

PROPOSED ZONING ORDINANCE REVISIONS RELATED TO
MEDICAL MARIJUANA CAREGIVER OPERATIONS

11/10/21

Summary of proposed Zoning Ordinance changes:

1. Change title of Section 6.05
2. New Section 6.05(D)
3. New Section 13.
4. Section 16.21, delete subsection (J)

1--Article VI, AR Agricultural-Residential District; Section 6.05

- Change title from “Permitted accessory special uses with conditions” to “Other accessory uses”

2--New Section 6.05(D): *Medical marihuana primary caregiver operations.* Cultivation, ~~manufacture, distribution, storage, and other medical use~~ of marihuana ~~as a primary caregiver~~ shall be permitted as an accessory use subject to the provisions of Article XIII for Special Uses and as set forth in Section 13.28.

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3--Article XIII, Special Uses; New Section 13.28; Primary Caregiver Operations

- 1) Registered primary caregiver operations, if in compliance with the general rules of the State of Michigan Department of Licensing and Regulatory Affairs (LARA), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“Act”), and the requirements of this section, shall be allowed as a special use in the Agricultural Residential District.
- 2) These regulations are designed to allow the creation and maintenance of a private patient-caregiver relationship to facilitate the statutory authorization of the ~~medical~~ use of marihuana ~~as defined in the Act~~; and to regulate in a manner that does not conflict with the Act to address issues that would otherwise expose the community and its residents to significant adverse conditions including the uninspected installation of unlawful plumbing and electrical facilities that create dangerous health, safety, and fire conditions.
- 3) Nothing in this section shall grant to any person immunity from criminal prosecution or property forfeiture under state or federal law for growing, selling, consuming, using, distributing, or possessing marihuana in a manner that does not comply with the Act or the applicable rules.

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4) The medical use of marihuana shall comply at all times and in all circumstances with the Act and the general rules of the Michigan Department of Health and Human Services, as they may be amended from time to time.

5) A special use related to the cultivation, ~~manufacture, distribution, storage, and other medical use~~ of marijuana as a registered primary caregiver shall not be located:

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a. Within a 1,000-foot radius from any school, day care facility, or library, as may be defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to ensure community compliance with federal "Drug-Free School Zone" requirements.

b. Within 1,000 feet of an place of worship, defined as a specially designed structure or space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study.

c. Within 1,000 feet from the site ~~of~~ any other primary caregiver.

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d. Measurements for purposes of this subsection shall be made from property boundary to property boundary.

6) Primary caregiver operations shall only be permitted as an accessory use on a parcel that is the primary residence of the primary caregiver identified on the registry identification card issued by the State of Michigan. In addition to the provisions of this ~~section~~, and unless stated otherwise, the use shall also comply with the home occupations provisions of Section 16.21 of this Ordinance.

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7) Not more than one caregiver shall be permitted to service qualifying patients at each location. All medical marijuana plants cultivated shall be contained within a fully enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver ~~or qualifying patient~~.

8) Not more than five qualifying patients shall be assisted with the medical use of marihuana at each location.

9) All medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of ~~the enclosed, locked~~ facility, and such activities shall not be visible to the public. No external signs of the primary caregiver use shall be allowed. This subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.

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~~10)~~ All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of any structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, ~~manufacture, distribution, storage, or other medical use~~ of marihuana are located. ~~Inspections confirming compliance with all~~

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building, electrical, plumbing, mechanical, and fire safety regulations shall be performed prior to issuance of a special land use permit.

- 11) No equipment or process shall be used in cultivating, manufacturing, distributing, storing, or other medical use of marihuana which creates additional noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line of the property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interreference with any radio, television, broadband, or similar receiver off the premises or causes fluctuation in line voltage off the premises. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11 pm and 7 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent properties.

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- 12) All caregiver marihuana cultivation, manufacture, distribution, and storing facilities are required to be in compliance with the state requirements and shall have odor mitigation systems such that odor is imperceptible from the outside of any building. A ventilation plan shall be required for marihuana cultivation, manufacture, distribution, and storing that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation of marihuana or marihuana related products from being dispersed or released outside the building. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marihuana or its cultivation, manufacture, distribution, and storage to be effectively confined to any building.

- 13) Any special use permit granted pursuant to this section shall be subject to inspections by the Zoning Administrator on a bi-annual basis to ensure compliance.

- 14) An application for a special land use permit for a primary caregiver operation shall not be submitted to the Planning Commission until it is deemed complete by the Zoning Administrator. Application shall be made on a form approved by the Township Board and to be complete shall include all information required by this Ordinance and any additional information necessary to ensure compliance with this section as determined by the Township Board.

4--Delete Section 16.21 (J) relating to Medical Marijuana home occupations.