

Definitions to be added/removed:

131. Grower: A licensee that is a commercial entity located in the state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

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

171. Marijuana or Marihuana: 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.

172. Marijuana 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 marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as the term is defined the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

~~173. Marihuana (a.k.a. Marijuana/Cannabis): That term shall have the meaning given to it in section 7106 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as is referred to in section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.~~

~~174. Marihuana Collective or Cooperative: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “collective” or “cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26424(b); Administrative Rules of the Michigan Department of Community Health; and the rules of Article III, Section 314(D)(6) and Article X of this Ordinance. A “marijuana collective or cooperative” shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within Negaunee Township.~~

~~175. Marihuana Dispensary or Dispensary: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in~~

possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26424(b); Administrative Rules of the Michigan Department of Community Health; and the rules of Article III, Section 314(D)(6) and Article X of this Ordinance. A “marihuana dispensary” shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State licensed health care facility, a State licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within Negaunee Township.

176. Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(a).

203. Outdoor Production: Growing marijuana 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.

219. Processor: 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.

220. Provisioning Center: 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 register 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 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.

240. 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.

243. 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.

Section 310 R-2 One-Family Residential District

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. Attached wireless communication facility
2. Bed and breakfast establishment
3. Boarding stable and riding academy
4. Cemetery
5. Commercial greenhouse
6. Farming and agriculture, except intensive agricultural activity
7. Group child care facility
8. Home occupation
9. Hospital, nursing home, convalescent home, assisted living facility
10. Library
11. Medical Marijuana Growing A,B,C
12. Mobile home park
13. Multi-family dwelling
14. Multi-family dwelling complex
15. Natural resource extraction (not including timber or ore mining/excavation)
16. Planned unit development (PUD)
17. Public building
18. State licensed residential facility - large group home
19. Two-family dwelling
20. Wireless communication facility
21. Wind Energy System

Section 313 GB General Business District

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. State licensed residential facility- large group home
2. Airports and landing field
3. Attached wireless communication facility
4. Automotive, tractor, trucking facility
5. Automotive body work facility
6. Building contractor storage yard
7. Cemetery
8. Elementary, intermediate and high school
9. Group child care facility
10. Medical Marijuana Processing
11. Medical Marijuana Provisioning Center
12. Medical Marijuana Safety Compliance Facility
13. Medical Marijuana Secure Transporter
14. Multi-family dwelling
15. Natural resource extraction (not including timber or ore mining/excavation)
16. Painting, varnishing and undercoating facility
17. Planned unit development (PUD)
18. Trade or business school
19. Salvage yard
20. Wind Energy System
21. Wireless communication facility

Section 314 I Industrial District

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. College and university
2. Industrial park (minimum of 20 acres)
3. Junkyard
4. Laboratory
5. Medical Marijuana Grower A,B,C
6. Medical Marijuana Processor
7. Medical Marijuana Provisioning Center
8. Medical Marijuana Safety Compliance Facility
9. Medical Marijuana Secure Transporter
10. Natural resource extraction (not including timber or ore mining/excavation)
11. Planned unit development (PUD)
12. Salvage yard
13. Sexually Oriented Business (South of County Road 492)
14. Wind Energy System

Section 315 F Forestry District

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. Automobile, tractor, trucking facility
2. Building material sales and storage
3. Cemetery
4. Home occupation
5. Intensive agricultural activity
6. Medical Marijuana Grower A,B,C
7. Medical Marijuana Processor
8. Natural resource extraction (not including timber or ore mining/excavation)
9. Planned unit development (PUD)
10. Petroleum, natural gas and propane storage tank
11. Sawmill and planing mill
12. Tourist cabins
13. Sportsmen's club and association, hunting preserve.
14. Wind Energy System

Section 1005 Specific Conditional Use Standards

H.

- A. Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility
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 Township. In the event that a court with jurisdiction declares some or all of this article invalid, then the Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
 2. At the time of application for a conditional use permit the marijuana 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 conditional use permit the marijuana facility must be licensed by Negaunee Township, or have the Township license concurrently in process with the conditional use permit and site plan approval, and then must be at all times in compliance with Negaunee Township's police power authorizing ordinance.
 4. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the Township.
 5. The Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, Township of Negaunee Ordinance to Authorize and Regulate the Establishment of Medical Marijuana Facilities, or the terms of the conditional use permit and approved site plan are not met.
 6. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, 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 marijuana facilities, unless otherwise specified, are as provided in the regulations outlined in Article VIII.
- B. Marijuana growers and processors shall be subject to the following standards:
1. **Minimum Lot Size.** A minimum lot size standard shall apply as follows:
 - a. In the Forestry (F) District, the subject property shall be a minimum of 10 acres, except that if the majority of abutting properties are less than 10 acres, the subject property shall be a minimum of 20 acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public road.
 - b. In the Rural residential (R2), the subject property shall be a minimum of 20 acres, except that if the majority of abutting properties are equal to or less than 5 acres, the subject property shall be a minimum of 40 acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public road.
 - c. In the Industrial (I) and The Highlands Development Centre Business – Light Industrial Park, the subject property shall be a minimum of 1 acre.

2. Minimum Yard Depth/Distance from Lot Lines.
 - a. In the Forestry (F) and Rural Residential (R-2) Districts, the minimum front, rear, and side yard setbacks for any structure used for marijuana production and processing shall be 100 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 200 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 200 feet from the ordinary high water mark.
 - b. In the Industrial (I) and The Highlands Development Centre Business – Light Industrial Park, the minimum front, rear and side yard setbacks for any structure used for marijuana production or processing shall be the standard setbacks for these districts.
3. Indoor Production and Processing.
 - a. In the Forestry (F) District, marijuana production and processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
 - b. In the Rural Residential (R-2) District, marijuana production ~~and processing~~ shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
 - c. In the Industrial (I) District and The Highlands Development Centre Business – Light Industrial Park, marijuana production and processing shall be located entirely within one or more completely enclosed buildings.
 - d. In the General Business (GB) District, marijuana Processing shall be located entirely within an entirely enclosed building.
4. Lighting. Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
5. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an odor control filtration system to ensure that odor leaving the building is not detectable at any adjacent property.
 - b. Odor control system shall be designed by mechanical engineer licensed in the state of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the township for review with the conditional use application. Narrative shall provide odor control overview, description of active filtration equipment, number of building air exchanges, sequence of operation and how odor control system integrates with the facility's Heating, Ventilation and Cooling System.
 - c. Engineer may be required to present system overview during conditional review process.
 - d. The filtration system shall be maintained in working order.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. Security Cameras. If used, 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.
7. Residency. In the Forestry (F) and Rural Residential (R-2) Districts, an owner of the subject property, or the licensee associated with the subject property shall reside in a dwelling unit on the subject property unless there is a 24-hour, seven-days-a-week monitored security system on the property with a direct phone number supplied to local law enforcement.

C. Provisioning centers shall be subject to the following standards:

1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 7:00 a.m. and 9:00 p.m.
2. Indoor Activities. All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
3. Other Activities. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the Township. The distance shall be measured as the shortest straight line distance between the property line of the location of the following uses to the property line of the parcel on which provisioning center premises is located, whichever is less.
 - a. A provisioning center may not be located within 300 feet of the real property comprising or used by a public or private elementary, or secondary school; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; religious institution; or a public library .
6. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 - 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 time length needed to allow people to ingress or egress the building.

- D. Marijuana Safety Compliance Facility shall be subject to the following standards:
1. A marijuana safety compliance facility shall be subject to the special regulations and standards applicable to laboratories in the zoning ordinance.
 2. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
 3. Site security shall conform to State requirements.
- E. Marijuana Secure transporter shall be subject to the following standards:
1. A marijuana secure transporter shall be subject to the special regulations and standards applicable to automotive, tractor, trucking facility uses in the zoning ordinance and the following standards.
 2. Site security shall conform to State requirements.

Section 1109 Marijuana Facility Nonconforming Uses

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana 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 marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.