, Commercial District C-2 Conditional Uses shall be amended to read as follows:

**COMMERCIAL DISTRICT C-2**

**CONDITIONAL USES**

NOTE: All conditional uses in C-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Boarding Kennels (112990).
2. Gasoline service stations (447) for sale of gasoline, oil and minor accessories (447110)(447190), which may include major automotive servicing and mechanical repairs providing that: Entrances and exits shall not be less than twenty-five (25) feet from any street intersection or residential district. The lot shall be so arranged that ample space is available for motor vehicles, which are required to wait. Motor engine repairs, steam, cleaning and under coating, when conducted on the site, shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week. No salvage of auto or machinery parts is permitted. Gasoline pumps, air and water hose stands, and other appurtenances shall be set back in minimum of fifteen (15) feet from all street right of way lines.
3. Auto body and auto paint shops (811121) when in a fully enclosed building, complying with EPA/OSHA standards and subject to the same conditions as Conditional Use #2.
4. Outdoor recreational facilities.
5. Contractor storage yards for equipment and building supplies.
6. Businesses for the retail and wholesale sales of building materials (444110).
7. Light fabrications and assembly when conducted completely within an enclosed building.
8. Utility substations and utility exchanges.
9. Salvage or Recycling facilities (421930)(562920) as outlined in Article VII.

10. Outdoors heating units on lots with less than one-half (½) acre (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).
11. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
12. Grower, Class A, B, or C.
13. Marihuana Grower, Class A, B, or C.
14. Processor.
15. Marihuana Processor.
16. Secure Transporter.
17. Marihuana Secure Transporter.
18. Safety Compliance Facility.
19. Marihuana Safety Compliance Facility.
20. Provisioning Center.
21. Marihuana Retailer.

**SECTION 4. AMENDMENT OF ARTICLE IV, ZONING DISTRICT REGULATIONS:** The Forsyth Township Zoning Ordinance, Article IV, Zoning District Regulations, Industrial District I-1 Conditional Uses shall be amended to read as follows:

**INDUSTRIAL DISTRICT I-1**

**CONDITIONAL USES**

NOTE: All conditional uses in I-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Motor freight warehousing business and terminals.
2. Boarding Kennels.

3. Wineries, Breweries & Food Processing.
4. Above ground gasoline and petroleum storage (setback and diking restrictions will apply as regulated by the State of Michigan).
5. Ready-mix concrete plants.
6. Public utility substations.
7. Utility storage and maintenance facilities subject to outdoor storage conditions as expressed under permitted uses, paragraph (1), a,b, and c.
8. Salvage or Recycling facilities as outlined in Article VII.
9. Grower, Class A, B, or C.
10. Marihuana Grower, Class A, B, or C.
11. Processor.
12. Marihuana Processor.
13. Secure Transporter.
14. Marihuana Secure Transporter.
15. Safety Compliance Facility.
16. Marihuana Safety Compliance Facility.
17. Provisioning Center.
18. Marihuana Retailer.
19. Any other use that is in harmony with the intent of this district as determined by the Zoning Administrator.

**SECTION 5. AMENDMENT OF ARTICLE IV, ZONING DISTRICT REGULATIONS:** The Forsyth Township Zoning Ordinance, Article IV, Zoning District Regulations, Industrial District I-2 Conditional Uses shall be amended to read as follows:



## INDUSTRIAL DISTRICT I-2

### CONDITIONAL USES

NOTE: All conditional uses in I-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Asphalt plants complying with EPA/OSHA standards.
2. Boarding Kennels.
3. Wood preservation facilities.
4. Utility substations.
5. Salvage or Recycling facilities as outlined in Article VII.
6. Sexually Oriented Business as outlined in Article VII.
7. Grower, Class A, B, or C.
8. Marihuana Grower, Class A, B, or C.
9. Processor.
10. Marihuana Processor.
11. Secure Transporter.
12. Marihuana Secure Transporter.
13. Safety Compliance Facility.
14. Marihuana Safety Compliance Facility.
15. Provisioning Center.
16. Marihuana Retailer.
17. Any other use that is in harmony with the intent of this district as determined by the Zoning Administrator.

**SECTION 6. AMENDMENT OF ARTICLE VII, SUPPLEMENTAL REGULATIONS, TO ADD MARIHUANA GENERAL REGULATIONS:** The Forsyth Township Zoning Ordinance, Article VII, Supplemental Regulations shall be amended to add Marihuana General Regulations to the regulations already listed:

**MARIHUANA GENERAL REGULATIONS**

The following regulations apply to all marihuana Establishments or Facilities within the Township, unless a more specific provision of this Article applies:

I. LOT AREA REQUIREMENTS

II.

No building or structure shall be established on any lot less than one (1) acre in area.

III. LIGHT POLLUTION AND LIGHTING PLAN

IV.

A. All lighting shall be subject to the following general operating standards:

1. All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.
2. All lighting shall be shielded to the extent possible to reduce glare and visibility.
3. No flashing lights will be permitted.

B. An external lighting plan for each Permitted Property shall be approved as part of the Site Plan review, to ensure the general operating standards set forth in this subsection will be satisfied. The lighting plan shall include, but is not limited to the location, dimensions, light color, and types of fixtures to be used for all external lighting, including but not limited to lighting for parking lots, driveways, security lighting or other external illumination, or the illumination of signs, and its overall area of illumination. The Township may request additional detail(s) and information as part of its review. The Township may approve a lighting plan if it believes it reasonably conforms to the general operating standards as set forth in this subsection, unless a reasonable person would expect the lighting plan to create, cause, or compound the substantial likelihood that injury would result to the public health, safety, or general welfare.

V. MARIHUANA ODOR CONTAINMENT PLAN

- A. Every building housing a Marihuana Business shall be equipped with an odor control or filtration system to ensure that odor leaving the building is not detectable upon any adjacent property, unless a professional mechanical engineer licensed in the State of Michigan provides a written opinion explaining why and how all detectable odor will, under all circumstances, be completely contained upon the Permitted Property without the need for such a system.
- B. Any odor control system shall be designed by a professional mechanical engineer licensed in the State of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the Township for review with the Conditional Use Permit application. The narrative shall provide odor control overview, a description of the odor control or active filtration equipment, the number of building air exchanges, sequence of operation and how the odor control system integrates with the facility's heating, ventilation, and cooling system.
- C. The professional mechanical engineer shall be required to present a system overview during the Conditional Use Permit review.
- D. The odor control or filtration system shall be maintained in good working order at all times.
- E. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

VI. SITE PLAN

Each Facility or Establishment shall comply with all Site Plan requirements of this Ordinance.

VII. MARIHUANA SIGNAGE

Signage for marihuana facilities and establishments shall comply with all requirements of applicable Township ordinances.

VIII. PARKING

Any Marihuana Business shall ensure adequate parking for its Facility or Establishment and consistent with the retail or industrial standards set forth in Article VIII as may be applicable to each Marihuana Business.

**SECTION 7. SEVERABILITY:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**SECTION 8. REPEAL:** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 9. EFFECTIVE DATE:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: Supervisor Boogren, Trustee Bodenus, Treasurer Kevern, Clerk Borrett, Trustee Heikkila

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
Joseph Boogren, Forsyth Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Forsyth Township Board at a duly scheduled and noticed meeting of that Township Board held on August 13, 2021, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in The Mining Journal, a newspaper that circulates within Forsyth Township, on August 19, 2021.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:



\_\_\_\_\_  
Michelle Borrett, Forsyth Township Clerk

**FORSYTH TOWNSHIP  
MARQUETTE COUNTY, MICHIGAN  
NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 2021-2**

Please take notice that on August 13, 2021, the Township Board of Forsyth Township adopted Ordinance No. 2021-2, which amended the Forsyth Township Zoning Ordinance to provide for the zoning regulation of Primary Caregiver Operations, Medical Marihuana Facilities and Adult Use Marihuana Establishments and designate such Facilities and Establishments as conditional uses in order to maintain the public health, safety and welfare of the residents and visitors to Forsyth Township.

The Ordinance has the following sections and catch lines: Section 1: Amendment of Article III, Definitions; Section 2: Amendment of Article IV Zoning and District Regulations, Commercial District C-1; Section 3: Amendment of Article IV, Zoning and District Regulations, Commercial District C-2; Section 4: Amendment of Article IV, Zoning and District Regulations, Industrial District I-1; Section 5: Amendment of Article IV, Zoning and District Regulations, Industrial District I-2; Section 6: Amendment of Article VII Supplemental Regulations to Add Marihuana General Regulations; Section 7: Severability; Section 8: Repeal; Section 9: Effective Date, which is seven days after publication of this notice.

Copies of this Ordinance can be requested at 44 N Johnson Lake Rd, Gwinn, MI 49841-1360.

Published by Order of the Township Board  
Forsyth Township, Marquette County  
Michelle Borrett, Township Clerk  
Phone: (906) 346-9217

Publication Date: August 19, 2021