



225 S Camburn St  
Stanton, MI, 48888  
Phone (989) 831.4440  
Fax (989) 831.5756  
www.StantonOnline.com

**STANTON PLANNING COMMISSION  
AGENDA  
September 2, 2020 - 5:30 PM**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call of Members**

Don Smucker, Chair  
Chuck Miel  
Kris Thwaites, Vice-Chairperson  
Jacky McGill

Lori Williams, Secretary  
Ginger Gurecki  
Judy Guevara

- 4. Agenda Approval**
- 5. Approval of Minutes**

a. Approve Planning Commission meeting minutes of August 4, 2020.

- 6. Public Comments (For items not on the Agenda)**
- 7. Reports**
- 8. Public Hearing**

a. A public hearing will be held to consider an amendment to the City of Stanton Zoning Use District Map to rezone the property at 320 Walnut Street from (R1) Single Family Residential to (C2) General Commercial.

- 9. Old Business**

- 10. New Business**

- a. Accept the resignation of Ginger Gurecki from the Stanton Planning Commission.
- b. Consideration by the Planning Commission to amend the City of Stanton Zoning Use District Map to rezone the property at 320 Walnut Street from (R1) Single Family Residential to (C2) General Commercial.
- c. Review of the draft Medical Marihuana Ordinance.

- 11. Commissioner and Staff Comments**

- 12. Adjournment**



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CITY OF STANTON NOTICE OF ELECTRONIC PLANNING COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 2, 2020 AT 5:30 PM  
ELECTRONICALLY ON THE CITY OF STANTON FACEBOOK PAGE

**Reason for Electronic Meeting**

To mitigate the spread of COVID-19 (Coronavirus), protect the public health, and provide essential protections to vulnerable persons, it is imperative that all persons take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings. On March 18, 2020 Governor Whitmer signed Executive Order 2020-15 titled “Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards”. Executive Order 2020-15 has since been extended. The City of STANTON must continue to conduct public business during this state of emergency, including actions to respond to COVID-19, and the general public must be able to continue to participate in government decision making without unduly compromising public health, safety and welfare. To protect the public health, safety, and welfare and comply with Center for Disease Control and Prevention recommendations, local governing bodies may meet remotely and electronically.

**Public Participation Instructions**

Members of the public may view the meeting live at:

**Join Zoom Meeting:** <https://bit.ly/3hzTM6E> Or Dial: +1-312-626-6799  
**Webinar ID:** 854 6947 4164 **Password:** 993938

Members of the public may submit comments to be read aloud by the City Manager during public comment by e-mailing comments (Include your full name and address) in advance of the meeting to [citymanager@stantononline.com](mailto:citymanager@stantononline.com) or during the public comment portion of the meeting by submitting your full name, address, and comment on the live stream of the meeting. Comments should be limited to no more than three minutes. A broadcast of the meeting will also be available on the City of Stanton Facebook page at <http://www.facebook.com/cityofstanton/>.

**Public Input and Questions on Business Before the Commission**

Members of the public may contact the City Commission to provide input or ask questions on any business that will come before the Planning Commission by e-mail at [citymanager@stantononline.com](mailto:citymanager@stantononline.com).

**Persons with Disabilities Participation Instructions**

The City of Stanton will provide reasonable accommodations to individuals with disabilities who want to electronically attend the meeting with twenty-four (24) hours notice to the City of Stanton.

Vester Davis, Jr., City Manager  
Email: [citymanager@stantononline.com](mailto:citymanager@stantononline.com)  
Phone: (989) 831-4440

Date: August 27, 2020



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Stanton, MI, 48888  
Phone (989) 831.4440  
Fax (989) 831.5756  
www.StantonOnline.com

To: Stanton Planning Commission  
From: Vester Davis, Jr., Zoning Administrator / City Manager  
Date: August 26, 2020  
Subject: **Case #20-01:** Review of Rezoning Application – 320 Walnut Street

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## INTRODUCTION

An application for a rezoning to from “Residential” to “Commercial” and to amend the zoning use map. The applicant is seeking to rezone property under his ownership, parcels 59-053-550-028-10 and 59-053-148-001-10 from the (R-1) Single Family Residential District to the (C-2) General Commercial District and subsequently amend the zoning use map to reflect any changes brought on by an approved rezoning.

## Owner /Applicant

**Owner(s):**  
Michael D. Corder  
320 Walnut Street  
Stanton, MI 48888

**Applicant:**  
SAME

## BACKGROUND INFORMATION

### Location:

320 W. Walnut Street, Stanton, MI 48888  
PIN #053-550-028-10 & 053-148-001-10

<https://stantononline.com/wp-content/uploads/2019/01/Adopted-Stanton-Zoning-Map-11-13-18.pdf>.

### Directions:

East on Main Street then head south on Mill Street, then look left for a small purple building near the intersection of Mill Street & Walnut Street.

### Existing Land Use & Zoning Districts:

**To the North:** Commercial Business (C-1 Zoning District)  
**To the East:** Single Family Residential (R-1 Residential)  
**To the West:** Single Family Residential (R-1 Residential)  
**To the South:** Governmental (R-1 Residential)

The existing conditions are a single story building on parcel 59-053-550-028-10 that is being

*\*The City of Stanton is an equal opportunity provider*

used to operate a wholesale liquidation business, which involves selling small pallet loads of surplus merchandise and a parking lot that is used by the public. Under current zoning regulations this use is considered a warehouse or retail use. The adjacent parcel to the south is currently vacant.

**Comprehensive Plan:** The Future Land Use Map of the 2016-2036 Master Plan does not specifically reference this parcel, but it does identify this parcel as being apart of the Central Business zoning district. This parcel is bordered by single-family homes and other commercial properties. In 2016 when the Planning Commission sought to condense zoning districts the applicant's requested Mini Warehouse use was added to the C-2 General Commercial zoning district as a Special Land Use.

### Analysis of Rezoning Request

In 2018, the City of Stanton underwent a zoning ordinance rewrite and the aforementioned parcels were included in the R-1 zoning district. The C-2 District generally permits more intensive commercial activity that is less compatible with residential uses. A few of the uses allowed include: building supply, equipment stores, retail stores, special land uses in the C-1 zoning district and more.

	<b>R-1 Single Family Residential (Existing)</b>	<b>C-2 General Commercial District (Proposed)</b>
Front Yard Setback	25 feet, applies to corner lots.	30 feet, 25 feet for corner lots.
Rear Yard Setback	30 feet	25 feet
Side Yard Setback	Min. 7 feet/ Combined 18 feet.	10 feet
Maximum Height Permitted	35 feet	40 feet
Maximum Lot Coverage	50%	50%
Uses Permitted by Right	Single family dwellings, AFC Homes, FCC Home, essential public service equipment, accessory buildings, and wind energy systems	Permitted and Special Uses allowed in C1 District. Retail Building Supply, retail nurseries, Daycare facility/child care center
Uses Permitted w/ a Special Use Permit	Two- family dwellings, places of worship, group childcare, private schools, adult foster care, parks, home businesses, bed & breakfast, wireless communication towers, wind energy systems.	Open air businesses, body shops, Indoor gun and archery shops, auto detailing, mini warehouses, and more.
Mixed Use Permitted?	No	No

## General Standards of Review for a Rezoning Application

Planning Commissioners should evaluate the rezoning request using the 3Cs. The 3Cs are:

- Consistency
  - Compatibility
  - Capability
1. Is the proposed use consistent with the intent of the Master Plan and Future Land Use map?  
*The site is designated for Central Business in the City's Master Plan, where retail activity is allowed.*
  2. Is the proposed district and *all of its allowed uses* compatible with the surrounding area?  
*The use of the proposal as General Commercial would not be allowed under the R1 Zoning. However, an adjacent property is zoned C-1 Commercial directly across the street.*
  3. Is the property capable of being used for a use already permitted within the district?  
*It is not anticipated that there would be any adverse effect on public services or facilities based on the requested rezoning.*

## Summary of Comments

Following the public hearing on this application, additional concerns and questions will be responded to either during the meeting or in a subsequent report.

The rezoning is being submitted in order to allow the operation of a retail business that sells wholesale liquidated products on site. However, rezoning to the C-2 District means that in the future other uses may include all permitted and special land uses allowed in the C-1 District, nurseries, building supply, equipment stores, ambulances services, daycare facility centers and special land uses of the C-2 District are allowed or could be considered for approval.

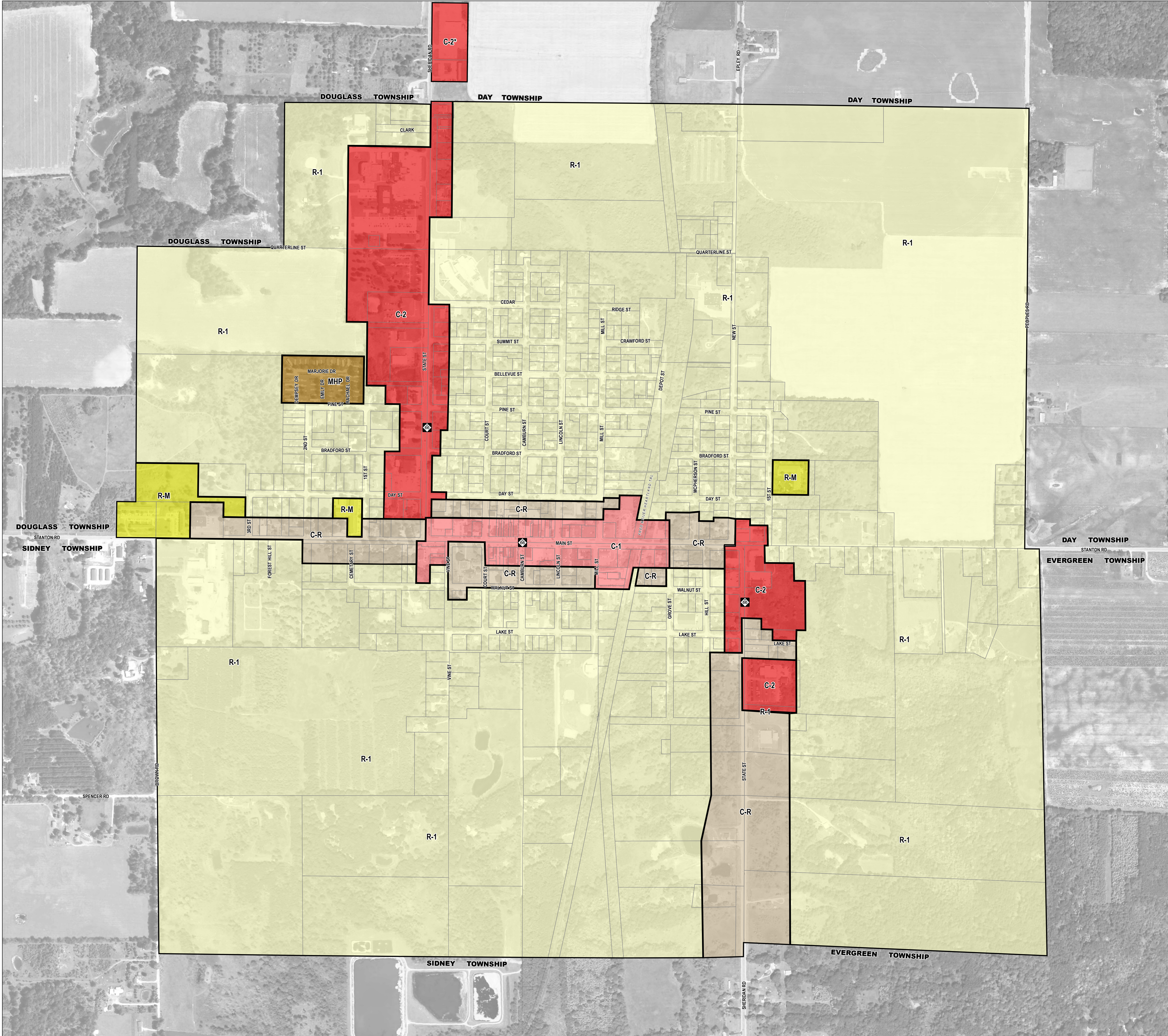
At a prior meeting, Planning Commission discussed classifying the land use as retail and rezoning the parcels to (C-1) Central Business instead of C-2. If the Planning Commission approves the proposed designation and rezoning to C-1 then the possible uses allowed in the C-1 District are much less intense and possibly more compatible with the surrounding residential areas.

## Motion to Recommend Approval

In the matter of a rezoning and zoning use map amendment from Michael D Corder to rezone properties at 320 Walnut, parcels 053-550-028-10 & 053-148-001-10 from (R-1) Residential to (C-2) General Commercial, motion to recommend City Commission approval.

## Alternative Recommendation for Approval

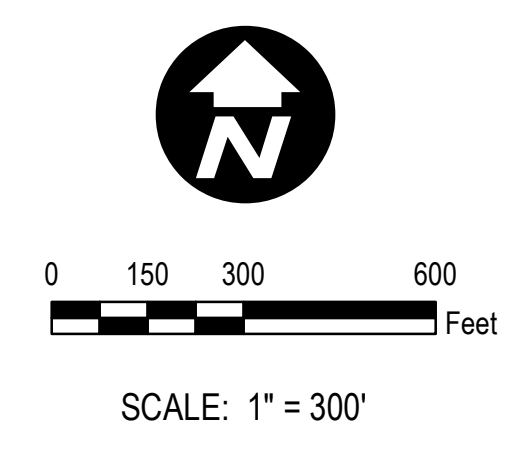
In the matter of a rezoning and zoning use map amendment from Michael D Corder to rezone properties at 320 Walnut, parcels 053-550-028-10 & 053-148-001-10 from (R-1) Residential to (C-1) Central Business District, motion to recommend City Commission approval.



Sources:  
 Parcel: Montcalm County Equalization (August 2013)  
 Aerial Photography: U.S. Department of Agriculture (June 2016)

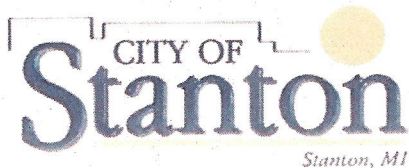
**LEGEND**

	R-1: LOW DENSITY RESIDENTIAL DISTRICT		C-2*: ACT 425 PARCELS
	R-M: MULTI-FAMILY RESIDENTIAL DISTRICT		I-1: INDUSTRIAL DISTRICT
	MHP: MOBILE HOME PARK DISTRICT		C-R: COMMERCIAL-RESIDENTIAL DISTRICT
	C-1: CENTRAL BUSINESS DISTRICT		PUD: PLANNED UNIT DEVELOPMENT
	C-2: GENERAL COMMERCIAL DISTRICT		



**City of Stanton**  
 Montcalm County, Michigan  
**OFFICIAL ZONING MAP**  
 Adopted November 13, 2018

Prein&Newhof  
 This map is intended for reference only.  
 The City of Stanton and Prein&Newhof  
 are not liable for errors or omissions.  
 2/10/18



225 Camburn St.  
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www.stantononline.com

## PROCEDURES TO REZONE PROPERTY

*For all rezoning requests a public hearing is held by the Planning Commission which makes a recommendation to the City Commission which then makes the final decision.*

### **For additional information or questions contact**

Vester Davis Jr. City Manager/Zoning Administrator  
Ph: 989-831-4440

[citymanager@stantononline.com](mailto:citymanager@stantononline.com)

### **Application Fee: \$**

The application fee covers the cost of advertising the rezoning, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant's property, and holding a public hearing.

### **Meeting Dates, Time, & Place**

- **Stanton City Commission** meets second and fourth Tuesday of the month at 7:00 pm.
- **Stanton Planning Commission** meets on the third Wednesday of each month at 5:30 pm.
- **Place:** Stanton City Offices, 225 S. Camburn, Stanton, Michigan, 48888

### **Processing Period**

A rezoning application usually takes 60 to 90 days to process.

### **Application Procedures**

- 1. Pre-application Conference.** Before submitting a formal application for rezoning the applicant is encouraged to meet with the City Manager to discuss the rezoning process.
- 2. Application form.** The application form is on the City of Stanton website [www.stantononline.com](http://www.stantononline.com) or the form can be obtained from the City offices
- 3.** Applicant returns completed rezoning application and fee to City Manager. The application must be signed by the applicant and the property owner if they are not the same person.
- 4.** City Manager forwards the fee to the City Clerk and the application form to the Planning Commission members for discussion at their next regular meeting. **The applicant must attend this meeting to present the request.** At this meeting the Commission will schedule a public hearing.
- 5.** The City Clerk prepares the notice of the public hearing which is published in the Greenville Daily News. The notice is also mailed by the Clerk to occupants and property owners within 300 feet of the boundaries of the proposed property. **The notice must be published and mailed at least 15 days before the date of the public hearing.**

The mailing list is taken from the most recent City assessment roll. A notice is also sent to any utility, airport or railroad that registers its name with the City for purposes of receiving such notice.

In cases where property within 300 feet of the site proposed for rezoning is within another municipality, the Clerk will obtain a list of those property owners in the adjoining municipality which are within 300 feet of the site to be rezoned and mail them a notice of the public hearing. An affidavit of the mailing is made and kept in the City files.

6. A report analyzing the request for a rezoning may be prepared by the Zoning Administrator or City Planner for the Planning Commission. This report is also sent to the applicant before the public hearing.

7. The public hearing is held by the Planning Commission. The applicant and others in attendance are provided an opportunity to speak on the rezoning. Following the public hearing that same evening or at a subsequent meeting, the Planning Commission will vote to approve or deny the request. **This vote is a recommendation to the City Commission.**

8. The Zoning Administrator forwards the recommendation of the Planning Commission to the City Clerk who places the rezoning request and Planning Commission recommendation on the agenda of the next City Commission meeting. This is not a public hearing. The City Commission is also provided with the rezoning report and the application materials.

9. The City Commission makes the final decision on the rezoning request and may vote to approve, deny, modify, or postpone the rezoning. The applicant must attend the City Commission meeting to present the request.

10. The City Clerk notifies the applicant in writing of the final decision by the City Commission.

11. If the rezoning request is approved, the City Clerk publishes the ordinance or summary of the ordinance in the Greenville Daily News within 15 days of adoption. The rezoning request is effective seven days after publication

12. The City Zoning Map is subsequently amended to illustrate the zoning change.



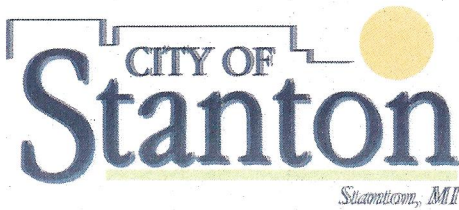
225 S Camburn St  
Stanton, MI, 48888  
Phone (989) 831.4440  
Fax (989) 831.5756  
www.StantonOnline.com

REZONING APPLICATION

DATE 10-9-19 108  
NAME Michael D Corder  
ADDRESS 320 W WALNUT ST  
CITY & ZIP Stanton MI 48888  
EMAIL Cordermike@yahoo.com Don't Hardly Get on  
PHONE 989 763 8652

PROPERTY INFORMATION (Address, Parcel ID...)  
59-053-550-028-10  
59-053-148-001-10

CURRENT ZONING OF PROPERTY WAS Commercial Now Residential  
REQUESTED ZONING OF PROPERTY Back to Commercial  
PROPOSED ZONING PER 2016 MASTER PLAN To sell Liquidation product  
By the pallet  
Mike D Corder  
Signature of Owner



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**CITY OF STANTON PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING ON REQUEST FOR REZONING**

**PUBLIC NOTICE IS HEREBY GIVEN** of a public hearing held by the City of Stanton Planning Commission on Wednesday, September 2, 2020 at 5:30 p.m. **This meeting is scheduled to occur electronically. Please visit [www.stantononline.com](http://www.stantononline.com) for information on how to participate.**

The purpose of this public hearing is to consider the following changes to the zoning map: Petition by Michael D. Corder to amend the official zoning map of the City of Stanton by the establishment of General Commercial (C2) on approximately 1.62 acres at 320 Walnut Street and adjacent parcel. Tax parcels 59-053-550-028-10 & 59-053-148-001-10. The existing zoning is Single Family Residential (R-1).

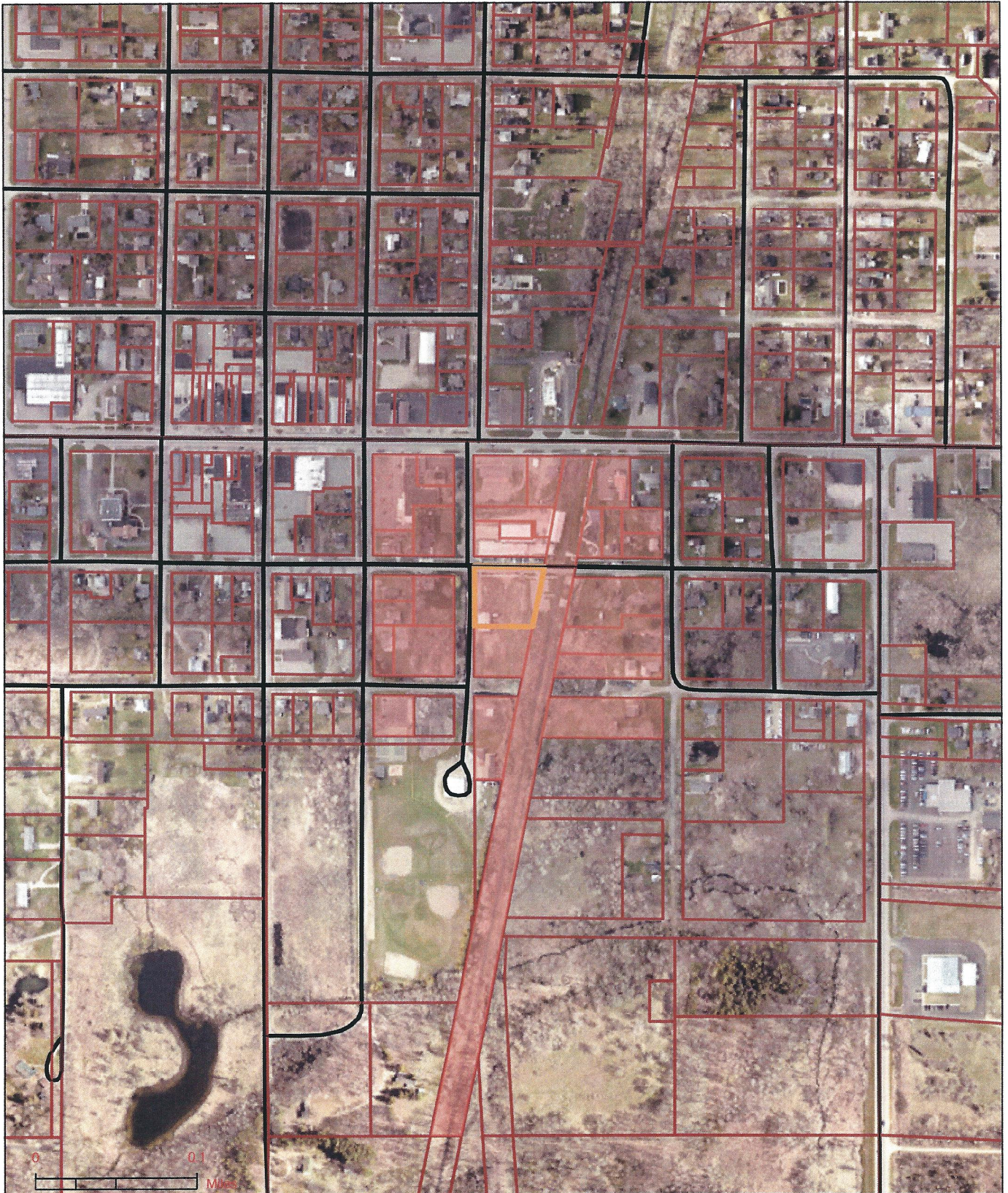
Following the public hearing, the Planning Commission may consider a recommendation to the City Commission for the rezoning request.

All interested persons may attend the public hearing and comment on the request for rezoning. Written comments may be submitted to the City office, to the attention of the City Clerk or City Manager, at the above-stated address. Pertinent information relative to this rezoning request is on file at the City Manager's Office and may be examined at anytime during regular business hours 8 a.m. to 5 p.m. Alternatively, questions or comments can be responded to by contacting City Manager and Zoning Administrator Vester Davis, Jr. at (989) 831-4440 or [citymanager@stantononline.com](mailto:citymanager@stantononline.com).

Vester Davis, Jr., City Manager  
Email: [citymanager@stantononline.com](mailto:citymanager@stantononline.com) Phone: (989) 831-4440

Date: August 12, 2020

# STANTON 19



59-053-001-922-00  
THE FRED MEIJER HEARTLAND TRAIL  
PO BOX 455  
EDMORE MI 48829

59-053-103-001-00  
LEPPINKS INC  
214 E MAIN  
P O BOX 507  
STANTON MI 48888

59-053-103-003-00  
THRUSH AMY  
133 S LINCOLN ST  
STANTON MI 48888

59-053-103-005-00  
KAVA PHILIP M & JEFFREY HOLLY ANN  
217 E WALNUT ST  
STANTON MI 48888

59-053-103-006-00  
LIBERTY APPRAISAL & CONSULTING, INC  
EIPPER STEPHEN  
ATTN: EIPPER STEPHEN  
621 CLIFFORD LAKE DR  
STANTON MI 48888

59-053-107-001-00  
CORWIN LEWIS & DEBORAH K  
219 S LINCOLN ST  
STANTON MI 48888

59-053-107-002-00  
CORWIN DEBORAH K  
219 S LINCOLN ST  
STANTON MI 48888

59-053-107-002-50  
KELLAMS GEORGE E II  
P O BOX 773  
Stanton MI 48888

59-053-107-004-00  
CURRIER AARON &  
JONES MELISSA A  
216 E WALNUT  
Stanton MI 48888

59-053-107-005-00  
HOUGHTON DAVID G & SUE ELLEN  
P O BOX 756  
STANTON MI 48888

59-053-108-001-00  
CITY OF STANTON  
P O BOX 449  
STANTON MI 48888

59-053-141-001-00  
MCKEOWN LARRY S  
4395 S SHERIDAN RD  
SHERIDAN MI 48884

59-053-141-003-00  
CHAPIN STEPHEN D & MARILYN L  
PO BOX 36  
STANTON MI 48888

59-053-142-002-50  
JBC HOLDINGS INC  
4811 W WOODS RD  
SIDNEY MI 48885

59-053-142-003-00  
WIREMAN TREVOR & EHLE MICHAEL  
411 E WALNUT ST  
STANTON MI 48888

59-053-142-005-00  
BLUM RONALD G  
202 N MCPHERSON ST  
STANTON MI 48888

59-053-142-005-50  
HUNT LAMONT J  
124 S GROVE ST  
STANTON MI 48888

59-053-147-001-00  
GRUNDEL MICHAEL  
220 S GROVE  
STANTON MI 48888

59-053-147-001-50  
GALLAGHER TRACY  
224 S GROVE ST  
STANTON MI 48888

59-053-147-006-00  
RIOS AGUSTIN & SHARON J  
204 S GROVE ST  
STANTON MI 48888

59-053-148-001-10  
CORDER MICHAEL DALE  
225 SW COUNTY LINE RD  
SUMNER MI 48889

59-053-150-002-00  
MYERS DAVID & JOAN  
460 LAKE ST BOX 601  
STANTON MI 48888

59-053-550-003-11  
CHAPIN CHRIS W  
3676 N MUSSON RD  
STANTON MI 48888

59-053-550-003-20  
MILLARD STORAGE INC  
PO BOX 877  
STANTON MI 48888

Good Afternoon!

I am sending this email to let me know that I am resigning my planning commission seat effective immediately.

Thank you for the opportunity to serve but the time and commitment is more than I expected.

Sincerely  
Ginger Gurecki

Sent from my iPhone



## MEMO

**TO:** City of Stanton Planning Commission  
**FROM:** Tim Johnson, PCP, MainStreet Planning Company  
**DATE:** August 28, 2020  
**RE:** *Draft 1 of Medical Marihuana Facilities Ordinance*

We will be reviewing this ordinance at our meeting on September 2<sup>nd</sup>. The draft contains the requirements agreed to by the Commission at its August 5, 2020 meeting. The draft also contains many other rules and regulations to govern medical marihuana in the City of Stanton.

These other regulations are taken from the rules promulgated by the Department of Licensing and Regulatory Affairs (LARA) and the Michigan Marihuana Facilities Licensing Act, Act 281 of 2016. While these rules are primarily the responsibility of the State of Michigan to enforce and including them makes for a longer ordinance, there are beneficial reasons to make them part of the ordinance.

First, having the rules in a local ordinance makes it easier for Stanton public safety officials to find and administer the rules instead of researching State laws and; Second, by including these rules in the ordinance the Planning Commission and City Council are stating that they have a thorough understanding of the regulations to allow medical marihuana facilities in Stanton and that these regulations will provide the proper protection for residents and businesses.

Highlights of the draft ordinance:

- A medical marihuana facility will require a special land use permit. The City Council will make the final decision following a recommendation by the Planning Commission. Currently the Council is not involved in special land use decisions.
- The number of each type of medical marihuana facility that may be approved for operation within the City of Stanton shall not be limited except that no more than two Provisioning Centers shall be allowed at any one time in the City of Stanton.
- Grower facilities are permitted only in the I, Industrial District.
- Processor facilities are permitted only in the I, Industrial District.
- Provisioning Center facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
- Secure Transporter facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
- Safety Compliance facilities are permitted only in the C-2, General Commercial District; and the I, Industrial District.

- A nonrefundable fee shall be paid annually by each marihuana facility authorized within the City of Stanton in the amount not to exceed \$5,000.
- Any combination of medical marihuana facilities may operate as separate marihuana facilities at the same location.
- A medical marihuana facility shall not be located within 1000 feet of an operational school as defined herein whether the school is located in the City or outside the City.
- A Provisioning Center shall not be located within 100 feet of another Provisioning Center or a Secure Transport facility.
- City of Stanton Public Safety personnel must verify that the facility meets all security requirements listed in the Security Plan and may make their own recommendations for security.
- All applications for special land use approval for a medical marihuana facility shall be accompanied by an application fee of \$5,000. (This fee can be used by the City to hire its own planner, engineer, attorney or other professional to review the application materials and assist the Planning Commission in reviewing the application. It is not the same as the \$5000 which the city may collect once a license is issued by the State.)

The idea of requiring an applicant to enter into a Community Benefit Agreement was brought up at the August meeting. This would require an applicant to provide infrastructure improvements, dedicating a portion of the property for public use or beautification of the site or additional security measures around the site.

Based on my research this may not be legal to require such an agreement for medical marihuana facilities but may be able to be required for adult use of marihuana facilities. We can explore this further when that ordinance is being prepared.

**DRAFT 1**

**AN ORDINANCE TO ALLOW MEDICAL MARIHUANA FACILITIES  
IN THE CITY OF STANTON**

*For Review by the City of Stanton Planning Commission  
September 2, 2020*

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**15A.01 APPLICABILITY**

This chapter applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City

**15A.02 PURPOSE**

This chapter is intended to provide for the regulation of medical marihuana facilities; to establish procedures for application for medical marihuana facilities; to establish procedures for review of medical marihuana facilities; to establish operational, land use, and zoning requirements for medical marihuana facilities; to protect the public health, safety, and welfare of the City of Stanton, its residents, its neighborhoods, and property owners; to set fees for the purpose of defraying costs associated with the implementation and enforcement of the provisions of this chapter; to declare this chapter to be for a public purpose; and to provide penalties for violations of this chapter.

**15A.03 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply except where the context clearly indicates or requires a different meaning:

- a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (MMMA), shall have the definition given in the Michigan Medical Marihuana Act.
- b) Any term defined by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA), shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- c) Any term defined by the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended (MTA) shall have the definition given in the Marihuana Tracking Act.
- d) "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.
- e) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- f) "Marijuana" or "marihuana" means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106; 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.
- g) "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 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 that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

- h) "Marihuana plant" means any plant of the species *Cannabis sativa* L.
- i) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.
- j) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- k) "Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.
- l) "Medical marihuana facilities licensing act" means the Medical marihuana facilities licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- m) "Park" means an area of land designated by the City as a park on its Master land Use Plan or its Five-Year Parks and Recreation Plan.
- n) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- o) "Processor" means a licensee that is a commercial entity located in the state of 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.
- p) "Provisioning center" means 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 with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this chapter.
- q) "Public playground" means an outdoor facility, open to the public and on public property and containing playground equipment including but not limited to slides, climbers, seesaws, swings, or swimming pool designed for the recreational use by children and owned and operated by a local unit of government, school district, or other unit or agency of government.
- r) "Rules" means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 by the department of Licensing and Regulatory Affairs to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- s) "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.
- t) "School" means and includes buildings and facilities used for school purposes for children and youth in grades pre-kindergarten through 12, and Head Start and buildings used for intermediate school district instruction when that instruction or purpose is provided by a public, private, denominational, or parochial school.
- u) "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.

**15A.04 AUTHORIZATION OF FACILITIES AND FEE.**

- a) A medical marihuana facility as defined herein may be authorized within the City of Stanton only upon approval as a special land use, according to the requirements and procedures of Chapter 14 except that the Stanton City Council shall make a final decision on a request for a special land use for a medical marihuana facility following a recommendation from the City of Stanton Planning Commission.
- b) No medical marihuana facility may operate within the City of Stanton without first having been approved for a license from the State of Michigan pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).
- c) The number of each type of medical marihuana facility that may be approved for operation within the City of Stanton shall not be limited except that no more than two Provisioning Centers shall be allowed at any one time in the City of Stanton.
- d) A nonrefundable fee shall be paid annually by each marihuana facility authorized within the City of Stanton in the amount not to exceed \$5,000.00 as set by resolution of the Stanton City Council. This fee shall in the first instance be paid by the applicant upon the issuance of a license from the State of Michigan to operate a medical marihuana facility in the City of Stanton. Thereafter, the fee shall be paid annually to the City of Stanton no later than January 31<sup>st</sup> each year. Failure to pay this fee by the due date may result in the revocation of the special use permit by the City Council following a public hearing.

**15A.05 DEVELOPMENT REQUIREMENTS.**

a) Medical marihuana facilities as defined herein are permitted with special land use approval in the following zoning districts:

- 1) Grower facilities are permitted only in the I, Industrial District.
- 2) Processor facilities are permitted only in the I, Industrial District.
- 3) Provisioning Center facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
- 4) Secure Transporter facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
- 5) Safety Compliance facilities are permitted only in the C-2, General Commercial District; and the I, Industrial District.
- 6) A medical marihuana facility permitted as a special land use in the C-1, Central Business District shall not be allowed as a permitted use by right in the C-2, General Business Zoning District, but shall be subject to special land use approval in the C-2, General Business Zoning District.
- 7) Parking shall be as required by Chapter 17 of the City of Stanton Zoning Ordinance, with the exception that all parking for a medical marihuana facility shall be subject to Section 15A.05 (d) herein.
- 8) Landscaping shall be as required by Chapter 16 of the City of Stanton Zoning Ordinance.
- 9) Exterior lighting shall be as required by Section 3.26 and Section 17.03 of the City of Stanton Zoning Ordinance with the exception that any additional or alternate lighting as recommended by the City of Stanton Public Safety Director shall be provided.
- 10) Signs shall be as regulated by Chapter 18 of the City of Stanton Zoning Ordinance with the exception that where the regulations of this Chapter 15A shall conflict with any other regulations for signs of the City of Stanton, or shall be more restrictive than the requirements of any other regulations for signs of the City of Stanton, the regulations of this Chapter 15A shall apply.

b) The following development regulations shall apply to all medical marihuana facilities:

- 1) Any medical marihuana facility approved as a special land use in any zoning district shall be subject to all requirements for uses in that zoning district, and shall be subject to all other applicable regulations including but not limited to requirements for accessory buildings and uses; landscaping; screening; lighting; access; and signs. Where the regulations of this Chapter 15A shall conflict with any other regulations of the City of Stanton Zoning Ordinance, or shall be more restrictive than the requirements of any other regulations for the City of Stanton, the regulations of this Chapter 15A shall apply.
- 2) Any medical marihuana facility approved as a special land use shall be subject to all requirements for review and the standards for approval according to Chapter 14 Special Land Uses.
- 3) Medical marihuana facilities may be permitted in a structure that contains multiple tenants, provided the medical marihuana use is approved as a special land use; meets all applicable occupancy restrictions; and that the medical marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to security. Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling.
- 4) Any combination of medical marihuana facilities may operate as separate marihuana facilities at the same location, provided the marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to requirements for partitioned facilities, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations. Each marihuana facility operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. A licensed Provisioning Center operating at the same location with any other licensed medical marihuana facility shall have retail entrances and exits clearly identified.
- 5) One or more owners may own medical marihuana facilities at the same location; one or more licensees may be licensed to operate medical marihuana facilities at the same location.
- 6) A medical marihuana Provisioning Center shall not be located within another business.

c) Location and Buffering Requirements from Schools

- 1) A medical marihuana facility shall not be located within 1000 feet of an operational school as defined herein whether the school is located in the City or outside the City.
- 2) For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured along a horizontal straight line between the closest points of parcel upon which the medical marihuana facility is proposed, to the parcel upon which the school is located.
- 3) For Provisioning Centers located within a multi-tenant commercial retail structure or center, the distance to a buffered school use shall be measured from the closest boundary line of the occupied property of the Provisioning Center to the closest parcel or boundary line of the occupied property of the buffered school use. Property for a multi-tenant retail structure shall not include the parking area of the structure.

d) Distance Between Medical Marihuana Facilities

- 1) A Provisioning Center shall not be located within 100 feet of another Provisioning Center or a Secure Transport facility.

- 2) A Secure Transport facility shall not be located within 100 feet of another Secure transport facility or a Provisioning Center.
  - 3) For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured along a horizontal straight line between the closest points of parcel upon which the medical marihuana facility is proposed to the parcel upon which the other medical marihuana facility is located.
  - 4) For Provisioning Centers located within a multi-tenant building, the distance shall be measured from the closest portion of the building occupied by the Provisioning Center to the closest parcel or boundary line of the occupied property or portion of the building occupied by another Provisioning Center or Secure Transport facility.
- d) Parking. Parking associated with any medical marihuana facility shall be on the same lot or parcel as the facility, or on a contiguous lot under the same ownership or control as the owner of the lot or parcel on which the medical marihuana facility is located, and shall not be permitted to be on a non-contiguous lot.

#### **15A.06 OPERATIONAL REQUIREMENTS.**

- a) Operational requirements for a medical marihuana Provisioning Center shall be as follows:

- 1) Every medical marihuana Provisioning Center shall be located in an enclosed building.
- 2) A medical marihuana Provisioning Center shall not operate between the hours of 10:00 P.M. and 9:00 A.M.
- 3) The licensee of a Provisioning Center is authorized by the State of Michigan to purchase or transfer marihuana only from a Grower or Processor to only a registered qualifying patient or registered primary caregiver. All transfers of marihuana to a Provisioning Center from a separate marihuana facility shall be by means of a Secure Transporter.
- 4) The licensee of a Provisioning Center is authorized by the State of Michigan to transfer marihuana to or from a Safety Compliance facility for testing only by means of a Secure Transporter.
- 5) A Provisioning Center shall not allow a physician or other person to conduct a medical examination or issue a medical certification document on the premises for the purposes of obtaining a medical marihuana registry identification card.
- 6) A Provisioning Center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of medical marihuana product. The Provisioning Center shall keep medical marihuana products behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver or member of the general public does not have direct access to the marihuana products.
- 7) All medical marihuana storage areas within medical marihuana Provisioning Centers shall be separated from any customer and patient areas by a permanent barrier. No medical marihuana is permitted to be stored in an area accessible by the general public, or registered caregivers, or registered patients.
- 8) Any medical marihuana remaining on the premises of a medical marihuana Provisioning Center while the Provisioning Center is not in operation shall be secured in a locked area in the interior of the premises.

- 9) The premises of a medical marijuana Provisioning Center shall be open for inspection by authorized persons during the stated hours of operation and at such other times as anyone is present on the premises.
- 10) A licensed medical marijuana Provisioning Center shall not place or maintain, or cause to be placed or maintained, any advertisement of medical marijuana in any form or through any medium within the 1,000 feet buffer distance to a school as set forth in Section 15A.05 (c), with the exception that a Provisioning Center may establish signs in compliance with the requirements of Chapter 18 which regulates signs in the City of Stanton, and in compliance with Section 15A.07 (p) herein.
- 11) A Provisioning Center may employ an individual to engage in the home delivery of a medical marijuana product for sale or transfer to a registered qualifying patient according to the requirements of the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated Rules of the Department of Licensing and Regulatory Affairs.

b) Operational requirements for a medical marijuana **Grower Facility** shall be as follows:

- 1) Consumption and/or use of medical marijuana shall be prohibited at the Grower facility; the dispensing of medical marijuana at the Grower facility shall be prohibited.
- 2) All Grower activity related to the Grower facility shall be performed in an enclosed building, with the exception that cultivation may occur in an outdoor area if the outdoor area is contiguous with the building, and the outdoor area is fully enclosed by fences or barriers that block outside visibility of the marijuana plants from public view, with no marijuana plants growing above the fence or barrier that is visible to the public eye. The fences or barrier shall be secured in compliance with the security rules of Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and adopted Rules. All drying, trimming, curing, or packaging of marijuana shall occur inside the building meeting all the requirements of the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and promulgated rules
- 3) That portion of the facility where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the City of Stanton Fire Department to ensure compliance with the State of Michigan fire codes.
- 4) Medical marijuana Grower facilities shall produce no products other than useable medical marijuana intended for human consumption.
- 5) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marijuana Grower facility shall be prohibited.

c) Operational requirements for a medical marijuana **Safety Compliance** facility shall be as follows:

- 1) A Safety Compliance license authorizes the licensee to accept a transfer of 2.5 ounces or less of marijuana to the Safety Compliance facility from a registered primary caregiver for testing. The licensee is also authorized to receive marijuana from, test marijuana for, and return marijuana to only a medical marijuana facility by means of a Secure Transporter.
- 2) The applicant and each investor with any interest in the Safety Compliance facility shall not have an interest in a Grower, Secure Transporter, Processor, or Provisioning Center.
- 3) A Safety Compliance facility shall have a secured laboratory space that cannot be accessed by the general public, and shall retain and employ at least one staff member with a relevant advanced degree in a medical or laboratory science.

- 4) A Safety Compliance facility shall become fully accredited by an entity approved by the State of Michigan Department of Licensing and Regulatory Affairs within one year after the date the license is issued, or as otherwise provided by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated rules.
- 5) All Safety Compliance activity related to the Safety Compliance facility shall be performed in an enclosed building.
- 6) All medical marihuana shall be contained within the building in an enclosed, locked facility.
- 7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Safety Compliance facility shall be prohibited.

d) Operational requirements for a medical marihuana **Processor** facility shall be as follows:

- 1) A Processor license authorizes the licensee to purchase medical marihuana only from a Grower and authorizes the sale of marihuana-infused products or medical marihuana only to a Provisioning Center.
- 2) A Processor license authorizes the Processor to transfer medical marihuana only by means of a Secure Transporter.
- 3) All Processor activity related to the Processor facility shall be performed in an enclosed building.
- 4) All medical marihuana shall be contained within the building in an enclosed, locked facility.
- 5) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Processor facility shall be prohibited.
- 6) All medical marihuana processors shall be certified as accredited under a recognized food safety system such as SQF, ISO 22000, or the FDA's FSMA (Food Safety Modernization Act) rules or demonstrate that they are actively pursuing said certification at the time of licensing by the State of Michigan and at the time of application review by the City of Stanton, and shall obtain said certification within 18 months of operation.
- 7) All medical marihuana processors shall comply with all requirements of the Montcalm County Health Department Sanitary Code regarding food service establishments, and the Michigan Food law, Act 92 of 2000 as amended, as applicable.

e) Operational requirements for a medical marihuana **Secure Transporter** facility shall be as follows:

- 1) A Secure Transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of medical marihuana between medical marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money. The Secure Transporter license does not authorize the transport of medical marihuana to a registered qualifying patient or registered primary caregiver.
- 2) The applicant and each investor with any interest in the Secure Transporter facility shall not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility, and shall not be a registered qualifying patient or a registered primary caregiver.
- 3) Each driver transporting medical marihuana shall have a chauffeur's license as issued by the State of Michigan. Each vehicle transporting medical marihuana shall be operated by a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of medical marihuana.

- 4) The medical marihuana shall be transported in one or more sealed containers and not be accessible while in transit.
- 5) A secure transporting vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana-infused product.
- 6) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with this chapter, and with the State of Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.
- 7) A Secure Transporter shall have a primary place of business as its marihuana facility and shall store its vehicles at its primary place of business. However, a Secure Transporter vehicle may be stored in a location that is not the primary place of business of the Secure Transporter if the vehicle does not contain marihuana products and the address of storage is reported to the agency in the licensee's staffing plan and business plan.
- 8) All Secure Transporter activity shall be performed in an enclosed building with the exception that loading and unloading of medical marihuana may take place on a private portion of the Secure Transporter facility outside a Secure Transporter facility building.
- 9) Loading and unloading of Secure Transporter vehicles with medical marihuana may take place on a private, unenclosed portion of any medical marihuana facility, provided any area of loading and unloading is under video surveillance as required by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq. In no case shall loading and unloading take place in a public place or street, or private place or street which is not under the ownership and control of the licensed medical marihuana facility.
- 10) All medical marihuana stored at the Secure Transporter facility shall be contained within the building in an enclosed, locked facility. The timeframe for the secure transporter to maintain custody of the marihuana product shall not be more than 96 hours or by permission of the Department of Licensing Regulatory Affairs of the State of Michigan on a case-by-case basis.
- 11) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Secure Transporter facility shall be prohibited.

#### **15A.07 OPERATIONAL REGULATIONS THAT APPLY TO ALL MEDICAL MARIHUANA FACILITIES.**

- a) Medical marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Medical marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:
  - 1) Sale, consumption or serving of food except for as provided by Rules as promulgated by the Department of Licensing and Regulatory Affairs;
  - 2) Sale, consumption, or use of alcohol or tobacco products on the premises;
  - 3) Consumption, use, or inhalation of a marihuana product.
- b) Access to the medical marihuana facility is restricted to the licensee, employees of the licensee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, and the Department of Licensing and Regulatory Affairs, through its investigators, agents, auditors, the state police, or law enforcement officials.

- c) A separate waiting area may be created for visitors not authorized to enter the medical marihuana facility.
- d) The licensee shall maintain a log tracking all visitors to a medical marihuana facility in compliance with the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 to 333.27904. The visitor log must be available at all times for inspection by the Michigan Department of Licensing and Regulatory Affairs, and its investigators, agents, and auditors, or the state police to determine compliance with the act and these rules.
- e) With the exception of staff meetings, employee training, and similar events associated with the operation of the medical marihuana facility, no activities such as tours, corporate events, weddings, parties, receptions, or other similar events may occur on the premises of a medical marihuana facility at any time.
- f) The medical marihuana facility must be at a fixed location. Mobile medical marihuana facilities and drive-through, drive-up, or walk-up operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited with the exception that a Provisioning Center may accept online orders and payments of sales of medical marihuana to a qualifying patient on a secure website according to the requirements of the Michigan Department of Licensing and Regulatory Affairs.
- g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the medical marihuana facility.
- h) Processors, Growers, and Safety Compliance facilities shall implement appropriate exhaust ventilation systems to mitigate noxious gasses or other fumes used or created as part of any production process or operations. Exhaust ventilation equipment must be appropriate for the hazard involved and must comply with City of Stanton fire code and Michigan mechanical codes. No marihuana shall be cultivated, grown, manufactured, processed, tested, or provided in any manner that would emit odors reasonably discernable to another person beyond the interior of the building or occupied portion of the building where the medical marihuana facility is located.
- i) All medical marihuana facilities shall be securely locked, including all interior rooms, windows, and points of entry and exits with commercial-grade, nonresidential door locks as reviewed and approved by the City of Stanton building inspection officials and the City of Stanton public safety officials. Access to a medical marihuana facility shall be only by the licensee or employees as approved by the licensee. An alarm system shall be maintained.
- j) One or more emergency contact persons with phone numbers shall be provided to City of Stanton public safety officials and public safety officials of other jurisdictions if requested by the City of Stanton.
- k) All medical marihuana facilities shall have a video surveillance system that meets all requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department (LARA) to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- l) Marihuana product that is to be destroyed or is considered waste shall be rendered into an unusable and unrecognizable form and recorded in the State of Michigan statewide monitoring system; destroyed marihuana products or waste shall not be sold; all marihuana waste shall be disposed of according to the requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department

(LARA) to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.

- m) Wastewater generated during the cultivation of marihuana and processing of marihuana products shall be disposed of in compliance with applicable City of Stanton, Montcalm County, State of Michigan, and federal laws and regulations.
- n) All applicable building, electrical, plumbing, mechanical, water, wastewater, and any other applicable permits shall be obtained from the City of Stanton or other applicable governmental authority for any portion of the building or structure in which electrical wiring, lighting, mechanical, plumbing, watering, cultivating, growing, harvesting, testing, processing, and other devices that support any operation associated with the medical marihuana facility are located.
- o) Verification from City of Stanton Public Safety personnel that the facility meets all requirements for fire protection.
- p) Marketing and advertising regulations for all medical marihuana facilities are as follows:
  - 1) Marihuana facilities shall comply with all City of Stanton municipal ordinances, state law, and administrative Rules regulating signs and advertising.
  - 2) A licensee shall not advertise marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, with the exception that a Provisioning Center may include a sign or signs as regulated by Chapter 18 of the City of Stanton Zoning Ordinance subject to the following:
    - i. No sign shall advertise a specific medical marihuana product, or pricing, or special sale of any medical marihuana product;
    - ii. A sign may include the words “Cannabis” or “Marihuana” or “Medical” and graphics such as leaves but excluding graphics of specific products;
    - iii. A sign may include the name of the establishment.
  - 3) Marihuana products shall be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.
  - 4) Marihuana products shall not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.
- q) Any medical marihuana facility shall not be operated in an occupied residence.
- r) No medical marihuana facility shall be operated in a manner creating noise, dust, vibration, glare, or fumes beyond the boundaries of the property on which the medical marihuana facility is operated; or odors detectable to normal senses beyond the interior of the building or occupied portion of the building where the medical marihuana facility is located; or any other nuisance that hinders the public health, safety, and welfare of the residents of the City of Stanton.
- s) A medical marihuana facility shall be open for inspection by authorized local, state, county, or federal officials at any time during hours of operation and at other times as anyone is present on the premises.
- t) Any other operational measures requested by the Department of Licensing and Regulatory Affairs (LARA) that are not inconsistent with the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and the Rules.

#### **15A.08 APPLICATION AND PROCESSING PROCEDURES.**

- a) All applications for special land use approval for a medical marihuana facility shall be accompanied by an application fee of \$5,000.
- b) As required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, any applicant for a medical marihuana facility license shall provide the City of Stanton notification by registered mail informing the City that the applicant has applied for a license under the Act. When the City receives the notice, within 90 days the City shall provide to the Medical Marihuana Licensing Board a copy of the City of Stanton ordinance permitting and regulating medical marihuana facilities, and a description of any previous medical marihuana related ordinance violation of the applicant.
- c) An application for special land use approval for a medical marihuana facility shall be in accordance with the application procedures for Special Land Uses as required by Chapter 14 of the City of Stanton Zoning Ordinance, including a site plan prepared according to the requirements of Chapter 13. An application for a special land use permit for a medical marihuana facility shall be subject to final approval by the Stanton City Council following a recommendation by the Planning Commission.
- d) A notice for public hearing as required by Section 21.09 shall be additionally sent to all properties within the 1,000 feet distance required for those buffered uses as required by Section 15A.05 (c) (1).
- e) In addition to all application materials as required for a special land use, an application for a medical marihuana facility, on a form as approved by the City Council, shall be completed and submitted by the applicant.
- f) The application shall include the following information in addition to any additional information as required by the application form for a medical marihuana facility:
  - 1) The City of Stanton may request from the applicant a copy of the Entity/Individual Prequalification Application Packet for a state medical marihuana facility operating license as required to be submitted to the State of Michigan.
  - 2) A copy of the proposed Business Plan if requested by the Planning Commission.
  - 3) Proof of ownership of the entire premises wherein the medical marihuana establishment is to be operated; or written consent from the property owner of use of the premises for a medical marihuana facility, and a copy of any lease agreement.
  - 4) A Security Plan for the medical marihuana establishment, prepared as required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended, including but not limited to any lighting, alarms, barriers, recording or monitoring devices, and security guard arrangements proposed for the facility and its premises. Each medical marihuana facility shall have a security guard present during business hours, or alternative security measures by the Planning Commission as a condition of special land use approval. [***NOTE: Does the Planning Commission wish to require an on-site guard?***]
  - 5) Marihuana Delivery Plan specifically identifying how the marihuana product will be delivered to the business location, where the delivery will take place at the business location, what methods will be used to ensure the safety of the business and the public during marihuana delivery and when will marihuana product be delivered to the business location.

- 6) Outreach Plan which explains how the business intends to provide contact information to the public and how they intend to address public questions and concerns
  - 7) Blight Elimination Plan which shows how the proposed facility will address any existing blight that exists on the property including:
    - i. Paint chipping or fading
    - ii. Cracked or broken glass
    - iii. Parking surface in good condition without potholes or cracks
    - iv. Fences in good condition
    - v. Dumpster screening
    - vi. Vegetation
  - 8) Customer Plan which addresses:
    - i. How customers will be let into the building, screened for age and allowed to enter display room
    - ii. Number of customers allowed into building at one time
    - iii. Plan for overflow customers that have to wait to enter building
    - iv. Floor plan showing expected customer flow through building from entrance to exit.
  - 8) A Waste Disposal Plan, indicating how all waste products, including marihuana that is to be destroyed or is considered waste, will be disposed of and prevented from being ingested by humans or animals. In no case shall waste be burned on site, or introduced into the sanitary sewer system or stormwater management system.
  - 9) A professionally prepared scaled drawing of the floor plan of the medical marihuana facility including uses of all floor areas, customer flow plan locations of interior and exterior cameras.
  - 10) Elevation drawings of the building proposed to be constructed or renovated which meet the façade requirements of the zoning district in which the facility will be located.
  - 11) Proof of liability insurance.
  - 12) A diagram of any proposed text or graphic materials to be shown on the exterior of the proposed medical marihuana facility.
  - 13) A location area map showing the distance to all buffered uses as required in Section 15A.05 (c) (1). Each buffered use shall be labeled on the location area map.
  - 14) In the case of an application for a Grower license, chemical and pesticide storage plan that states the names of the pesticides, herbicides, and any other chemicals that will be used in cultivation, and a plan for disposal of unused pesticides, herbicides, and chemicals.
- f) All applications for a special land use for a medical marihuana facility shall obtain a building permit for any building utilized as a proposed medical marihuana facility, or for a change of occupancy for an existing building to be utilized as a proposed marihuana facility, from the governmental entity having jurisdiction to approve building permits in the City of Stanton under the Stille-DeRossett-Hale single state construction code act, PA 230 of 1972.
- h) Any other information requested by the Planning Commission, the City Council, public safety official, or other municipal official in order to complete the review of the application.

**15A.09 STANDARDS FOR APPROVAL.**

An approval of a medical marihuana facility in the City of Stanton shall only be made when in substantial compliance with the following standards:

- a) The standards for approval for all special land uses in Section 14.03 herein.
- b) The standards for approval of all site plans in Section 13.05 herein.
- c) Compliance with any requirements for public safety as stated in writing by the public safety officials of the City of Stanton, Montcalm County, and the State of Michigan.
- d) Compliance with all requirements and conditions of this Chapter 15A.
- e) Compliance with all applicable requirements of the City of Stanton Codified Ordinances.
- f) Compliance with all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended.
- g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

**15A.10 VARIANCES.**

An application for a variance from any requirement of this Chapter or another requirement of the City of Stanton Zoning Ordinance applicable to a medical marihuana facility shall be as required by Chapter 20 of the City of Stanton Zoning Ordinance with the exception that a notice for public hearing as required by Section 20.03(c) for a variance for a medical marijuana facility shall be additionally sent to all properties within the 1,000 feet buffer distance required by Section 15A.05 (c) (1).

**15A.11 CHANGE OF OWNERSHIP, LICENSEE, OR LOCATION**

- a) Upon change of ownership of any approved medical marihuana facility, the City Manager shall require the owner and licensee to provide information in writing to demonstrate any physical or operational characteristics that are proposed to be altered under the new owner, or a statement in writing that no physical or operational changes are proposed.
- b) If changes to the approved site plan are proposed, a site plan prepared according to the requirements of Chapter 13 herein shall be submitted that shows any proposed changes to the site plan.
- c) The proposed new owner shall provide proof of licensing by the State of Michigan for the approved medical marihuana facility.
- d) The City Manager shall determine whether the change in ownership and any proposed changes in the approved site plan, shall require a public hearing and approval by the City Council as required by Section 15A.08 (c) herein.
- e) The City Manager may, at their discretion, approve the proposed change in ownership, and any changes proposed to the site plan, without a public hearing.
- f) In no case shall an approved medical marihuana facility be approved or used for a different type of medical marihuana facility except in accordance with all requirements and procedures of this Chapter 15A.
- g) A change of location of a medical marihuana facility after licensure requires a new license according to the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended. A change of location of a medical marihuana facility after licensure, or a change of licensee at a location previously approved as a medical marihuana facility, requires application for approval as a special land use by the City of Stanton according to the requirements of this Chapter 15A.

### **15A.12 VIOLATIONS AND PENALTIES**

- a) Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.
- b) A violation of this chapter is a municipal civil infraction and shall be subject to the provisions of Section 21.11 of the Zoning Ordinance of the City of Stanton.

### **15A.13 SEVERABILITY.**

Sections of this Chapter shall be deemed to be severable, and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Zoning Code as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.