

Village of Three Oaks
Zoning Ordinance Amendments Related to
Marihuana Businesses

Amend Section 7.103 – USE DEFINITIONS

Add:

MMFLA means the Medical Marihuana Facilities Licensing Act.

MRTMA means the Michigan Regulation and Taxation of Marihuana Act.

Marihuana means that term as defined in the MRTMA.

Marihuana Business means a marihuana grower, retailer, microbusiness, processor, safety compliance facility, and/or secure transporter, licensed by the Department under the MRTMA and a grower, provisioning center, processor, safety compliance facility, and/or secure transporter, licensed by the Department under the MMFLA.

Marihuana establishment means a marihuana grower, retailer, microbusiness, processor, safety compliance facility, and/or secure transporter, licensed by the Department under the MRTMA.

Medical marihuana facility means a marihuana grower, provisioning center, processor, safety compliance facility, and/or secure transporter, licensed by the Department under the MMFLA.

Marihuana grower means a person licensed under the MRTMA to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana microbusiness means a person licensed under the MRTMA to cultivate not more than one hundred and fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana processor means a person license under the MRTMA to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana retailer means a person licensed under the MRTMA to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.

Marihuana safety compliance facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana secure transporter means a person licensed under the MRTMA to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Medical marihuana grower means a licensee under MMLFA that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

Medical marihuana processor means a licensee under MMFLA 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 or another processor.

Medical marihuana provisioning center means a licensee under MMFLA 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.

Medical marihuana safety compliance facility means a licensee under MMFLA that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

Medical marihuana secure transporter means a licensee under the MMFLA that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Amend Section 2.203 – PERMITTED USES BY DISTRICT

Table 2 - Permitted Uses by District

Commercial & Retail Uses

	Use	District	Use Standard
Add:	Marihuana Microbusiness	SLU - C-1, I-1	Section 2.412-1
Add:	Marihuana Retailer	SLU - C-1, I-1	Section 2.412-1

Add: Medical Marihuana Provisioning Center SLU - C-1, I-1 Section 2.412-1

Industrial

	Use	District	Use Standard
Add:	Marihuana Grower (Class A, B, or C)	SLU – C-1, I-1	Section 2.412-1
Add:	Medical Marihuana Grower (Class A, B, or C)	SLU – C-1, 1-1	Section 2.412-1
Add:	Marihuana Processor	SLU – C-1, I-1	Section 2.412-1
Add:	Medical Marihuana Processor	SLU – C-1, I-1	Section 2.412-1
Add:	Marihuana Safety Compliance Facility	SLU – C-1, I-1	Section 2.412-1
Add:	Medical Marihuana Safety Compliance Facility	SLU – C-1, I-1	Section 2.412-1
Add:	Marihuana Secure Transporter	SLU – C-1, I-1	Section 2.412-1
Add:	Medical Marihuana Secure Transporter	SLU – C-1, I-1	Section 2.412-1

Amend Chapter 2.4 – USE STANDARDS

Add: **Section 2.412 –1 MARIHUANA BUSINESS**

- A. A Special Land Use Permit may be granted for a marihuana business in the C-1 or I-1 District as established by Section 2.203, or if it is located within Enterprise Park.
- B. All marihuana businesses shall meet the following locational criteria:
 - 1. A marihuana business is prohibited from operating in any residential zoning district or in any residential unit.
 - 2. A marihuana business shall not operate within 500 feet of a pre-existing private or public school, providing education in kindergarten or any grades 1-12.
 - 3. A marihuana business shall not operate within 400 feet of Watkins Memorial Park.

4. The separation distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building occupied by the marihuana business.
 5. The separation distance shall apply to protected uses located in adjacent jurisdictions.
- C. A Marihuana Microbusiness, Marihuana Retailer and Medical Marihuana Provisioning Center shall also comply with the following:
1. All activities shall be conducted within an enclosed building.
 2. A Marihuana Microbusiness, Marihuana Retailer, and Medical Marihuana Provisioning Center shall not operate within 500 feet of any other Marihuana Microbusiness, Marihuana Retailer or Medical Marihuana Provisioning Center.
 3. A Marihuana Microbusiness, Marihuana Retailer, and Medical Marihuana Provisioning Center shall open no earlier than 9:00 a.m. local time and close no later than 9:00 p.m. local time, and no person, except employees, shall be allowed in the facility after hours.
- D. A Marihuana Grower, Marihuana Processor, Marihuana Safety Compliance Facility, Medical Marihuana Grower, Medical Marihuana Processor, and Medical Marihuana Safety Compliance Facility shall also comply with the following:
1. All activities shall be conducted within an enclosed building.
 2. All businesses must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants discharged into the public wastewater and/or stormwater systems.
 3. No marijuana shall be cultivated, grown, manufactured or processed, handled or tested in any manner that would emit odors beyond the interior of the building or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration or ventilation and exhaust equipment.
 4. No marijuana shall be cultivated, grown, manufactured or processed, handled or tested in any manner that would emit noise beyond the interior of the building or which is otherwise discernable to another person.

5. All businesses must maintain a secure, closed environment where marihuana is to be stored, grown, processed, or tested, in order to prevent the inadvertent and/or unauthorized removal of marihuana from the facility.
- E. A Marihuana Secure Transporter and Medical Marihuana Secure Transporter shall also comply with the following:
 1. All activities shall be conducted within an enclosed building.
 2. All businesses, vehicles, and processes must be designed to minimize odors emanating from the marihuana plants.
 3. All businesses, vehicles, and processes must have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal.
 4. The secure transporting vehicles shall not bear any markings or identification that it is carrying marihuana.
 - F. Signs for any marihuana business shall comply with the Village sign ordinance and shall not use the word marihuana or cannabis or any symbol representing the marihuana plant; nor may the word marihuana or cannabis or any symbol representing the marihuana plant be displayed on any part of the building.
 - G. All Special Land Use Permits granted to a marihuana business shall be conditioned on obtaining a license to operate the business by the State of Michigan.
 - H. Consistent with the Michigan Zoning Enabling Act, Special Land Use Permits shall be designated to the property where the Special Land Use is approved, not to the entity or individual applying for the Special Land Use Permit. However, the Operating License shall be granted to a particular entity or individual. The Operating License shall not be transferable to any other entity or individual, nor shall it be transferable to any other lot within the Village.
 - I. An entity or individual wishing to operate a marihuana business on a lot where a Special Land Use Permit has been granted, but where no Operating License is active, shall apply to amend the Special Land Use Permit to reflect the proposed new Operating License. Amending the Special Land Use Permit shall require the same process as obtaining a new Special Land Use Permit, as established by Chapter 6.3 of this Ordinance.