

**LEIGHTON TOWNSHIP**  
**ORDINANCE NO. 2011-03-01**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF LEIGHTON TOWNSHIP BY ADDING A SERIES OF DEFINED TERMS PERTAINING TO MEDICAL MARIHUANA; TO PROHIBIT CERTAIN FORMS OF MEDICAL MARIHUANA DISTRIBUTION AND TO LIMIT THE LOCATION OF MEDICAL MARIHUANA DISTRIBUTION BY CAREGIVERS; TO CLASSIFY HOME OCCUPATIONS THAT ARE PERMITTED AS A MATTER OF RIGHT AS “ TYPE I PERMITTED HOME OCCUPATIONS” AND THOSE ALLOWED AS SPECIAL LAND USES AS “TYPE II HOME OCCUPATIONS” AND AUTHORIZED AS CLASS II SPECIAL LAND USES”; TO CLASSIFY CERTAIN MEDICAL MARIHUANA PRIMARY CAREGIVERS AS TYPE I HOME OCCUPATIONS; TO ADD NEW REGULATIONS PERTAINING TO “MEDICAL MARIHUANA PRIMARY CAREGIVERS” AS TYPE I HOME OCCUPATIONS; TO CLARIFY THE AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS OF THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO REFERENCE THE REQUIREMENTS OF “SECTION 7.05 AREA REGULATIONS” OF THE R-2 DISTRICT; AND TO MAKE MISCELLANEOUS RELATED CHANGES.

At a regular meeting of the Township Board for the Township of Leighton, Alleagan County, Michigan, held at the Township Offices on March 10, 2011, the following amending ordinance to the Leighton Township Zoning ordinance was offered for adoption by Township Board Member Troost and was seconded by Township Board Member Hooker:

**ARTICLE I.**

**AMENDMENTS TO CHAPTER 2 DEFINITIONS.** *Chapter 2, the definitions chapter of the Leighton Township Zoning Ordinance shall be amended by adding a series of defined terms*

*pertaining to medical marihuana. The following terms and their definitions will be added in their entirety:*

**MARIHUANA.** This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d) [the “Act”]. “Marihuana” is also known as “Marijuana” and “Cannabis”.

**MEDICAL MARIHUANA DISPENSARY OR “DISPENSARY”.** “Medical Marihuana Dispensary or Dispensary” means any business, facility, association, collective, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- (a) A Primary Caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- (b) A Qualifying Patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- (c) Members of the general public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property or a private residence that is not the residence of a Qualifying Patient.

A medical marihuana dispensary does not include the residence of a Qualifying Patient if the dispensation of medical marihuana at that location is by a Primary Caregiver in full compliance with all applicable Michigan and federal laws and regulations to Qualifying Patient(s) (as defined by Michigan Initiated Law I of 2008, as amended (being MCL 333.26421 *et seq.*, as amended), and so long as the

lawful amount of medical marihuana is delivered to only those Qualifying Patients lawfully residing at that location.

**MARIHUANA COLLECTIVE OR COOPERATIVE.** Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed, used, leased or owned by a group, by an association or by individuals in a group acting together as a collective enterprise or by an organization owned or engaged in collectively by members who share in the benefits as a cooperative or in any way structured like a collective, association or cooperative.

**MEDICAL USE OF MARIHUANA.** The acquisition, possession, cultivation, manufacture, use, consumption, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

**MEDICAL MARIHUANA-PRIMARY CAREGIVER.** “Primary Caregiver” or “Caregiver” means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

**MEDICAL MARIHUANA-QUALIFYING PATIENT OR “PATIENT”.** “Qualifying Patient” or “Patient” means a person as defined under MCL 333.7106 (h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

## **ARTICLE II.**

**AMENDMENT TO CHAPTER 3, GENERAL PROVISIONS, ADDITION OF SECTION 3.31. PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES, COLLECTIVES OR COOPERATIVES.** *A new Section 3.31 entitled “Prohibition on Medical Marihuana Dispensaries, Collectives and Cooperatives” shall be added to Chapter 3 “General Provisions” of the Zoning Ordinance to prohibit certain forms of medical marihuana distribution and to limit the location of*

*medical marihuana distribution by caregivers. Section 3.31 of the Zoning Ordinance shall read in its entirety as follows:*

### **SECTION 3.31 PROHIBITIONS ON MEDICAL MARIHUANA DISPENSARIES**

**COLLECTIVES AND COOPERATIVES.** No Medical Marihuana Dispensary, Collective or Cooperative shall be commenced, conducted, operated or utilized in any zoning district or on or from any property within the Township. The lawful cultivation and distribution of medical marihuana by registered Primary Caregivers may only be conducted in compliance with the conditions and requirements contained in Section 3.27 of this Ordinance.

### **ARTICLE III.**

#### **AMENDMENTS TO CHAPTER 3 GENERAL PROVISIONS, ADDITIONS TO EXISTING**

**SECTION 3.27:** *Chapter 3 General Provisions, Section 3.27, Home Occupations shall be amended to classify home occupations that are allowed as a matter of right as "Type I Permitted Home Occupations" and those allowed as Special Land Uses as "Type II Home Occupations" and authorized as Class II Special Land Uses"; to classify certain Medical Marihuana Primary Caregivers as Type I home occupations; and to add new regulations pertaining to "Medical Marihuana Primary Caregivers as Type I Home occupations. Section 3.27 entitled HOME OCCUPATIONS shall be amended to read in its entirety as follows:*

#### **SECTION 3.27 HOME OCCUPATIONS.**

- (a) For purposes of this section, a home occupation is a gainful occupation traditionally and customarily carried out in the home or on a residential premise, as a use that is incidental to the use of the home and premise as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling. A home occupation may only be allowed to involve a detached garage or other detached accessory building if approved as a Special Land Use. (ref. Sub. Sec. (f), Sub. (8)).
- (b) A home occupation may be permitted in the AG, R-1, R-2, R-3 or PD Districts in association with any dwelling in accordance with this section.
- (c) Type I Permitted Home Occupations. The following home occupations shall be permitted:
  - (1) Architecture and interior design work.
  - (2) Beauty salons and barber shops.

- (3) Bookkeeping, accounting and financial planning.
  - (4) Cabinet making and carpentry work.
  - (5) Computer programming and other computer related work.
  - (6) Consulting and counseling services.
  - (7) Drafting and illustration services.
  - (8) Dressmaking, sewing and tailoring.
  - (9) Furniture upholstery.
  - (10) Gun dealer and gun repair service.
  - (11) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.
  - (12) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
  - (13) Office of minister, priest or other member of the clergy.
  - (14) Office of building contractor or building trades persons.
  - (15) Office of a sales person, sales representative or manufacturer's representative.
  - (16) Painting, sculpturing and writing.
  - (17) Private tutoring.
  - (18) Secretarial services.
  - (19) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
  - (20) Television and other small appliance repair.
  - (21) Telephone answering service and telephone solicitation work.
  - (22) Travel booking service.
  - (23) Watch repair.
  - (24) Medial Marihuana Primary Caregiver (ref. Sec.3.27 (i)).
- (d) Minimum Conditions for Type I Permitted Home Occupations. The following minimum conditions and requirements shall apply to all permitted home

occupations except that the minimum conditions and requirements that apply to Medical Marijuana Primary Caregivers shall be as listed in Section 3.27(i):

- (1) Home occupations involving the use of a detached accessory building are only allowed if approved as a Special Land Use under the provisions of subsection (f) contained herein.
- (2) It shall be carried on only by the residents of the dwelling and not more than one other person.
- (3) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes, and the appearance of the structures shall not be altered, nor shall the occupation be conducted in any manner that would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
- (4) Within the AG District, one sign, not exceeding eight square feet may be used to identify home occupations therein. For home occupations permitted within the R-1, R-2, R-3 or PD Districts, signs identifying the use shall not be permitted.
- (5) The maximum floor area devoted to the home occupation shall be limited to 400 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
- (6) There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
- (7) No storage or display shall be visible from outside the dwelling or an accessory building.
- (8) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements

concerning the use, handling, transport, storage and disposal of any such materials.

- (9) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
  - (10) As a result of a home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential use in the zoning district in which the use is located.
  - (11) There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
  - (12) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
- (c) Non-listed, but similar home occupations. In addition to the above permitted home occupations, home occupations which are similar in nature and effect to those specifically listed in this section may also be permitted.

The determination whether a proposed home occupation is sufficiently similar in nature and effect to a home occupation specifically listed in this section may be made by the Zoning Administrator, but in the discretion of the Zoning Administrator, such determination may be made by the Planning Commission at a public meeting.

In determining whether a proposed home occupation is sufficiently similar to one listed in this section, the Zoning Administrator or the Planning Commission, as the case may be, shall consider and make findings based upon the following standards:

- (1) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
- (2) Whether the nature of the home occupation is substantially in keeping with the residential use of the property.

- (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar home occupations that are specifically permitted in this section.
- (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (f) Type II Home Occupations Approved as Class II Special Land Uses. The following home occupations may be allowed in the AG, R-1, R-2, and R-3 District or an approved PD District if approved by the Planning Commission as a Class II Special Land Use under Chapter 20 of this ordinance.
  - (1) Physician's office or clinic, dentist's office or clinic.
  - (2) Offices for contractors and building tradesmen, including the outdoor storage of contractor's equipment and vehicles in the AG District only.
  - (3) Photography studio.
  - (4) Gymnastics and dance instruction.
  - (5) Bed and breakfast establishments.
  - (6) Veterinarian's office or clinic in the R-1 and AG District, but only if located on parcels of land of at least 3 acres in area and not including outdoor kennels.
  - (7) Child or adult day care *or foster care* for more than 6 but not more than 12 unrelated individuals.
  - (8) Any home occupation involving the use of a detached accessory building.
- (g) Type II Standards. In considering any such home occupation for approval as a Class II Special Land Use, the Planning Commission shall consider and make findings upon the following standards:
  - (1) Notwithstanding the floor area limitations of subsection (d) paragraph (5), whether the home occupation is incidental and secondary to the use of the premises as a dwelling.



- (2) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming.
- (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section.
- (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (h) Conditions. In approving any such Type II Home Occupation, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:
  - (1) Whether the use is located in a dwelling and/or an accessory building.
  - (2) The floor area of the use.
  - (3) The area, height, bulk and location of any accessory building.
  - (4) Whether the storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building.
  - (5) Whether combustible toxic or hazardous materials will be used or stored on the premises.
  - (6) Whether there will be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there will be machinery or electrical activity that will interfere with nearby radio or television reception.
  - (7) Effects on motor vehicle and/or pedestrian traffic.
  - (8) The amount of off-street parking provided, and the location thereof.
- (i) Medical Marihuana. The operations of a Primary Caregiver shall be allowed as a Type I permitted home occupation only in a detached single family dwelling located in the residential and agricultural districts (AG, R-1, R-2 and R-3) and approved detached single family residential Planned Developments (PDs)

pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421, et. seq. and the requirements of this section. As a permitted home occupation, a Primary Caregiver operation shall be at all times subordinate and incidental to the use of the dwelling as a residence. Any other provision of this Section 3.27 notwithstanding, the requirements for the operations of a Medical Marihuana Primary Caregiver as a Type I permitted home occupation shall be as follows:

- (1) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act ("Act") and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules") as they may be amended from time to time. As such[,] the Primary Caregiver may grow and process marihuana in compliance with the Act within the residential dwelling where the Primary Caregiver lives and is the Primary Caregiver's residence pursuant to Michigan law. No such residential dwelling of the Primary Caregiver shall be located within an apartment building, multi-family residential building cooperative building or similar housing building or development, commercial building or multi-use building, but rather, shall occur only within a detached lawful single-family residential dwelling.
- (2) A Primary Caregiver operation must be located outside of a one-thousand (1,000) foot radius from any real property comprising specifically of: any licensed daycare facility; any church, synagogue or other place of religious worship; any recreational park, public community center, library, private youth center, playground, public swimming pool, video arcade facility; any public or private pre-school, elementary school, middle school, high school, community college, vocational or secondary school; any public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age; or housing facilities owned by a public housing authority.

- (3) Each Primary Caregiver operation must be located outside of a one-thousand (1,000) foot radius from any other real property from which a Primary Caregiver operates or resides.

**Note:** For the purposes of above paragraphs (2) and (3), the measurement of the above-stated isolation-distance requirement shall be made by extending a straight line from the exterior wall of the Primary Caregiver's dwelling structure to the nearest property line occupied by a use for which isolation is required.

- (4) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for single family residential purposes and the appearance of the structures shall not be altered, nor shall the operation be conducted in any manner that would cause the premise to differ from its single family residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
- (5) The maximum floor area devoted to the home occupation shall be limited to 400 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
- (6) Not more than one (1) Primary Caregiver within a single-family dwelling shall be permitted to service Qualifying Patients who do not reside with the Primary Caregiver.
- (7) All medical marihuana shall at all times be contained inside the main residential structure except when being delivered by the Primary Caregiver to a Qualifying Patient off site. No part of an attached or detached accessory structure shall be utilized. No part of the growing operation shall be visible or identifiable from the exterior of the dwelling and the room(s) in which the medical marihuana is cultivated, processed or stored shall be enclosed from floor to ceiling on all sides, windowless to the outside and without skylights and otherwise inaccessible unless from the inside of the principle dwelling structure. All rooms and facilities containing Medical Marihuana shall be equipped with locks and other

security devices that permit access only by the registered Primary Caregiver.

- (8) No smoking, consumption or use of marihuana shall occur outdoors.
- (9) No sign identifying the dwelling as being a place where medical marihuana is grown, sold, processed, kept, or distributed shall be visible outside of the dwelling or within any of the windows of the dwelling.
- (10) Prior to the commencement of any marihuana cultivation operation, all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
- (11) No equipment or process shall be used in growing, processing or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of line voltage off the premises. The dwelling of the Primary Caregiver shall meet all building, housing, fire and local and state codes and ordinance requirements.
- (12) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- (13) No other home occupation shall occur on the premises and no sale of merchandise and no distribution of merchandise or products, apart from the distribution of medical marihuana itself, shall be conducted on, within or from the dwelling or residential premises (including the lot or parcel involved) of the Primary Caregiver. Patients or their agents may not, as a function of the home operation, visit the premises; rather, the Primary Caregiver must

personally deliver any medical marihuana to a Qualifying Patient at the residence of that Qualifying Patient.

- (14) Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with the “Michigan Medical Marihuana Act” and its Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a Qualifying Patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Ordinance. Furthermore, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects 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.

#### ARTICLE IV

**AMENDMENTS TO CHAPTER 8, R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT,**  
**SECTION 8.05:** *Section 8.05, the regulations pertaining to the area height, bulk and placement requirements, shall be amended to clarify the standards applicable to detached single family, two family dwellings and multi-family dwelling units and to reference the requirements of “Section 7.05 Area Regulations” of the R-2 District. Section 8.05 and the table contained therein shall be amended in its entirety to read as follows:*

**SECTION 8.05 AREA HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Unless otherwise specified, the area, height, bulk and placement standards applicable to principal buildings and structures permitted in this district shall be as indicated in the following Table 8-1:

**Table 8-1**  
**Standards Relating to the**  
**R-3 Medium Density Residential District**

Maximum lot coverage:	One and Two Family Dwellings – All buildings, including accessory buildings, shall not cover more than 20 percent of the total lot area. Three, four and multi- family dwellings All buildings, including accessory buildings, shall not cover more than 30 percent of the total lot area																	
Minimum lot area and lot width:	The minimum lot width for a detached single family dwelling shall be eighty-five (85) feet and the minimum lot area shall be 12,000 square feet. The minimum lot area and width for an attached two family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively. Lots supporting multi-family buildings (three or more dwelling units) shall have a minimum lot width of one hundred (100) feet and contain a minimum of 50,000 square feet of area plus 4,500 square feet for each dwelling unit over three. Where the lot is not served by public sewer and/or public water, additional site area, based on a factor of four times the minimum area required by the Allegan County Health Department to support the on site well and septic systems shall be required. Such area is required in addition to the above minimum lot area requirements and shall be held in reserve for septic and/or well use.																	
Minimum dwelling unit size:	Efficiency units: 500 square feet One bedroom units: 650 square feet Two bedroom units: 750 square feet Three bedroom units 900 square feet Four bedroom units: 1,050 square feet Detached, semi detached single family, two family and duplex units: 960 square feet, ea. D.u.																	
Maximum building height:		Lesser of 35 feet or 3 stories																
Front, side and rear yard requirements applicable to detached and semi-detached single family, two family and duplex dwellings as the sole principle building on the lot:		The provisions of Section 7.05, sub-sections (a), (b) and (c) shall apply.																
Yard area and setback requirements applicable to residential uses having multiple principal buildings and all principle non-residential buildings authorized as special land uses unless specified elsewhere in this ordinance.	Minimum building setbacks from driveways, parking areas and street R.O.W.:	Distance from public and private street right of way or easement lines: 50 feet Distance from internal parking areas and driveway edges: 20 feet																
	Minimum building setbacks from non right of way property lines:		<table><tr><td></td><td><u>1 story</u></td><td><u>2 or 3 story</u></td></tr><tr><td>Side of building:</td><td>30 feet</td><td>40 feet</td></tr><tr><td>Front or rear of building:</td><td>40 feet</td><td>50 feet</td></tr></table>		<u>1 story</u>	<u>2 or 3 story</u>	Side of building:	30 feet	40 feet	Front or rear of building:	40 feet	50 feet						
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Side of building:	30 feet	40 feet																
Front or rear of building:	40 feet	50 feet																
Minimum principle building to principle building spacing:		<table><tr><td><u>Orientation</u></td><td><u>Feet</u></td></tr><tr><td>Side to side:</td><td>25</td></tr><tr><td>Front to front:</td><td>50</td></tr><tr><td>Rear to rear:</td><td>80</td></tr><tr><td>Front to side:</td><td>50</td></tr><tr><td>Corner to corner:</td><td>25</td></tr><tr><td>Front to rear:</td><td>60</td></tr><tr><td>Rear to side:</td><td>50</td></tr></table>	<u>Orientation</u>	<u>Feet</u>	Side to side:	25	Front to front:	50	Rear to rear:	80	Front to side:	50	Corner to corner:	25	Front to rear:	60	Rear to side:	50
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**ARTICLE V.****SEVERABILITY**

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

**ARTICLE VI.**

**THE BALANCE OF THE LEIGHTON TOWNSHIP  
ZONING ORDINANCE REMAINS UNCHANGED**

Except as expressly amended by this Ordinance, the Leighton Township Zoning Ordinance shall remain unchanged and in full force and effect.

**ARTICLE VII.****EFFECTIVE DATE**

This Ordinance is ordered to take effect on March 29, 2011, which date is the eighth day after publication of the Ordinance as is required by Michigan Public Act 110 of 2006 as amended.

Mary Lou Nieuwenhuis  
Leighton Township Clerk

**CERTIFICATE**

I, Mary Lou Nieuwenhuis, Clerk of the Township of Leighton, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Township Board held on, March 10, 2011, the Board enacted and passed Ordinance No. 2011-03-01 to become effective on, March 29, 2011 and that members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Members voting aye" Troost, Hooker, De Kam, Nieuwenhuis, Martin

Members voting "nay" None

I do further certify that, in accordance with Township Board direction, the summary and effect of adopted Ordinance was published in the Penasee Globe a newspaper of general circulation within the Township; and was recorded in the Ordinance book on March 16, 2011.

DATED March 16, 2011

Mary Lou Nieuwenhuis  
Clerk

Please take further notice that the full text of the original ordinance may be inspected and a copy may be purchased at the Leighton Township offices, 4475 Kalamazoo Dr., Caledonia, MI 49316.

Mary Lou Nieuwenhuis, Clerk  
Leighton Township  
4475 Kalamazoo Dr  
Caledonia, MI 49316