



**ADA TOWNSHIP PLANNING COMMISSION  
THURSDAY, JUNE 20, 2019 MEETING, 7:00 PM  
TOWNSHIP OFFICES, 7330 THORNAPPLE RIVER DR.  
ADA, MICHIGAN**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES OF MAY 9, 2019 SPECIAL MEETING**
- V. PUBLIC HEARINGS**
  - 1. Request for a Special Use Permit for a “Type 2” Home Occupation in the AGP Agricultural Preservation Zoning District, to permit Outdoor Yoga as a Home Occupation, 2821 Boynton Ave. NE, Parcel No. 41-15-01-400-022, Lisa Johnson
  - 2. Draft Zoning Ordinance Amendment to Chapter 78, Article I, Section 78-18, of the Ada Township Zoning Regulations of Ada Township Municipal Code, titled “Certain uses prohibited,” to add a prohibition on marihuana establishments and marihuana facilities
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
- VIII. COMMISSION MEMBER / STAFF REPORTS**
- IX. PUBLIC COMMENT**
- X. ADJOURNMENT**

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE MAY 9, 2019 SPECIAL MEETING**

A Special meeting of the Ada Township Planning Commission was held on Thursday, May 9, 2019, 4:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

**I. CALL TO ORDER** – Meeting was called to order at 4:10 P.M.

**II. ROLL CALL**

Present: Carter, Heglund, Jacobs, Leisman  
Absent: Easter, Burton, Butterfield (arrived at 4:12 P.M.)  
Staff Present: Ferro, Bajdek, Winczewski  
Public Present: 4 Members

**III. APPROVAL OF AGENDA**

Chair Leisman recommended swapping the first and second agenda items.

Moved by Carter, supported by Jacobs, to approve the agenda as amended. Motion passed unanimously.

*(Butterfield arrived)*

**IV. APPROVAL OF MINUTES OF APRIL 18, 2019 MEETING**

Moved by Carter, supported by Jacobs, to approve the minutes of the April 18, 2019 meeting as presented. Motion passed unanimously.

**V. PUBLIC HEARINGS** - None

**VI. UNFINISHED BUSINESS** – None

**VII. NEW BUSINESS**

**1. Site Plan Review, 1,916 Square Foot Addition to Existing Office Building, 8066 E. Fulton St., Parcel No. 41-15-35-100-086, Jonathan Blair, for American International Foods**

Doug Stalsonburg, P.E. of Exxel Engineering, Inc, was present on behalf of the applicant. Mr. Stalsonburg stated this exact same plan was approved in 2016. The additions were never built and the site plan approval expired. Now the applicant is ready to begin construction and needs a new site plan approval.

Leisman asked if there were any questions regarding the recommended conditions of approval stated in the staff memo. Mr. Stalsonburg stated the applicant is prepared to address the parking issues with one of the four options laid out in the staff memo. If one of the four options does not work, the applicant is prepared to submit a revised site plan.

Planning Director, Ferro, stated the current conditions of approval differ slightly from the October 2016 conditions of approval in that the pavement encroachment onto the Township property needs to be addressed prior to issuance of an occupancy permit. The previous conditions stated prior to a building permit. Ferro also stated that if no agreement is reached that would permit the pavement that encroaches

onto Township property to remain, a revised site plan application for 8 additional on-site parking spaces will need to be approved prior to occupancy.

Moved by Jacobs, supported by Heglund, to approve the site plan subject to the following conditions:

1. Any exterior light fixtures on the building being fully shielded on all sides.
2. A utility signoff from the Kent County Health Department for onsite well and septic, prior to issuance of a building permit.
3. The pavement encroachment onto the adjacent property owned by Ada Township shall be addressed through one of the following mutually-agreed upon methods, prior to issuance of an occupancy permit for the building addition:
  - 1) acquisition by the applicant of property from the Township to accommodate the encroachment.
  - 2) completion of a revocable license agreement with the Township to authorize the encroachment.
  - 3) completion of a permanent easement agreement with the Township authorizing the encroachment.
  - 4) removal of the encroachment by the applicant, if desired by the Ada Township Board.
4. In the event that no agreement is reached that would permit the pavement that encroaches onto Township property to remain, the applicant shall submit a revised site plan application for 8 additional on-site parking spaces, subject to review and approval by the Zoning Administrator, prior to issuance of an occupancy permit for the building addition.

Motion passed unanimously.

**2. PVM District Development Plan, Construction of a Library & Community Center located in the (PVM) Planned Village Mixed-Use Overlay Zoning District, 7215 Headley St. SE, Parcel No. 41-15-34-102-017, Ada Township**

Ken Brandsen, Steve Teitsma and Craig Hondorp from Progressive AE, were present on behalf of the applicant. Mr. Brandsen stated the design development process is in place right now. The next step is to go through the construction documents. They will be in front of the Township Board on May 13, 2019 to go over the design update, cost, schedule and fund raising.

Mr. Teitsma reviewed the site plan with the Planning Commission, noting there will be 55 parking spaces with spillover at the Community Church parking lot. The building will be 23,500 sq. ft. on two stories, there will be a center courtyard, dumpster enclosure, and an outdoor teaching area on the west side of the building.

Leisman asked where the dumpster enclosure would be located. Mr. Teitsma stated it would be on the back side along Fulton Street. MDOT has a wide right-of-way of about 40 feet. There is a fairly thick area of vegetation which will stay and hide much of the mechanicals and the dumpster enclosure.

Mr. Teitsma noted a future walking trail on the adjacent property to the west which is not currently part of this project but has been desired by the Township and its residents. Mr. Teitsma also noted the proposed under-parking storm water chamber system that will provide storm water detention in conformance with the Township's storm water ordinance, before being discharged to an MDOT culvert within the M-21 right-of-way.

Mr. Hondorp provided a summary of landscaping details and stated there will be 8 Honey Locust trees to shade the parking lot. Mr. Hondorp continued with a summary of trees and shrubs that will be planted in the buffer zone, courtyard, as well as the east and southwest sides of the property.

Chair Leisman asked how this building complies with the PVM district architectural standards which states the buildings should represent the time period between 1860 and 1940. The applicants stated the architect would be best to answer those questions but is not present.

Carter asked why the courtyard was incorporated into the design. Mr. Brandsen stated that the Building Committee and KDL (Kent District Library) were excited for the flexibility of the outdoor space which could be used for community or library uses.

Leisman opened a public hearing at 4:47 P.M. Being there were no comments, public hearing was closed.

Planning Director, Ferro, provided a summary of his staff memo outlining the proposed development plan. There are few PVM district standards for civic building lots contained in the PVM district. There are no standards for lot area, width, frontage %, or setbacks other than a 10 ft. rear setback. The only standard that applies is building height which is 1 to 4 stories; the proposed building is 2 stories.

Ferro summarized other standards of the PVM district which apply to this project as outlined in his staff memo and include: primary entrances, off-street parking (location, layout and quantity), design intent, materials, transparency standards, minimum story height, parapet roofs and cornice requirements, window and door standards, site lighting, refuse container, mechanical equipment, utilities, storm water management, and landscaping.

Leisman recommended adding another departure to state a departure is warranted to allow a flat roof on a civic lot and a departure is warranted on the cornices subject to an additional condition which is the plan shall be revised to include additional projecting cornices to the flat roof design subject to the Planning department's approval.

Leisman expressed concern about not having any cornices when the design standards specifically say that flat-roofed buildings need to have a cornice that projects 6" – 12" from the building wall. Jacobs stated one concern based on what has been discussed in Board meetings is cost. There has been additional cost from moving the building location from the south side of Headley to the north side of Headley.

Leisman opened the floor for Planning Commissioner comments.

Jacobs stated she thinks the building is beautiful but we're pushing the architectural design period. Perhaps adding cornices will help.

Butterfield agreed, adding cornices may help with the architectural design. Butterfield also stated she does not like the arch.

Heglund stated it is a beautiful building.

Carter stated he agrees with Jacobs in that he is unsure the architecture fits the time period with other buildings in the Village. Carter also stated he is bothered by the number of departures being requested and also doubts the practicality of having a courtyard when it can not be used for several months of the year.

Jacobs stated the Board discussed early-on about the costs of the courtyard, however, the design team was very much in favor of it. Carter stated there is design vs. feasibility. Now we will have to heat/cool 4

more outside walls.

Leisman stated it is a very nice civic building. He feels it fits the site, it is designed well, and the departures are for the most-part warranted.

Moved by Jacobs, supported by Butterfield, to approval the development plan subject to the following findings and conditions:

1. The Planning Commission hereby makes the following findings:
  - a. The proposed development plan, as modified by the conditions of approval listed below, requires the following “departures” from the standards of the PVM district, which are hereby approved:
    - (1) departure from the architectural standard to permit use of metal for exterior walls, other than for “beams, lintels, trim elements and ornamentation.”
    - (2) departure from the architectural standard requiring minimum 7” wide mullion between ganged windows.
    - (3) departure from the architectural standard requiring minimum 30” separation between a window and a building corner, unless the building corner is a block corner.
    - (4) departure from the architectural standard prohibiting fixed upper story windows unless “as a component of a system including operable windows within a single wall opening.”
    - (5) departure from the architectural standard to permit a parapet roof on a civic building lot.
    - (6) departure from the architectural standard requiring a 6”-12” cornice.
  - b. The above departures result in a plan that complies with the spirit and intent of the PVM District to a greater degree than would be the case without authorization of the departures.
  - c. The proposed alternative is consistent with the purpose and intent of the PVM District.
  - d. The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
  - e. The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.
2. The proposed development plan for a 2-Story 23,500 sq. ft. library and community center building is hereby approved, subject to the following conditions:
  - a. The building and site improvements shall be completed substantially as shown on the plan set titled “Amy Van Andel Library and Community Center, dated 5/7/19, except as modified in accordance with these conditions of approval.
  - b. Any exterior building mounted light fixtures shall qualify as “full-cutoff” control of light emission or of a low light intensity non-glaring style, subject to approval of the Planning

Department. Fixture specifications shall be submitted for approval, prior to building permit issuance.

- c. The proposed discharge of storm water to the MDOT facilities in the M-21 right-of-way shall be subject to approval by Michigan DOT, and issuance of a Township storm water permit, prior to issuance of a building permit.
- d. A driveway access permit shall be approved by the Kent County Road Commission, prior to issuance of a building permit.
- e. The plans shall be revised to include the following revisions to better comply with the design standards subject to the approval of the Planning department:
  - 1. the roof parapet shall be modified to include some projecting roof cornices.
  - 2. the north elevation shall include some additional features to improve the appearance of the building exterior.

Motion passed unanimously.

**3. Draft Zoning Ordinance Amendment, to Prohibit “Marihuana establishments” and Marihuana facilities” in the Township**

Leisman stated the Township has already passed a regulatory ordinance stating that Ada Township is opting out of allowing marihuana establishments and not opting in to allow marihuana facilities. The Township attorney recommends that the Township also incorporate that in its zoning ordinance because it is land use regulations.

Moved by Heglund, supported by Jacobs, to set a public hearing for June 20, 2019. Motion passed unanimously.

**VIII. PUBLIC COMMENT - None**

**IX. COMMISSION MEMBER / STAFF COMMENTS –**

Leisman stated the regular meeting for May 16, 2019 does not have any agenda items.

It was moved by Butterfield, supported by Jacobs, to cancel the May 16, 2019 meeting due to lack of business and to next meet on June 20, 2019. Motion passed unanimously.

**X. ADJOURNMENT – Meeting adjourned at 5:34 p.m.**

Respectfully submitted,

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Jacqueline Smith, Ada Township Clerk



## MEMORANDUM

Date: 06-13-19

**TO:** Ada Township Planning Commission  
**FROM:** Brent M. Bajdek, Planner/Zoning Administrator  
**RE:** June 20, 2019 Agenda Item – 2821 Boynton Ave. NE (*Public Hearings – Item #1*)

**Request for Special Use Permit, “Type 2” Home Occupation in the AGP Agricultural Zoning District, to permit Outdoor Yoga as a Home Occupation, 2821 Boynton Ave. NE, Parcel No. 41-15-01-400-022, Lisa Johnson**

Overview of Request:

The applicant is proposing to operate an outdoor yoga business from the property in which she resides, located at 2821 Boynton Avenue NE. The subject 3.8 acre-site is situated at the northwest corner of the Boynton Avenue and 3 Mile Road intersection and is zoned AGP Agricultural Preservation.

It is the intention of the applicant to bring the ‘Original Goat Yoga’ to West Michigan. Per the applicant, the proposed home occupation will consist of 90-minute outdoor yoga classes led by one (1) instructor and conducted on the lawn of the subject property with the presence of goats. The applicant is initially planning to conduct three (3) classes per week with approximately 15-20 clients per class; the applicant anticipates/desires an expansion to five (5) classes per week, with the same number of clients per class, in the future. Ms. Johnson will be the only member of the household engaging in the proposed operation as an employee; however, one (1) other individual outside of the household will be engaged in the conduct of the proposed home occupation on the premises.

*As a home occupation in which clients of the home business come to the residential premises, the proposed home occupation is classified in the zoning rules as a “Type II” Home Occupation that is subject to a special use permit approval by the Planning Commission.*

*Please note that the applicant has identified an alternate ‘yoga site’ on the attached drawing, which is located east of the subject property (across Boynton Avenue) and located in Vergennes Township; the applicant has been notified that property is not under the jurisdiction of Ada Township and that uses on that property are required to adhere to Vergennes Township regulations.*

Analysis of Request:

“Type II” Home Occupations must comply with all of the following standards, in addition to the general standards for special use permit approval. Comments on these standards are as follows:

Standard	Comments
1. The Type II home occupation shall only be conducted on the premises of a detached single-family dwelling. Type II home occupations shall not be permitted within two-family or multiple-family dwellings.	This standard is met.
2. No more than two persons other than members of the household residing on the premises shall be engaged in the conduct of the home occupation on the premises.	Ms. Johnson, plus only one (1) outside individual will be engaged in the operation; this standard is met.

Standard	Comments
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit, or three hundred (300) square feet, whichever is less, shall be used in the conduct of the home occupation.	The home occupation activity is proposed to occur strictly outdoors and weather permitting.
4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the Type II home occupation, other than signs as permitted in Article XXVI of Chapter 78.	This standard is met. No permanent signage is planned.
5. Storage of goods, materials, equipment or products associated with the home occupation shall be permitted only within the dwelling or in an enclosed accessory building, or in an outside area enclosed on all sides by a solid fence or wall, so as to be entirely screened from view from surrounding properties and the public road.	This standard is met.
6. Outdoor display of equipment, materials, goods, merchandise or supplies used in the conduct of the home occupation is prohibited.	This standard is met.
7. The home occupation shall not involve the use or storage of more than one (1) commercial vehicle on the premises. Any vehicle over one (1) ton capacity shall be parked or stored in an enclosed garage or accessory building.	This standard is met.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. The number of off-street parking spaces provided for the home occupation shall not exceed two (2) spaces, exclusive of parking required for the residential use of the dwelling.	<p>The applicant is proposing no more than 5 classes with 15-20 clients. With carpooling anticipated and parking on the existing driveway planned; it appears that this standard will be met.</p> <p><i>Please note that the front yard lawn parking that was initially shown on the attached drawing is no longer being proposed.</i></p>
9. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the 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 causes fluctuations in line voltage off the premises.	This standard is met.

**Special Use Permit Standards (*general standards*)**

- 1) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- 2) The special use shall not change the essential character of the surrounding area.
- 3) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
- 4) The special use shall not place demands on public services and facilities in excess of capacity.

*There are no characteristics of the proposed use that would conflict with these standards.*



Summary of Conformance with Home Occupation Standards and General Special Use Permit Approval Standards:

The proposed home occupation meets all standards for approval of a “Type 2” Home Occupation. Additionally, there are no characteristics of the proposed use that would conflict with the general special use permit standards. The proposed home occupation would not alter the essential character of the area. It is Staff’s opinion that the proposed use would be harmonious with the character of the area.

*However, please note that per the Kent County Road Commission, the existing Boynton Avenue residential driveway approach will need to be widened to 24 feet in width with 20-foot radii at the right-of-way; however, it can remain gravel. The existing culvert would also need to be extended to accommodate the widening.*

Recommendation:

Approval of the Special Use Permit for a “Type II” Home Occupation business to permit personal training as a home occupation is recommended, subject to the following conditions:

1. The number of classes at the residential premises shall be limited to no more than five (5) per week.
2. There shall be a maximum of twenty clients per class.
3. The issuance of a driveway permit from the Kent County Road Commission for required improvements necessary to upgrade the existing residential approach and construction of such improvements, prior to the commencement of the outdoor yoga classes being conducted from the property.



TOWNSHIP

APPLICATION FOR APPROVAL OF SPECIAL USE

The following application fee must accompany this application:

For a residential accessory building or Type 2 home occupation permit: \$200.00
For all other special use permit applications: \$300.00

Applicant Name: Lisa Johnson Contact Name: Lisa Johnson
Address: 2821 Boynton Ave Ada, MI 49301 N.E. Phone No.: 616-644-3328
Fax No.:

1. The undersigned hereby requests approval of the following special use: (Describe fully)
Goat Yoga classes seasonally on the land.
See Narrative Statement

upon the following parcel of property: (address) 2821 Boynton Ave N.E.
Permanent Parcel Number: 41-15-01-400-022, which property is located within the
AGP zoning district. The undersigned also hereby grants permission to
Ada Township and its officials and staff to enter upon the subject property for purposes of
review and evaluation of this request.

2. In support of this application, the following items are attached:

- (a) A complete site plan [see Sec. 78-492 (2)(b) and Sec. 78-524]
(b) A written statement addressing the extent to which the proposed use complies with
the standards set forth in Sec. 78-493 of the zoning ordinance.

Signature of Applicant: Lisa Johnson
Date: May 17, 2019

FOR COMPLETION BY ADA TOWNSHIP

Application and fee in the amount of \$ 200.00 received by GD, on 5/17/19. 272842

Escrow deposit (if required) in the amount of \$ received by, on / /

Narrative for Ada Township

Tuesday, May 7, 2019

Homeowners: Nathaniel & Lisa Johnson  
Address: 2821 Boynton Ave. NE, Ada, MI 49301  
Contact Phone Number: 616-644-3328

It is the intention of the homeowners to bring *The Original Goat Yoga* to West Michigan. Although there are multiple *TOGY* sites around the country, there is currently only one other location in Michigan and it's in Williamston. *The Original Goat Yoga* was started by Laney Morris in Oregon. Laney, a native of Michigan who grew up in the Muskegon area, has discovered that goat yoga is a phenomenon that is sweeping the country as it brings yoga and animals together to benefit people's mental health.

The proposed home occupation will be called *The Original Goat Yoga* and the customers/clients will be required to visit the residential premise for a 90-minute class interacting with the goats while having a yoga instructor lead the class. There could be approximately 15-20 participants and we hope to start off with 3 classes per week and expand to 5 classes per week. Participants would be carpooling to the property with multiple people per vehicle parked on site.

This property is a detached single-family dwelling. No one associated with this occupation, other than the homeowners, will be residing on the premises. The home itself will not be used for this proposed occupation since this is entirely an outdoor and weather-permitting activity. There will be no change in the outside appearance of the building other than a temporary sign used on the day of an occasional Goat Yoga event. There will be no storage of goods, materials, equipment, or products associated with Goat Yoga outside of the dwelling or accessory building. There will be no commercial vehicle stored on the premises.



Yoga on lawn

Yoga on lawn

1. Alternate yoga sites

0 25 50 100  
Feet



## MEMORANDUM

Date: 6/17/19

**TO:** Ada Township Planning Commission  
**FROM:** Jim Ferro, Planning Director  
**RE:** Zoning Ordinance Amendment – to Prohibit “Marihuana Establishments” and “Marihuana Facilities” in the Township

In November 2018, the Township Board, under the provisions of the voter-initiated “Michigan Regulation and Taxation of Marihuana Act,” adopted an ordinance to prohibit all types of recreational marihuana establishments in the Township.

At that time, in correspondence to the Township (attached), Jeff Ammon, Township Attorney, recommended that the Township “consider adopting a conforming amendment to the Township’s Zoning Ordinance.”

Attached is a proposed zoning ordinance amendment revising the ordinance section concerning prohibited uses, to add “marihuana establishments” and “marihuana facilities” to the list of prohibited uses in the Township.

The proposed zoning ordinance prohibition includes both terms, to include marihuana “establishments” under the new “recreational” marihuana statute as well as “medical” marihuana “facilities” under the pre-existing Medical Marihuana Facilities Licensing Act.

Following the public hearing at the June 20 meeting, the Commission should consider recommending to the Township Board that the proposed ordinance be enacted.

**ADA TOWNSHIP ORDINANCE NO. O-021710-1  
AN ORDINANCE TO AMEND THE ADA TOWNSHIP ZONING ORDINANCE  
(Chapter 78 of the Ada Township Code of Ordinances, as Amended)**

**THE TOWNSHIP OF ADA ORDAINS:**

Section 1. Amendment to Section 78-18, titled "Certain uses prohibited," to add a prohibition on marihuana establishments and marihuana facilities.

Setion 78-18 of Article I of Chapter 78 of the Ada Township code of ordinances is hereby amended by adding the following subparagraph (4), to read as follows:

(4) Use any land, building or structure in the township for any of the following uses:

(a) a marihuana establishment, as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended, or

(b) a marihuana facility, as defined in the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

Section 2. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 3. Effective Date.

This Ordinance shall become effective immediately upon the expiration of seven (7) days after publication in a newspaper of general circulation in the Township.

\_\_\_\_\_  
Jacqueline Smith, Township Clerk  
Supervisor

\_\_\_\_\_  
George Haga, Township

I hereby certify that this ordinance was adopted by the Ada Township Board in regular session held on \_\_\_\_\_, 2019, and that it was published in the \_\_\_\_\_ on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacqueline Smith, Township Clerk

**George Haga**

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**From:** Mead, Valerie <meadv@millerjohnson.com> on behalf of Ammon, Jeffrey S. <AmmonJ@millerjohnson.com>  
**Sent:** Tuesday, November 20, 2018 3:04 PM  
**To:** George Haga  
**Cc:** Ammon, Jeffrey S.  
**Subject:** Draft Ordinance Prohibiting Marihuana Establishments [IWOV-MJ\_DMS.FID147026]  
**Attachments:** Ada Township - Ordinance to Prohibit Recreational Marihuana Establishments Within Ada Township.DOCX

***From Jeff Ammon:***

George,

I have attached a draft ordinance for your review. A few comments on the proposed draft.

The Township's authority to prohibit establishments works very differently under this new 2018 law than it works under the medical marihuana law created in 2008. Under the 2008 law, medical marihuana establishments are prohibited unless the Township "opts in" by adopting an ordinance to allow medical marihuana establishments. This 2018 law regarding recreational establishments works in the opposite way: recreational marihuana establishments are permitted unless the Township "opts out" by adopting an ordinance in the form attached.

You should also know that the 2018 law allows voters to put a proposed ordinance on the ballot through the initiative process. Thus, a future initiated ordinance could reverse the Township's ordinance.

You should also consider adopting a conforming amendment to the Township's Zoning Ordinance. This would make it clear to someone reviewing the zoning ordinance that recreational marihuana establishments are prohibited anywhere in the Township. In effect, the 2018 law allows the Township to engage in what may be called "exclusionary zoning" with respect to recreational marihuana establishments. Of course, an initiated ordinance that is approved by the voters could override that prohibition.

Also, to make your prohibition effective, you must notify the state that you have adopted such an ordinance.

Let me know if you have any questions. Also let me know if you would like me to attend next Monday night's meeting.

Jeff

**Jeffrey S. Ammon**

Attorney at Law

Miller Johnson

45 Ottawa Ave. SW, Suite 1100, Grand Rapids MI 49503

D: 616.831.1703 | ammonj@millerjohnson.com | vcard



**ADA TOWNSHIP  
ORDINANCE NO. O-\_\_\_\_\_**

**AN ORDINANCE TO PROHIBIT RECREATIONAL MARIHUANA  
ESTABLISHMENTS WITHIN ADA TOWNSHIP**

**THE TOWNSHIP OF ADA ORDAINS:**

The Ada Township Code of Ordinances is hereby amended by adding a new ordinance to be known as an Ordinance to Prohibit the Establishment of Recreational Marihuana Establishments Within Ada Township.

**Section 1. Findings.**

Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act (the "Act"), allows the establishment of recreational marihuana establishments within the State of Michigan. But that law also allows a municipality such as Ada Township to completely prohibit those establishments within its boundaries. To protect the health, safety, and welfare of the Township, the Township board has determined to prohibit recreational marihuana establishments as permitted under the Act.

**Section 2. Definitions.**

As used in this ordinance, "marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, and any other type of marihuana-related business as defined in the Act.

**Section 3. Prohibition of Recreational Marihuana Establishments.**

The establishment and operation of any and all marihuana establishments are prohibited within Ada Township.

**Section 4. Violations.**

A person who violates this ordinance is responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of \$500. Each day this ordinance is violated is a separate violation. The Township may also have injunctive relief and any other remedy available to the Township under applicable law.

**Section 5. Enforcement.**

Municipal civil infractions may be issued by officers of the Kent County Sheriff's Department and any other person legally authorized to issue civil infractions.

**Section 6. Severability.**

If a term in this ordinance is held invalid by a court, that invalidity shall affect no other term in this ordinance. Every term shall be enforced to the maximum extent permitted by law.

**Section 7. Effective Date.**

This ordinance takes effect 30 days after publication of notice of its adoption.

\_\_\_\_\_  
Jackie Smith  
Township Clerk

\_\_\_\_\_  
George Haga  
Township Supervisor

I hereby certify that this ordinance was adopted by the Ada Township Board in regular session held on \_\_\_\_\_, 2018, and that it was published in the \_\_\_\_\_ on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jackie Smith, Township Clerk