

**VILLAGE OF ONTONAGON PLANNING COMMISSION
RESOLUTION NO. 2024 - 01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE VILLAGE OF ONTONAGON
RECOMMENDING AN AMENDMENT TO THE HYBRID ZONING ORDINANCE**

At a meeting of the Planning Commission of the Village of Ontonagon, held on the 21st day of February, 2024, in the council chambers at 315 Quartz Street, Ontonagon, Michigan, the following resolution was offered by Member Seid and supported by Member Sharkey.

RECITALS

WHEREAS, the Village of Ontonagon last amended the Hybrid Zoning Ordinance in 2021, and

WHEREAS, it has come to the attention of the Village Council of the Village of Ontonagon that Article 9, Section 9.3.2.2.G Marihuana Related Businesses is unreasonably restrictive, and

WHEREAS, the Village of Ontonagon Council of Trustees has referred proposed Ordinance 2023-02: An Ordinance to Amend Article 9, Section 9.3.2.2.G, subsection (1) of the Village of Ontonagon Hybrid Zoning Ordinance as Amended January 2021 to the Planning Commission of the Village of Ontonagon, and

WHEREAS, the manner of administrating and enforcing the proposed zoning ordinance does not change, and

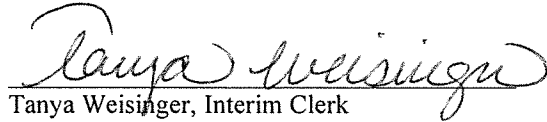
WHEREAS, the Planning Commission of the Village of Ontonagon has considered each comment made at this public hearing, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the Village of Ontonagon does hereby recommend approval of the proposed Ordinance 2023-02: An Ordinance to Amend Article 9, Section 9.3.2.2.G, subsection (1) of the Village of Ontonagon Hybrid Zoning Ordinance as Amended January 2021.

THIS RESOLUTION is hereby PASSED AND ADOPTED THIS 21st day of February, by the following roll call vote:

Lyle Perry, Member	<u>yes</u>
Dorothy Sharkey, Member	<u>yes</u>
John Hamm, Member	<u>yes</u>
Debra Seid, Vice-Chairperson	<u>yes</u>
William Johnson, Chairperson	<u>yes</u>

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of the Village of Ontonagon, County of Ontonagon, State of Michigan, at a regular meeting held on Wednesday, February 21st, 2024, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of Public Acts of Michigan 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Tanya Weisinger, Interim Clerk

Exhibits

Exhibit A – Ordinance 2023-02: An Ordinance to Amend Article 9, Section 9.3.2.2.G, subsection (1) of the Village of Ontonagon Hybrid Zoning Ordinance as Amended January 2021

Exhibit B – A written summary of each comment made at the public hearing held at the Planning Commission February 21, 2024

Exhibit A

VILLAGE OF ONTONAGON ORDINANCE 2023 NO. 2

An Ordinance to Amend Article 9, Section 9.3.2.2.G, subsection (1) of the Village of Ontonagon Hybrid Zoning Ordinance as Amended January 2021

The Village of Ontonagon ordains, that Article 9, Section 9.3.2.2.G (Marihuana Related Businesses), be amended as follows:

9.3.2.2.G MARIHUANA RELATED BUSINESSES

Marihuana Related Businesses are permitted by Special Land Use Permit in the GC and I districts only. They shall meet the following requirements:

(1) The proposed use must meet all applicable written and duly promulgated regulations of Village and or other governmental agencies having jurisdiction, including the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, or the Michigan Regulation and Taxation of Marihuana Act as amended, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval.

(2) The location shall be monitored at all times by closed circuit video recording system for security purposes. The camera and recording system must be of adequate quality, color rendition, and resolution to allow the ready identification of any individual committing a crime anywhere on the site, and recordings kept for at least thirty (30) days.

(3) The location shall have a centrally-monitored alarm system.

(4) Interior and exterior lighting must be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual committing a crime anywhere on the site at a distance of forty (40) feet.

(5) Windows and roof hatches shall be secured overnight so as to prevent unauthorized entry, and be equipped with latches that may be released quickly from the inside to allow exit in the event of an emergency.

(6) No cultivated marijuana or dried marijuana product shall be visible from the building exterior.

(7) All marihuana facilities or businesses shall be licensed by the Michigan Marihuana Regulatory Agency and shall abide by all laws, rules, orders, and conditions imposed upon such facility or business.

(8) For marihuana facilities or businesses, no persons under the age of eighteen (18) shall be allowed on site, unless the individual is a qualified patient or person with a

registry identification card and accompanied by his or her licensed attending physician, parent, or documented legal guardian.

(9) No cultivation of marihuana shall be visible with the naked eye from any public or other private property. No outdoor cultivation shall occur at a location unless it is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

(10) Dried marihuana shall be stored in fully enclosed and secured structures or a locked vault or safe bolted to the floor of the facility.

(11) Marihuana shall not be consumed on site.

(12) A marihuana facility or business licensed or proposed to be licensed, under the Michigan Regulation and Taxation of Marihuana Act as amended, shall only be granted a Special Use Permit if by public referendum or the lawful adoption of an ordinance by the Ontonagon Village Council.

EFFECTIVE DATE

This Amendatory Ordinance shall become effective 20 days from the date of adoption and will be published in a newspaper of general circulation within the community.

Ayes:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED.

Date: [Future Date]

By: Pam Coey, Village President

By: Tanya Weisinger, Interim Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Ontonagon, County of Ontonagon, State of Michigan, at a regular meeting held on [Future Date], that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on [Future Date] in the following newspaper: Ontonagon Herald.

Tanya Weisinger, Interim Village Clerk

Exhibit B

A written summary of each comment made at the public hearing held at the Planning Commission February 21, 2024

Virgil Ruchti, non-resident, made statements opposing the proposed amendment.

Kari Kasabian, resident, made statements opposing the proposed amendment.

Stephan DeHut, resident, made statements in favor of the proposed amendment.

Cynthia Ruchti, non-resident, made statements opposing the proposed amendment.

Marlene Broemer, resident, made statements in favor of the proposed amendment.

Pete Villalonga, resident, made statements opposing the proposed amendment.

Dave Radovich, non-resident, asked if the proposed amendment could be voted on by the public rather than decided by the Council. William DuPont, Village Manager, responded (paraphrased) that a public vote was possible but not required. Mr. Radovich's comment is considered neutral in relation to the proposed amendment.

A full recording of this Public Hearing will be available on the Village of Ontonagon's website (villageofontonagon.org)