

PROPOSED ZONING ORDINANCE REVISIONS RELATED TO
MEDICAL MARIJUANA CAREGIVER OPERATIONS

11/2/21

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 6.21, 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, use, and distribution of marihuana 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.

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 limited cultivation, distribution, and use of marihuana for medical purposes; 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.

- 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, use, or distribution of medical marijuana as a registered primary caregiver shall not be located:
 - 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 at which any other primary caregiver.
 - 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.
- 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.
- 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 a 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.
- 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, growing or harvesting of marihuana are located.
- 11) 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.

- 12) 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.

4--Delete Section 6.21 (J) relating to Medical Marijuana home occupations.