

**NEW BUFFALO TOWNSHIP
ORDINANCE NO. 20250523a**

**AN ORDINANCE TO AMEND THE TOWNSHIP CODE OF ORDINANCES AND ZONING ORDINANCE RE:
MARIHUANA BUSINESSES**

NEW BUFFALO TOWNSHIP ORDAINS:

Section 1. Amendment of Section 257-4(B) – Marihuana, Violations and Penalties, Civil Infraction

Section 257-4(B) of the Township Code of Ordinances is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

~~Civil infraction. It is unlawful to disobey, neglect, or refuse to comply with any provision of this article. A violation of this article is a municipal civil infraction. Each day the violation continues is a separate offense. Notwithstanding any other provision of this article to the contrary, violators are subject to the following fines:~~

~~(1)~~

~~First violation: \$500.~~

~~(2)~~

~~Second offense: \$2,500.~~

~~(3)~~

~~Each subsequent offense: \$5,000.~~

The Township may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$2,500

Second violation = \$5,000

Third violation = \$10,000

Section 2. Amendment of Section 455-6.9 – Site Plan Review, Expiration, Revocation, and Reapplication

Section 455-6.9(B) of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

B. Revocation. If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the **Township Board Planning Commission** that such violation exists and that the site plan review approval will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the **Township Board Planning Commission** may revoke the permit. **A permit may be revoked upon any violation.** Furthermore, such a violation is hereby declared a violation of this chapter, subject to all the remedies and penalties provided for within this chapter.

Section 3. Amendment of Article 2.2.11 – Delineation of the Marihuana Business Overlay Zone

Section 455-2.2.(J)(2) of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

~~B. To the extent the above general descriptions conflict with Map A, the boundaries depicted on Map A control. Map A is meant as a guideline for location of a Marihuana Business. The language of the Ordinance sets the boundaries and is only intended on major roadways including parts of US 12, M-239, O'Brien Ct, Holiday Dr, and Grand Ave.~~ If there are disputes as to the location of a Marihuana Business Overlay Zone boundary, the Zoning Board of Appeals will resolve the dispute in accordance with the Zoning Ordinance.

Section 4. Amendment of Article 5.22 – Marihuana Businesses

Section 455-5.22 of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

K(1): A marihuana establishment or medical marihuana facility may not be located within ~~1,000~~ **5,280** feet of an existing public or private K-12 school; a church; a licensed daycare center; governmental office; or a public library. This distance is computed by measuring a straight line between the two closest points of the ~~buildings~~ **property lines** on the subject parcels. **Any marihuana establishment or medical marihuana facility that has received preliminary approval of a special land use by the effective date of this amendment shall be exempt from the 5,280 feet requirement. If the use has been abandoned for twelve (12) months or more, then the special land use is invalid.**

K(2): A marihuana establishment or medical marihuana facility may not be on a parcel that abuts the R-1, R-2, Ag-R, or MR zoning districts. ~~within the Township. For purposes of this subsection, a parcel does not abut a zoning district if a railroad or state highway separates the parcel from the zoning district.~~

K(3): A marihuana establishment or medical marihuana facility may not be located within ~~150~~ **5,280** feet of an existing one-family or multiple-family dwelling unless the owner of the dwelling completes an application for a waiver as part of the special land use process and records the waiver with the Berrien County Register of Deeds. This distance ~~is computed by measuring a straight line between the two closest points of the dwelling building and the provisioning center or retailer building~~ **shall be measured from property line to property line. Any marihuana establishment or medical marihuana facility that has received preliminary approval of a special land use by the effective date of this amendment shall be exempt from the 5,280 feet requirement. If the use has been abandoned for twelve (12) months or more, then the special land use is invalid.**

Section 5. Amendment of Section 455-4.4 – Signs

The table in Section 455-4.4(F) of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

Freestanding Sign Regulations and Standards					
Allowable Districts or Use	Max. Area (total square feet for type)	Max. Height (feet)	Max. Quantity	Limitations	Permit Required
M	Illuminated: 32 Unilluminated: 40	6	1 per parcel	<ul style="list-style-type: none"> • Min. 5 feet set-back from ROW • Must be turned off outside of business hours 	Yes

The table in Section 455-4.4(G) of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

Wall Sign Regulations and Standards					
Allowable Districts or Use	Max. Area (total square feet for type)	Max. Height (feet)	Max. Quantity	Limitations	Permit Required
M	20% of facade, not to exceed 100 square feet	14	1 per parcel	<ul style="list-style-type: none"> • External illumination only • Must be turned off outside of business hours 	Yes

The table in Section 455-4.4(M) of the Township Zoning Ordinance is hereby amended to read as follows, with new text indicated by boldfaced font and deleted text stricken:

Environmentally Activated Signs Sign Regulations and Standards					
Allowable Districts or Use	Max. Area (total square feet for type)	Max. Height (feet)	Max. Quantity	Limitations	Permit Required
AG-R, C-1, C-2, UPC, UPV , M	20% of facade, not to exceed 100 square feet	14	1 3 per parcel	<ul style="list-style-type: none"> • Illumination prohibited • May be displayed only during hours when the business is open and must be placed five (5) outside of the public right-of-way 	No

[New] S(10): No murals shall be allowed.

Section 6. Publication and Effective Date.

The Township Clerk will cause to be published a notice of adoption of this ordinance within 15 days of the date of its adoption. This ordinance will take effect seven (7) days after publication.

Section 7. Severability; Repeal of Prior Ordinances.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS: Board Member(s) Anderson, Hannon, Heit, Iazzetto, Males
NAYS: Board Member(s) None
ABSTAIN: Board Member(s) None
ABSENT: Board Member(s) None

CERTIFICATION

As the Township Clerk of the Township of New Buffalo, Berrien County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting held on May 23, 2025.

Date: May 23, 2025



Township Supervisor

Date: May 23, 2025



Township Clerk

Introduced: May 23, 2025
Adopted: May 23, 2025
Published: May 24, 2025
Effective: May 31, 2025