

**ORDINANCE NO:** \_\_\_\_\_

**ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALMA TO  
REGULATE THE LOCATION OF MARIHUANA FACILITIES WITHIN THE CITY OF  
ALMA**

**THE CITY OF ALMA ORDAINS:**

1. Section 60-36, definitions, is hereby amended by placing the definition for marihuana, or marijuana, and of marihuana facility between the definitions for “manual and automatic controls” and “master plan” to read as follows:

“Marihuana” or “marijuana” means that term is 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.

“Marihuana facility” means a location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act and this Chapter

“Grower” means a licensee that is a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center

“Processor” means a licensee that is a commercial entity 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

“Secure transporter” means a licensee that is a commercial entity that stores marihuana and transports marihuana between facilities for a fee

“Provisioning” center means a licensee that is a commercial entity that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to registered qualified patients, directly or through the patients registered primary care givers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary care givers or includes medical cannabis dispensaries. A noncommercial location used by a primary care giver to assist a qualifying patient connected to a care giver through the Department’s marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for the purposes of this Chapter.

“Safety compliance facility” means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests if for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility

“Medical cannabis dispensary” means a provisioning center operated and whose license to operate is held solely by one or more registered qualifying patients and/or registered primary caregivers operating at a fixed location.

2. Subsection 60-60 (h)(2) is amended to read as follows:

(2) Permitted uses:

a) Office buildings or any of the following occupations: computer science, governmental, executive, administrative professional, accounting, clerical, sales and data processing.

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- (1) Insurance, real estate offices, general business and professional offices.
  - (2) Chamber of Commerce
  - (3) Utility offices.
  - b) Research, computer technology, data processing and design centers including the development of pilot, experimental, or proto-type planning.
  - c) Medical offices, dental offices, laboratories, clinics, but excluding veterinary offices.
  - d) Essential public services and buildings.
  - e) Banks and financial institutions, credit unions, including drive-thru.
  - f) Secure transporter facilities as defined in this ordinance, and also in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
3. Subsection 60-60 (j) (2) (f) is amended to read as follows:
- f. Other uses as noted.
    - 1. Public and quasi-public buildings such as, but not restricted to:
      - (i). Churches and religious institutions;
      - (ii). Municipal offices;
      - (iii) Libraries;
      - (iv) Essential public service buildings
    - 2. Public or private off street parking facilities, Article 8 of this Chapter.
    - 3. Dispensaries/provisioning centers as those terms are defined in this ordinance, and also in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
4. Subsection 60-60 (k) (2) is amended to read as follows:
- (2) Permitted uses:
    - a) All uses permitted in the B1 District;
    - b) Private clubs and lodges provided sales and services are to members and guests only;
    - c) Home improvement centers;
    - d) Supermarkets;
    - e) Public or private business school or colleges;
    - f) Health and fitness clubs;
    - g) Theaters, excluding drive-in theaters;
    - h) Eating and drinking establishments;
    - i) Funeral homes;
    - j) Hotels and motels with a minimum lot size of one (1) acre and lot width of 200 feet;
    - k) Assembly and dance halls;
    - l) Bus passenger stations;
    - m) Bowling alleys;
    - n) Hospitals;
    - o) Secure transporter as that term is defined in this ordinance and in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
    - p) Dispensary/provisioning centers as those terms are defined in this ordinance and in the Medical Marijuana Licensing Act, MCL 333.27101 et seq.

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5. Subsection 60-60 (m) (2) is amended to read as follows:

(2) Permitted uses:

- a) Wholesale establishments, warehouses, cartage business, and truck or rail terminals;
- b) Tool, die and machine shops;
- c) Manufacturing or processing of wood, concrete, cinder block and brick;
- d) Manufacturing of automotive parts, medical fabricating, assembly, and other manufacturing processes;
- e) Production, processing and packaging of such products as candy and baked goods;
- f) Recreational vehicles, storage yards;
- g) Contractor equipment and other material storage yards;
- h) Municipal equipment and material storage yards;
- i) Grower as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- j) Processor as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- k) Secure transporter as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- l) Dispensaries/provisioning centers as those terms are defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;

6. Subsection 60-60 (n) (2) is amended to read as follows:

(2) Permitted uses:

- a) All permitted uses in the LI District;
- b) Production, manufacturing, processing, and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits;
- c) Drop forges, heavy stamping and oil refineries;
- d) Lumber and planing mills;
- e) Municipal waste or water treatment facilities;
- f) Central dry cleaning plants;
- g) Manufacturing or processing of plastic, fabric and synthetic products;
- h) Production, processing and packaging of such products such as cosmetics, toiletries and pharmaceutical;
- i) Grower as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- j) Processor as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- k) Secure transporter as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;
- l) Dispensaries/provisioning centers as that term is defined in this ordinance and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq;

7. Subsection 60-188 is added to Article VII, supplemental regulations, to read as follows:

60-188 Marihuana facilities:

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1. Applicable Standards for Grower facilities:
  - a) Only one Medical Marihuana Grower facility license permitted per parcel or lot;
  - b) All Grower facilities and operations must be within an enclosed building;
  - c) A licensee may occupy the same premises if holding a Grower and Processor license for the premises;
  - d) Any building or unit housing medical marihuana operation shall be located at least 500 feet from a residential zoned district, and 300 feet from a city park or any K-12 school;
2. Applicable Standards for Processor facilities:
  - a) Only one Medical Marihuana Processor facility licensed permitted per parcel or lot;
  - b) All Processing operations must be conducted within an enclosed building;
  - c) A licensee may occupy the same premises if holding a Grower and Processor license for the premises;
  - d) Any building or unit housing medical marihuana operations shall be located at least 500 feet from a residential zoned district, and 300 feet from a city park or any K-12 school.
3. Applicable Standards for Secure Transporter:
  - a) Any building or unit housing medical marihuana operations shall be located at least 500 feet from a residential zoned district, and 300 feet from any city park or any K-12 school
4. Applicable Standards for Safety Compliance:
  - a) Safety Compliance facilities shall be located at least 500 feet from any residential zoned district, and 300 feet from a city park or any K-12 school.
5. Applicable Standards for Provisioning Centers:
  - a) Only one Provisioning Center licensed per parcel or lot;
  - b) All Provision Center activities must be conducted within an enclosed building;
  - c) Any building or unit housing medical marihuana operations shall be located at least 500 feet from a residential zoned district, and 300 feet from a city park or any K-12 school
6. General Provisions:
  - a) The location criteria contained in this section is applicable to any proposed change in the location of an existing marihuana facility;
  - b) A licensee shall not operate a marihuana facility at any place in the city other than the address provided in the application on file with the City Clerk;
  - c) A licensee shall operate the licensed facility in compliance with all applicable stated and city regulations for that type of facility;
  - d) The distances described in this section shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in the section above, to the nearest portion of the building or unit in which the medical marihuana facility is located;

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e) The separation distances contained in this section are applicable to marihuana facilities and protected used located in adjacent governmental jurisdictions;

f) Any marihuana facility in operation on the effective date of this ordinance is deemed an unlawful public nuisance, absent appropriate licensure under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq and applicable city ordinances. Noncompliance with this provision shall subject the owner and/or operator of the facility to applicable criminal and civil sanctions for violation of this provision;

g) Nothing in this ordinance shall be construed to “grandfather” or provide any legal, equitable or property right to the owner or occupier of property on which a medical marihuana facility is operating, before a city operating license for such facility or business is issued, to continue such use.

8. Repealer:

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

9. Severability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

10. Effective Date:

The provisions of this ordinance shall become effective thirty (30) days after publication, and only if an ordinance is adopted by the City Commission amending the Alma City Code to permit the location and licensure of medical marihuana facilities of the City.

Passed and approved by the City Commission of the City of Alma, Michigan, in regular session, held \_\_\_\_\_, 2018.

We, the undersigned, Mayor and Clerk of the City of Alma, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. \_\_\_\_\_ of the City of Alma, Michigan, was introduced at a regular meeting of the City Commission, held on \_\_\_\_\_, 2018, and was thereafter passed at a regular meeting on \_\_\_\_\_, 2018, at least two weeks elapsing between the introduction and the enactment.

Dated at Alma, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Greg Mapes, Mayor

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Sheila Letourneau, Clerk