

## City of Lapeer

### *Medical Marihuana Zoning Ordinance Amendments*

Sec. 7.06.02, Table 7.06.1

#### **OS-1 Office Service District, B-2 General Business District, B-3 Regional Business District-**

Use	OS-1	B-1	B-2	B-3	Additional Requirements
<b>Medical Marihuana Facility Uses</b>					
Medical Marihuana Provisioning Center			P	P	Section 7.13.12
Medical Marihuana Safety Compliance Facility	SLU		SLU		Section 7.13.12
Medical Marihuana Secure Transporter Facility			SLU	SLU	Section 7.13.12

Sec. 7.08.02, Table 7.08.1

#### **I-1 Industrial District and I-2 Planned Industrial District –**

Use	I-1	I-2	Additional Requirements
<b>Medical Marihuana Facility Uses</b>			
Medical Marihuana Grow Facility	P	P	Section 7.13.12
Medical Marihuana Processor/Processing Facility	P	P	Section 7.13.12
Medical Marihuana Safety Compliance Facility	P	P	Section 7.13.12
Medical Marihuana Secure Transporter Facility	P	P	Section 7.13.12

### **Article 7.13 USE REQUIREMENTS**

Sec. 7.13.12 Medical Marihuana Facility Uses

- (a) 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 City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- (b) At the time of application for a permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance within 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.
- (c) Facilities shall provide a security plan in compliance with the Department of Licensing and Regulatory Affairs rules.

- (d) The use or facility must be at all times in compliance with all other applicable state laws and ordinances of City of Lapeer.
- (e) Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- (f) All medical marihuana facilities activity shall be conducted in a fully enclosed building and outdoor display, sales, or storage shall not be allowed.
- (g) A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of 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.
- (h) Hours of Operation.
  - a. Hours of operation of provisioning center facilities shall be restricted to be between the hours 7 am to 11 pm.
  - b. Hours of operation of safety compliance facilities shall be restricted to be between the hours of 7 am to 7 pm.
- (i) Buffer Requirements are considered a setback or separation area in which a Medical Marihuana use permitted under this ordinance must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the City of Lapeer Assessing Department. A proposed Medical Marihuana use must be outside of designated buffer areas.
  - a. A 1,000 foot buffer is required from all public, parochial and other private schools offering courses in general education, and consisting of grade levels kindergarten through 12<sup>th</sup> grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCL 333.7410) not including measuring procedures along a public right-of-way.
  - b. A 500 foot buffer is required from all licensed child care centers, child day care centers, nursery schools and child care institutions. All facilities listed here pertain to child care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child care group home and child care family home licenses. Such facilities, centers and institutions are further defined in 7.24(f)(1) and 7.24(f)(2) of this Zoning Ordinance.
  - c. A 500 foot buffer is required from all Federal owned, used, or operated property. Such Federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and interstate I-69.
  - d. A 200 foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
- (j) Buildings used for grow facilities, processor facility, safety compliance facility, provisioning center, and secure transport 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. 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. 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 or as determined by the manufacture’s recommendations. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- a. An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission 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 City of Lapeer 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.

**Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS, TABLE 7.16.1**

<b>Medical Marihuana Facility</b>	
Medical Marihuana Grow Facility	One (1) space per employee in the largest working shift, plus two (2) additional spaces.
Medical Marihuana Processor/Processing Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Provisioning Center	1 space per 275 square feet of gross floor area, including outdoor sales space.
Medical Marihuana Safety Compliance Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Secure Transporter Facility	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

**Article 7.20 NONCONFORMING USES OF LAND AND STRUCTURES**

Sec. 7.20.04 Nonconforming Use of Land

7.20.04. (e) **Medical Marihuana Nonconforming Use**

- A. No marihuana facility operating or purporting to operate prior to [adoption date], 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.
- B. 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.

- C. Discontinuation of a State Medical Marihuana Facility License shall constitute prima facie evidence that a nonconformity has been discontinued.

## **Article 7.24 DEFINITIONS**

### **7.24.09 Definitions M-N**

Marijuana or marihuana – The 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.

1. Grower – 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.
2. Licensee - A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
3. Medical Marihuana Facility - 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.
4. Outdoor Production – The growing of 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.
5. Person - An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
6. Processor - A licensee that is a commercial entity located in Michigan 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.
7. Provisioning Center - A licensee that is a commercial entity located in Michigan 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 within the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
8. Safety Compliance Facility - 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.
9. Secure Transporter – A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.