



IVAN BOYNTON MUNICIPAL OFFICES VILLAGE OF UNION CITY

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ORDINANCE #300.1850 AN ORDINANCE TO UPDATE THE VILLAGE ZONING ORDINANCE FOR MEDICAL MARIHUANA USES

Definitions

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marihuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq. Terms are used interchangeability.

"Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Outdoor production" means growing marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for

tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Zoning Districts

A Medical Marihuana Facility will be permitted in the Industrial District as authorized by, and subject to Ordinance 95.00

Special Use Standards

- A. All Medical Marihuana Facilities, in accordance with the provisions of state law and Ordinance 95.00, may be permitted through the issuance of a special use permit in the specified zone(s), provided that:
 1. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Village. In the event that a court with jurisdiction declares some or all of this article invalid, then the Village may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
 2. The marihuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
 3. At the time of application for a special use permit the marihuana facility must be licensed by the Village, or have the Village license concurrently in process with the special use permit and site plan approval, and then must be at all times in compliance with the Village Ordinances and any regulations adopted by the Village Council for medical marihuana operations.
 4. The use or facility must be at all times in compliance with all other applicable laws, regulations, and ordinances of the Village.
 5. The Village may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section; all other applicable provisions of this zoning ordinance; Ordinance 95.00; any regulations adopted by the Village Council; violations of the applicable building, mechanical, electrical, or plumbing codes; or the terms of the special use permit and approved site plan are not met.
 6. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of medical marihuana, may not be permitted as a home

business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

7. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in the Village of Union City Sign Zoning Ordinance.

B. Marihuana growers and marihuana processors shall be subject to the following additional standards:

1. Minimum Lot Size. A minimum lot size standard shall apply as follows:

- a. In the Industrial District, the subject property shall be a minimum of 3 acres.

2. Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marihuana production shall be 50 feet. The minimum water front setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high-water mark.

3. Indoor Production and Processing. In the Industrial District, marihuana growers shall be located entirely within one or more fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within a fully enclosed, secure, indoor facility. Outdoor production is not permitted within the Village.

4. Maximum Building Floor Space. The following standards apply in the Industrial District:

- a. A maximum of 100,000 square feet of building floor space may be used for all activities associated with marihuana production on the subject property.
 - b. If only a portion of a building is authorized for use in marihuana production, a partition wall shall separate the marihuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked for ingress and egress between the marihuana production space and the remainder of the building.

5. Lighting. Lighting shall be regulated as follows:

- a. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - b. Compliance with the standards for outdoor lighting in the Village Zoning Ordinance.

6. Odor. As used in this subsection, building means the building, or portion thereof,

used for marihuana production or marihuana processing.

- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Negative air pressure shall be maintained inside the building.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
7. Security Cameras. Security cameras shall be directed to record only the subject property and may not be directed to public rights-of way as applicable, except as required to comply with licensing requirements of the state of Michigan.

C. Marihuana Safety Compliance Facility shall be subject to the following standards:

1. A marihuana safety compliance facility shall be subject to the special regulations and standards as defined in other ordinances and regulations adopted by the Village.
2. All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.

D. Marihuana Secure transporter shall be subject to the following standards:

1. A marihuana secure transporter shall erect a continuous fence or wall at least 6' in height around any outdoor parking or storage area, with the exception of any required public parking.
2. Any buildings or structures used for the containment of stored materials shall be located no closer than 50 feet from any property line.

Nonconforming Uses

E. No marihuana facility operating or purporting to operate prior to December 15, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this ordinance.

F. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

G. Discontinuation of a state medical marihuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.