



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

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

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

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

Lori Williams, Mayor, Secretary
Chuck Miel
Judy Guevara

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

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

- 6. Public Comments (For items not on the Agenda)**
- 7. Reports**
- 8. New Business**
 - a. Site Plan Review - Millard's
- 9. Old Business**
 - a. Discussion of draft - Proposed Medical Marihuana Ordinance
 - b. Discussion of draft - Proposed Adult Use Marihuana Ordinance
- 10. Commissioner and Staff Comments**
- 11. Adjournment**

Planning Commission
Meeting Minutes
November 4, 2020

5:30 pm Chair Don Smucker called the meeting to order

Pledge of Allegiance

Present: Don Smucker, Kris Thwaites, Jackie McGill, Lori Williams, Chuck Miel

Absent: Judy Guevara

Approval of Agenda 1st motion made by Chuck Miel 2nd by Jacky McGill, passed 5-0

Approval of Minutes from October 7, 2020 meeting 1st motion made by Jacky McGill, 2nd by Chuck Miel passed 5-0.

Public Comments: None

Reports: None

Summary of Ordinances: Done by Tim Johnson of Main Street Planning

Public Hearing:

Four citizens addressed the planning Commission discussing why they feel that the City of Stanton should not approve ordinances allowing marijuana facilities in the city. Domonic B and John Kronek, both of the Montcalm Prevention Coalition, raised concerns relating to the potential impact of marijuana becoming more easily available to our youth. They cited statistics from other states that have allowed marijuana establishments, documenting negative impacts on student's grades and school attendance. Traffic fatalities and public health effects including impacting negatively the brain development of youth were discussed. Serious impacts to the liver and circulatory system of adults were mentioned, and it was stated that many of these effects have not been studied adequately and since there are so many unknowns regarding many health impacts of marijuana it would be prudent not to increase marijuana use by allowing more local access to it.

Ray Holloway, Stanton City Commissioner also voiced health concerns of marijuana use affecting our adult population, and that he felt marijuana sales would disproportionately negatively impact our low income population. He also suggested that the City should consider starting with Adult Use only as he felt that this would be easier for the City to manage and enforce.

Ron and Denise Peterson of Stanton gave written comments questioning where facilities would be located and stating that they did not want marijuana establishments in the City of Stanton.

Jane Basom, Stanton City Commissioner, stated that the age for allowing youth to be marketed should be set at 21 rather than 17, and that the city should limit retail outlets of any kind to two only.

Some discussion followed where questions were raised regarding the economic impact of marijuana and opposing points of view were expressed. The concern was also stated the public perception of Stanton would be negatively impacted by allowing marijuana sales to take place here.

Travis Jensen, owner of the Brickyard Restaurant in Stanton spoke in support of allowing marijuana sales stating that the added commercial activity would favorably impact other businesses by bringing more potential patrons into their establishments, particularly in the evening hours.

Since Tim is addressing a lot of Jane's concerns I won't comment more on that. She did mention many specific ordinance related issues that we will not to either act on or comment on.

Due to in proper electronic meeting notification no action could be taken at this meeting, and the planning commission will need to hold another public hearing before making any motion to send the proposed Ordinances to the City Commission for Consideration.

6:40 pm Chuck Mield made motion to adjourn the meeting, Jacky McGill Seconded passed 5-0

Respectfully Submitted by Lori Williams, Secretary/Mayor



**MILLARD FURNITURE & APPLIANCE
SITE PLAN REVIEW**

*A Report Prepared for the Stanton Planning Commission
By Tim Johnson, PCP, MainStreet Planning Company
November 20, 2020*

The Planning Commission will review this project at its meeting on December 2, 2020. The job of the Commission is to review the site plan in accordance with the requirements of the Stanton Zoning Ordinance. If the requirements are met the site plan may be approved although the Commission may attach conditions to the approval.

If the site plan is missing certain items or the Commission has requested more information the Commission may choose to postpone a decision until all of the issues are resolved. The City Commission is not involved in reviewing site plans.

Project Description

The proposed project would demolish the existing building at 212 West Main Street which formerly housed the Montcalm County Friend of the Court in order to construct a 10,000 sq. ft addition onto the east side of the Millard Furniture and Appliance store at 232 West Main Street. The addition would be used as a warehouse. The project would place six parking spaces along the West Main Street side of the building with two truck docks on the east side of the building. The parking area and driving aisles would be gravel.

Zoning Requirements

The property is zoned C-1, Central Business District. Furniture stores are a permitted use in this district. New buildings are subject to site plan review by the Planning Commission.

Site Plan Review Comments

The applicant has submitted a site plan set dated October 28, 2020. We have reviewed the site plan according to the applicable requirements of the Stanton Zoning Ordinance and have these comments.

1. Building Setback. Section 8.04 (c)(1) requires that the required setback from the right-of-way along West Main Street be minimum of zero feet and a maximum of 20 feet. The setback of the warehouse addition is 62.5 feet which is in line with the front of the existing Millards building. **The proposed setback therefore does not meet the strict setback requirement.**

The Planning Commission, however, may allow a greater building setback than permitted by this subsection 8.04 if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the Commission shall consider the following criteria:

- i. Whether the proposed use is located on a parcel which has frontage on more than one street;
- ii. Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and

pedestrians;

iii. Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;

iv. Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.

v. Any building which does not meet the front setback requirements of this section, but which existed before the effective date of this subsection, shall be allowed to expand provided the expansion will result in the building being within or closer to the setback or build to line required for the street on which the building fronts. Approval from the zoning board of appeals is not required for this type of expansion; however, all other requirements of this zoning ordinance shall apply.

The Commission should review these criteria and decide if he proposed 62.5 feet setback may be allowed.

2. Building Façade. Section 8.05 requires that at least 80% of that portion of a structure or building, which faces a public street or parking lot be finished with face brick, wood, vinyl, glass, tinted and/or textured masonry block, fluted cement block, natural or cast stone, architectural pre-cast panel's or stucco-like material. The proposed building will be rib steel and likely match the exterior of the existing building.

This Section allows the Commission to modify this requirement for additions to existing buildings. In deciding whether to require the addition to comply with the 80% rule or requier the addition to match the exterior of the existing building the Commission must consider the following criteria:

- 1) The location of the addition or renovation relative to the existing building.
- 2) The size relative to the existing building.
- 3) The location of the existing building.
- 4) Whether compliance with this section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- 5) The practicality of requiring compliance with this section based on the design and structural integrity of the existing building.

The Commission should also keep in mind that the portion of the building facing West Main Street will be 100 feet long and will only be 62 feet from the street. The rib steel exterior is an industrial look which may not contribute to the aesthetics of the downtown. **While we understand that this type of building exterior is suitable for a warehouse some measures should be required to improve the appearance of the portion facing MainStreet such as windows, masonry block for the lower portion of the building or trees planted close to the building to break up the solid wall.**

3. Parking Lot Surface. Section 17.03 requires off street parking areas to be asphalt or concrete. The site plan shows that the new parking area will be gravel but will be future asphalt. This Section allows the Planning Commission a to approve alternate parking lot surfaces for overflow parking, or employee parking, or parking or maneuvering areas devoted to loading activities or parking for trucks or similar heavy equipment. Such surface may include but shall not be limited to gravel, crushed stone.

The Commission should decide if it will approve the gravel parking area and discuss when the applicant will convert this to asphalt.

4. Lighting. Section 17.03 (b) requires that all exterior light fixtures be designed to achieve total luminary cutoff. Page 4 of the site plan shows a number of wall pack light fixtures but these will be no-cut off or semi-cutoff fixtures. **The plan must be corrected to show that all fixtures will be total cutoff.**

5. Driveways. We recommend that the existing driveway serving the former Friend of the Court building be closed as there are already two driveways serving the Millards site. Also, this driveway was built for residential use and does not meet commercial driveway construction design standards.

6. Landscaping. Section 16.05 requires a 15 feet wide green belt or a 6 feet high solid fence along the north lot line abutting the house which faces Day Street. The Commission has the discretion to waive or modify this requirement after consideration of the following criteria:

- a) The amount of space on the site available for landscaping.
- b) Existing landscaping on the site and on adjacent properties.
- c) The type of use on the site and size of the development.
- d) Existing and proposed adjacent land uses.
- e) The effect the required landscaping would have on the operation of the existing or proposed land use.
- f) Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.

7. The driving aisle on the east side of the proposed addition must be 24 feet wide not 20 feet

8. The barrier free parking space proposed on the south side of the building is required to be close to the building entrance but no doors are proposed on the south wall of the addition. **Perhaps the space should be relocated or removed.**

9. The proposed 6 parking spaces meet the Ordinance requirement for this type of use.

10. Illustrate any new dumpsters that will be provided and that they will be screened per the Zoning Ordinance.

11. The plan must show how stormwater run off will be managed.

12. Illustrate any new water or sanitary sewer lines that will serve the proposed addition.

13. There are a number of large trees on the east side of the site which the plan shows as being preserved. In order to insure this, I recommend that a temporary fence or some other barrier be set up to protect the tree roots from being impacted during construction. **This should be shown on the site plan.**

SUMMARY

Items 1, 2 and 3 must be resolved as the decisions will affect the site layout. The Commission should also decide on Items 5 and 6.

The site plan must be revised to address Items 4, 7, 8, 11, 12 and 13.

Cc. John Horn



MEMO

TO: City of Stanton Planning Commission
FROM: Tim Johnson, PCP, MainStreet Planning Company
DATE: November 24, 2020
RE: *Items for December 2, 2020 Meeting*

The following items are provided to you for the meeting on December 2nd along with some comments for each Item.

Medical Marihuana Ordinance & Adult Use Marihuana Ordinance.

These two ordinances have been revised to address relevant comments, formatting and typo's per comments from Commissioner Jane Basom at the November 4 public hearing and other revisions which I determined were needed based on further review. These changes are highlighted in each ordinance.

The following items should be discussed by the Commission in reviewing the most recent draft ordinances.

1. The Commission has agreed that both Ordinances would permit no more than two businesses at one time to sell marihuana at retail – this includes Provisioning Centers which sell medical marihuana and marihuana Retailers which sell adult use marihuana. Microbusinesses, which are permitted by the Adult Use Draft Ordinance, however, are also retail sellers of marihuana products to persons 21 and over.

The Draft Adult Use Ordinance allows no more than two Microbusiness establishments to operate in the I, Industrial District and in the C-2, General Business District at any one time.

Two Microbusinesses plus two marihuana retail uses (either Provisioning Centers or marihuana Retailers) could result in up to four businesses selling marihuana at retail. Allowing up to four retail uses was discussed at the November 4, 2020 public hearing but I am uncertain or I do not recall if the Commission resolved this matter so I am bringing it up again for discussion.

2. Commissioner Basom raised the following items for Planning Commission response:

- a. Do not allow Secure Transporters in the C-1 (downtown) Zoning District; only allow in the C-2 and Industrial Zones.
- b. Why are Secure Transporters required to be at least 100 feet from a Provisioning Center, a Retailer or another Secure Transporter?

If the Commission can reach an agreement on Items 1 and 2, which may require some additional revisions, and the Commission accepts the revisions noted in the Draft Ordinances then the Planning

Commission may recommend these Draft Ordinances for approval to the City Commission with the proposed changes.

Responses to Commissioner Basom.

At the November 4 public hearing Commissioner Basom submitted a list of comments, questions and format and typo corrections. We have responded to each of these in the attached document.

Site Plan for Addition to Millard Furniture

We have reviewed a revised site plan for this project and our report is attached. We will review this report at the meeting. Mr. John Horn who is the general contractor for this project has been provided my report.

Response to Commissioner Basom's Comments Made at November 4, 2020 Planning Commission Public Hearing

By Tim Johnson, PCP, MainStreet Planning Company
November 23, 2020

- Districts in which facilities are allowed: I feel that the C-1 (downtown) district is primarily reserved for businesses where the public will come and go from for the purposes of receiving services and obtaining goods. I don't feel Secure Transporter facilities fulfil any of these benefits for the public, and I would like to see them in only the C-2 and Industrial district like the other facilities that are not considered to be either adult use retail facilities or medical provisioning centers. Key paragraphs are 15A.05(a)(4) and 15B.05(a)(4). **Response:** *The Planning Commission will discuss this at the December 2, 2020 meeting.*
- Buffering from Schools: Section 15A.05(c)(1) and 15B.05(c)(1) both make the declaration that NO marijuana facilities or establishments will be allowed within 1000 feet of schools, so why are there other areas of the ordinances that specifically put a written exclusion for things such as signage or sending notices to schools within 1000 feet. Key paragraphs are the following:
 - 15A.06(a)(10) and 15B.06(a)(11) - Why would a business needing a sign even be within the 1000 feet in the first place? They aren't allowed to be there anyway. **Response:** *The Zoning Ordinance allows temporary signs in all zoning districts. The possibility exists that a temporary sign for a marihuana business could be placed off of the marihuana business property but within 1000 feet of a school. The proposed language prohibits this.*
 - 15A.08(d) and 15B.08(c) - Why would we need to notify a school within 1000 feet of a public hearing when there should be no public hearing for a business not allowed by sections 15A.05(c)(1) and 15B.05(c)(1) in our ordinances in the first place? The answer is just NO. **Response:** *This language pertains to the public hearing notification requirements for Special Land Use applications. Michigan Zoning Law requires that owners of property within 300 feet of a parcel for which a Special Land Use application has been received be notified of the public hearing for the application. The proposed language increases this distance by requiring that property owners within 1000 feet be notified of the hearing. The wording for these Sections has been modified to remove the reference to schools for clarity.*
 - 15A.10 and 15B.10 - These sections on Variances may be the only time it makes sense if the variance being requested is to encroach on the 1000 ft buffer zone. **Response:** *The wording of these Sections has also been revised for clarity.*
- Buffering distance measurement: The language about a horizontal straight line between the closest points of parcel to a school parcel is very confusing. I think what you're trying to get at is that isn't not going to be measured as a radius or along a diagonal path, but what if the shorter distance is vertical? I propose that the wording in sections 15A.05(c)(2) and 15B.05(c)(2) be changed to say "... the distance shall be measured along a horizontal **or vertical** straight line between the closest points of parcel upon which the medical marihuana facility [or marihuana establishment] is proposed, to the parcel upon which the school is located." If no wording can be changed, a graphic may be needed. **Response:** *The word straight has been deleted and a vertical measurement is not appropriate.*

- Also, in the adult use ordinance, 15B.05(c)(3) has the following caveat added: “Property for a multi-tenant retail structure shall not include the parking area of the structure.” Shouldn’t the medical ordinance have this same language in 15A.05(c)(3)? **Response:** *Language has been revised to delete the parking area wording so the measurement is taken from the walls of the suite containing the marihuana business.*
- **Distance between establishments:** I understand putting distance between to retail or provisioning centers. However, given that Secure Transporters are proposed to be allowed in C-1 (and I don’t think they should as described above), why would it matter if there is 100-foot distance between a retail or provisioning center and a transport facility? They aren’t in competition with each other and there can be no signage on the transport facility, so what would that hurt? Key paragraphs are 15A.05(d) items (1) & (2) and 15B.05(d) items (1) & (2).
 - Furthermore, outside of C-1, why would it matter if two Secure Transporters are within 100 feet of each other. I would prefer that like businesses such as this be grouped together and not scattered about the city. **Response:** *The Planning Commission will discuss this at the December 2, 2020 meeting.*
 - Again, the use of the “horizontal straight line” language is used in describing how the 100-foot distance is to be determined in both 15A.05(d)(3) and 15B.05(d)(3). I would suggest the same as previously stated above in regard to how the school buffering distance should be described. **Response:** *See above response.*
- **Parking:** Do all businesses in the downtown district (C-1) own their own parking spaces, or are the parking lots owned by the City? Sections 15A.05(e) and 15B.05(e) both mention that parking has to be on the same lot parcel or on an adjacent lot under the same ownership. I’m wondering if this is even possible for some downtown buildings? **Response:** *Language has been added to refer to Section 17.05(a) which allows parking in the CBD to be met by on street parking or a community parking lot.*
- **Medical Growers:** The adult use ordinance is very clear about how many plants can be growing, as well as how and where plants can be sold/transferred in section 15B.06(b)(1). Are there any stipulations like this that should be included in the medical ordinance under section 15A.06(b)? **Response:** *Language has been added to address this.*
- **Access to visitor logs:** In 15A.07(b) and 15B.07(h), “law enforcement officials” are included as those with access to the facilities or establishments, yet they are not listed in 15A.07(d) and 15B.07(k) as having access to the visitor logs. Wouldn’t this be something local and not just State law enforcement agencies may need access to? **Response:** *Revised to add “other law enforcement officials.”*
 - Furthermore, down in the middle of paragraphs 15A.07(i) and 15B.07(p) it states that “Access to a medical marihuana facility shall be only by the licensee or employees as approved by the licensee.” Should this sentence be removed, since it goes against what was stated above it in paragraphs (b) and (h) in each respective ordinance, not to mention it would be redundant even if it didn’t contradict? Additionally, the word medical doesn’t

seem to be relevant in the adult use ordinance, regardless. **Response:** *This sentence deleted in both 15A and 15B.*

- **Marketing:** Paragraph 15A.07(p)(4) says “Marihuana products shall not be marketed or advertised to minors aged 17 years or younger.” I understand that ages 18 and up may have medical cards, but I still don’t believe any marketing should target anyone under the age of 21. **Response:** *This language is taken from the Medical Marihuana Act and can’t be changed.*
 - Furthermore, the language from 15A.07(p) (3) & (4) is repeated in the adult use ordinance as 15B.07(w)(3) & (4), and the medical portions in (3) are probably not relevant, and in (4) the wording should definitely say not under the age of 21! **Response:** *Revised from 17 to 21 years of age.*
- **Asterisk:** Why is there an asterisk in front of Marihuana Establishments Licensing Act in 15B.03(k)? **Response:** *Asterisk deleted.*
- **Number of “marihuana sales locations”:** My understanding of 15A.04(d) and 15B.04(d) is that there are only up to 2 retail establishments or provisioning centers total (not 2 of each). Is that correct? **Response:** *Correct*
 - Furthermore, wouldn’t microbusinesses be considered as a “marihuana sales location,” since they may engage in the retail sale of marihuana? So, the current wording sounds like we can have 2 of these in industrial and 2 in C-2, so 4 total microbusinesses plus 2 retail establishments/provisioning centers?
 - Even if it is 2 microbusinesses combined in Industrial and C-2 (which I heard it was), this would seem to go against the spirit of having only 2 marihuana sales locations in the City, so it would allow up to 4 potential places to purchase marihuana. I think that is too many for the little City of Stanton. **Response:** *I believe the Planning Commission did discuss that at the November 4th meeting but I am not sure if they resolved the issue so I will ask them to discuss this at the December 2, 2020 meeting.*
- **Stacking:** Can medical licenses be stacked? The adult use ordinance 15B.05(b)(iii) and paragraphs thereafter got me wondering. If so, maybe additional language is needed in the medical ordinance. **Response:** *Only marihuana Grower licenses are allowed to be stacked.*
- **Transfer medical between provisioning centers with same owner:** In the adult use ordinance, paragraph 15B.06(a)(5) states that one licensee with multiple retail licenses at different locations can move their own product between establishments without a secure transporter as long as they enter and track it in the statewide monitoring system. **Response:** *Section 15B.06(a)(5) does not say “transfer without a Secure Transporter”. Unless the two Acts specifically state otherwise all marijuana must be transported by a Secure Transporter. However, this Section has been revised to add wording that a Secure Transporter must be used.*
- Is this not the case for medical? **Response:** *We did not find any language in either the Medical Marihuana Act or the LARA Rules that allowed for Provisioning Centers to transfer marihuana*

product to another Provisioning Center using a Secure Transporter if both are under the same ownership or even under different ownership.

- I noticed in 15A.06(3), it mentioned transfers to provisioning centers from separate facilities is always by secure transport, but didn't see anything for medical licensees that would make me think marihuana could ever move from one location to separate one without secure transport, even if they have the same owner. **Response:** *Unless the two Acts specifically state otherwise all marijuana must be transported by a Secure Transporter. Section 15B.06(a)(4) in the Adult Use Ordinance is one of those Sections which permits marihuana to be moved between marihuana businesses without a Secure Transporter. The same provision is not contained in the Medical Marihuana Act so that language cannot be used in the Stanton Medical Marihuana Ordinance as this Ordinance derives its authority from the Medical Marihuana Act.*

However, an owner of an equivalent license for a Provisioning Center and a marihuana Retail establishment would be allowed under Section 15B.06(a)(4) of the Adult Use Ordinance to transport marihuana between marihuana establishments at the same location without using a Secure Transporter. So, in answer to your question "Can medical marihuana (or Adult Use marihuana) be transported without a Secure Transporter" the answer is yes under these specific circumstances.

- Adult Use Grower authorizations: 15B.06(b)(1)(iii) says that Growers can transfer marihuana plans to a Grower via secure transport. Shouldn't this include all the other types of establishments? I'm confused by items (ii) and (iii) here, while exceptions to secure transport are provided in (iv), it would seem that all other transports should be done via secure transport. Can we clear this up? **Response:** *Unless the two Acts specifically state otherwise all marijuana must be transported by a Secure Transporter.*
- More on secure transport: Again, does medical always need secure for everything, but not needed for Safety Compliance for adult use? Key paragraphs: 15B.06(c)(1). **Response:** *Unless the two Acts specifically state otherwise all marijuana must be transported by a Secure Transporter. This Section allows it*
- What does "hold title to marihuana" mean? 15B.06(e)(3). **Response:** *A Secure Transporter may have physical custody of the marihuana product but not legal custody.*
- Restrictions for Secure Transporter: Under operational regulations, 15B.07(c), it lists all other facilities as being unable to transport more than 15 oz of marihuana or >60 grams of concentrate, but secure transporter is not listed here. Are there restrictions for them, or is this supposed to mean that this is the amount all those other entities can move products via a secure transporter? If that is the case, perhaps "via a Secure Transporter" should be added to the end of the paragraph. **Response:** *A Secure Transporter has no limits on how much marihuana product they transport. The limits cited in this Section apply to those license holders where marihuana is allowed to be transported without a Secure Transporter.*

Editorial Comments/Suggestions

Response: *All of the following items have been reviewed and revised as needed. See Ordinances for changes.*

All instances of “City Council” should be changed to “City Commission.” I noticed this in each of the following paragraphs:

Medical - 15A.04(a), 15A.04(e) [Two times], 15A.08(c), 15A.08(h)

Adult - 15B.03(bb), 15B.04(a), 15B.04(h) [Two times], 15B.08(b), 15B.08(h),

- 15A.03(r) and 15B.03(dd): Take out the word “the” so it says “...designed for the recreational use by children...”
- Suggest that when it is stated that a certain number of facilities are allowed that the numerical representation appear after the written representation to make scanning the document easier when looking for this information. This would be helpful in the following sections: 15A.04(d) and 15B.04(d) - “No more than two (2) marihuana sales locations...” and same for 15B.04(e).
- 15A.04(d) and 15B.04(d): “marijuana” should be spelled “marihuana.”
- 15A.05(a)(7) is misplaced since this section is describing what district each type of facility is permitted in. It would be better placed under 15A.04(b) since it is a development regulation for all facilities (and it would then also be located in the same corresponding section of the adult use ordinance).
- 15A.05(a)(7) and 15B.05(b)(1) both refer to 15A.05(d) and 15B.05(d), respectively, but I believe they are intended to refer to section (e) of the corresponding sections, since this is actually the “Parking” paragraph.
- 15A.05(b)(1): Can this be broken up into 1) and 2) like it is in the adult use ordinance? It would help with readability.
- 15A.05(b)(4) and (5) Can these paragraphs be formatted similar to how they appear in 15B.05(5) items (i), (ii), and (x) for readability and organization?
- 15A.06(e)(7): It’s not clear what the word “agency” is referring to. (I wondered if it was the City, State, or the business itself?) I noticed that this word IS defined in the adult use ordinance, and is used in the same respective paragraph 15B.06(e)(7), but is not a defined word in the definitions section of the medical ordinance.
- 15A.07(a)(1): Should “Rules” be capitalized? I noticed throughout both ordinances “promulgated rules” was not capitalized, but in some places “Rules” is capitalized. If the promulgated Rules are referring to a particular document, then maybe it should be capitalized everywhere? Just wondering.
- 15A.07(f): Typo - “of” was accidentally written as “pf the Michigan Department of...”
- 15A.07(o) and 15B.07(v): Incomplete sentence. Should something like “shall be obtained” be added to the end of what is currently written as “Verification from City of Stanton Public Safety personnel that the facility meets all requirements for fire protection.”?
- 15A.07(t) and 15B.07(aa): Incomplete sentence. Should something like “shall be complied with” be added to the end of this phrase beginning with “Any other operational measures requested by...”?
- 15A.08(f)(6) and 15A.08(f)(6): Needs a period on the end, like the others it is among.
- 15A.08(f)(7) and 15B.08(e)(7): All of the roman numeral bullets should be written consistently in terms of the existing blight problems that may need to be addressed, so for example...

- “Parking surface in good condition without potholes or cracks” should be worded as “Parking surfaces with potholes or cracks”
- “Fences in good condition” might say instead, “Fences in disrepair”
- “Dumpster screening” might be worded as, “Dumpsters in need of screening”
- “Vegetation” could be “Overgrown vegetation”
- 15B.05(b)(iv): Needs a period on the end, like the others it is among.
- 15B.06(b)(1)(iv)(a): In keeping with the official terms of the remainder of the document, I think the words “processor” and “retailer” should both be capitalized.
- 15B.07(b): Possibly missing the word “in” where it says “...other than a physical location...” Perhaps it should say “...other than **in** a physical location...”

Formatting Corrections

Response: *All of the following have been corrected.*

- 15A.04(c): The letter c) should not be formatted as bold.
- 15A.05(b) and 15B.05(b): The space between b) and “The” should not be underlined.
- 15A.05(c) and 15B.05(c): The space between c) and “Location” should not be underlined.
- 15A.06(a)(2): The 2 is struck out and should not be.
- 15A.12(b): 2nd line is not indented properly as a list item.
- 15B.03(j): 2nd line is not indented properly as a list item.
- 15B.06(b): Should not be indented, needs to be brought out to be the beginning of the next numbered section.
- 15B.06(b)(1)(vi): 2nd and 3rd lines are not indented properly as a list item.
- 15B.06(f): Should be underlined like the other items at this level.

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

ORDINANCE No. _____

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

DRAFT 3

**Revisions to November 4, 2020 Draft
Shown in BOLD and strike through line**

SECTION 1. Chapter 15A, Medical Marihuana Facilities, is hereby added to the Zoning Ordinance of the City of Stanton to read as follows:

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) "Agency" means the Michigan marihuana regulatory agency.
- e) "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.

- f) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- g) "Marihuana" 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.
- h) "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 marihuana Grower, marihuana Processor, marihuana Provisioning Center, marihuana Secure Transporter, or marihuana Safety Compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- i) "Marihuana plant" means any plant of the species *Cannabis sativa* L.
- j) "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.
- k) "Marihuana Sales Location" means a Provisioning Center licensed under the Michigan Medical Marihuana Facilities Licensing Act or a marihuana Retailer licensed under the Michigan Regulation and Taxation of Marihuana Act or both.
- l) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- m) "Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.
- n) "Medical marihuana facilities licensing act" means the Medical marihuana facilities licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- o) "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.
- p) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- q) "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.
- r) "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.
- s) "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 recreational use by children and owned and operated by a local unit of government, school district, or other unit or agency of government.

- t) "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.
- u) "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.
- v) "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.
- w) "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 **Commission** 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 Grower facilities, Processor facilities, Secure Transporter facilities, and Safety Compliance facilities that may be approved for operation within the City of Stanton shall not be limited.
- d) No more than two marihuana sales locations as defined herein shall be allowed to operate at any one time in the City of Stanton.
- e) 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 **Commission**. 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 31st each year. Failure to pay this fee by the due date may result in the revocation of the special use permit by the City **Commission** 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.
- 2) 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.
- 3) 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.
- 4) 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.

- 5) 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.
- 6) Each marihuana facility operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous.
- 7) A licensed Provisioning Center operating at the same location with any other licensed medical marihuana facility shall have retail entrances and exits clearly identified.
- 8) 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.
- 9) 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 wall of the suite or business address** occupied by the Provisioning Center to the closest parcel or boundary line of the occupied property of the buffered school use.

d) Distance Between Medical Marihuana Facilities

- 1) A Provisioning Center shall not be located within 100 feet of another Provisioning Center, a Secure Transport facility, or a **marihuana Retailer, Microbusiness or Secure Transporter establishment licensed under the Michigan Regulation and Taxation of Marihuana Act.**
- 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, Secure Transport facility or a **marihuana Retailer, Microbusiness or Secure Transporter establishment licensed under the Michigan Regulation and Taxation of Marihuana Act.**
- e) 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. **However, a medical marihuana facility located in the C-1 zone shall be subject to the requirements of Section 17.05(a) herein.**

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 7:00 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 marihuana 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 marihuana Provisioning Center shall not place or maintain, or cause to be placed or maintained, any advertisement of medical marihuana 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 marihuana product for sale or transfer to a registered qualifying patient according to the requirements of the Medical Marihuana 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 marihuana **Grower Facility** shall be as follows:

- 1) **A Grower license authorizes the Grower to perform the following:**
 - i. **Cultivate, dry, trim, or cure and package marihuana as authorized under Class A (500 plants), Class B (1000) plants or Class C (1500 plants) licenses;**
 - ii. **Sell only to a medical marihuana Processor facility or medical marihuana Provisioning Center facility;**
 - iii. **Sell seeds or plants to a Grower;**
 - iv. **Medical marihuana to be transported by a Secure Transporter.**
- 2) Consumption and/or use of medical marihuana shall be prohibited at the Grower facility; the dispensing of medical marihuana at the Grower facility shall be prohibited.
- 3) 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 marihuana plants from public view, with no marihuana 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 Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and adopted Rules. All drying, trimming, curing, or packaging of marihuana shall occur inside the building meeting all the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and promulgated Rules

- 4) 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.
 - 5) Medical marihuana Grower facilities shall produce no products other than useable medical marihuana intended for human consumption.
 - 6) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Grower facility shall be prohibited.
- c) Operational requirements for a medical marihuana **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 marihuana to the Safety Compliance facility from a registered primary caregiver for testing. The licensee is also authorized to receive marihuana from, test marihuana for, and return marihuana to only a medical marihuana 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 of driving and the loading and unloading of medical marihuana which 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, the state police, **or other law enforcement officials** 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 **shall be obtained** 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 **shall be met**.

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 **Commission** following a recommendation by the Planning Commission.
- d) A notice for public hearing as required by Section 21.09 shall additionally be sent to all properties within 1,000 feet **of the boundary or property lines of the parcel for which the Special Land Use is being requested.** ~~distance required for those buffered uses as required by Section 15A.05 (e) (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.
 - 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 surfaces with potholes or cracks.**
 - iv. Fences **in disrepair.**
 - v. **Unscreened** dumpsters.
 - vi. **Overgrown or dying** 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.
 - 9) 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.
 - 10) 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.
 - 11) 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.
 - 12) Proof of liability insurance.
 - 13) A diagram of any proposed text or graphic materials to be shown on the exterior of the proposed medical marihuana facility.
 - 14) 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.
 - 15) 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.
- g) 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 **Commission**, 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 marihuana facility shall be additionally sent to all properties within **feet of the boundary or parcel lines of the property being requested for a variance.** ~~buffer distance required by Section 15B.05 (e) (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 Commission 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.

SECTION 2. 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.

SECTION 3. EFFECTIVE DATE

This Ordinance will become effective upon the expiration of seven days after publication. The vote in favor of adoption of this Ordinance was as follows:

YEAS: Commission members: _____

NAYS: Commission members: _____

ABSENT/ABSTAIN: Commission members: _____

Date of Adoption:

Effective Date:

CERTIFICATION

As the Clerk of the City of Stanton, Montcalm County, Michigan, I certify that this is a true and complete copy of an Ordinance adopted by the City Commission at its regular meeting of _____, held in compliance with the City Charter and applicable state laws.

Respectfully submitted,

Dated: _____,

By _____
 Lori Braman City Clerk

**AN ORDINANCE TO ALLOW ADULT USE OF MARIHUANA
IN THE CITY OF STANTON**

DRAFT 3

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

**Revisions to November 4, 2020 Draft
Shown in BOLD and strike through line**

ORDINANCE No. _____

SECTION 1. Chapter 15B, Adult Use of Marihuana, is hereby added to the City of Stanton Zoning Ordinance to read as follows:

15B.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

15B.02 PURPOSE

This chapter is intended to provide for the regulation of commercial adult use marihuana establishments and licenses; to establish procedures for application for adult use marihuana establishments and licenses; to establish procedures for review of adult use marihuana establishments and licenses; to establish operational, land use, and zoning requirements for adult use marihuana establishments and licenses; 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.

15B.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 Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA), shall have the definition given in the Michigan Regulation and Taxation of 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) "Agency" means the Michigan marihuana regulatory agency.

- e) "Acts" refers to the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 to 333.27801, and the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, when applicable.
- f) "Common ownership" means two or more state licenses or two or more equivalent licenses held by one person under the Michigan Regulation and Taxation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- g) "Cultivate" means to propagate, breed, grow, harvest, dry cure, or separate parts of the marihuana plant by manual or mechanical means.
- h) "Department" means the Department of licensing and regulatory affairs (LARA).
- i) "Equivalent licenses" means any of the following held by a person:
 - (1) A marihuana Grower license of any class issued under the Michigan Regulation and Taxation of Marihuana Act and a Grower license, of any class, issued under the Medical Marihuana Facilities Licensing Act.
 - (2) A marihuana Processor license issued under the Michigan Regulation and Taxation of Marihuana Act and a Processor license issued under the Medical Marihuana Facilities Licensing Act.
 - (3) A marihuana Retailer license issued under the Michigan Regulation and Taxation of Marihuana Act and a Provisioning Center license issued under the Medical Marihuana Facilities Licensing Act.
 - (4) A marihuana Secure Transporter license issued under the Michigan Regulation and Taxation of Marihuana Act and a Secure Transporter license issued under the Medical Marihuana Facilities Licensing Act.
 - (5) A marihuana Safety Compliance Facility license issued under the Michigan Regulation and Taxation of Marihuana Act and a Safety Compliance Facility license issued under the Medical Marihuana Facilities Licensing Act.
- j) "Excess marihuana Grower" means a license issued to a person holding 5 class C marihuana Grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- k) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, and as defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
- l) "Licensee" means a person holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., or the Marihuana Establishments Licensing Act, MCL 333.27101 et seq.
- m) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For the purposes of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., marihuana does not include:
 - (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - (2) Industrial hemp; or
 - (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

- n) "Marihuana business" means a marihuana facility under the medical marihuana facilities licensing act, or a marihuana establishment under the Michigan regulation and taxation of marihuana act, or both.
- o) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- p) "Marihuana customer" means a registered qualifying patient under the medical marihuana facilities licensing act, a registered primary caregiver under the medical marihuana facilities licensing act, or an individual 21 years of age or older under the Michigan regulation and taxation of marihuana act, or all three.
- q) "Marihuana establishment" means a marihuana Grower, marihuana Safety Compliance establishment, marihuana processor, marihuana Microbusiness, marihuana Retailer, marihuana Secure Transporter, or any other type of marihuana-related business licensed by the department.
- r) "Marihuana facility" means a location at which a licensee is licensed to operate under the medical marihuana facilities licensing act.
- s) "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- t) "Marihuana infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- u) "Marihuana Microbusiness" means a person, licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana Safety Compliance establishment, but not to other marihuana establishments.
- v) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- w) "Marihuana Retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- x) "Marihuana Sales Location" means a provisioning center licensed under the Michigan Medical Marihuana Facilities Licensing Act or a marihuana Retailer licensed under the Michigan Regulation and Taxation of Marihuana Act or both.
- y) "Marihuana Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- z) "Marihuana Safety Compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- aa) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- bb) "Medical marihuana establishments licensing act" means the Medical marihuana establishments licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- cc) "Park" means an area of land designated by the City as a park on its Master Land Use Plan, Five-Year Community Parks and Recreation Plan, or on a City **Commission** approved list of City Parks.
- dd) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- ee) "Public playground" means an outdoor establishment, 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 recreational use by children and owned and operated by a local unit of government, school district, or other unit or agency of government.
- ff) "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 Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended.

- gg) "Same location" means separate marihuana licenses that are issued to multiple marihuana businesses that are authorized to operate at a single property but with separate business suites, partitions, or addresses.
- hh) "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.
- ii) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

15B.04 AUTHORIZATION OF MARIHUANA ESTABLISHMENTS AND FEE

- a) A marihuana establishment 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 **Commission** shall make a final decision on a request for a special land use for a marihuana establishment following a recommendation from the City of Stanton Planning Commission.
- b) A marihuana establishment shall not operate within the City of Stanton without first having been approved for a license from the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- c) The number of Grower establishments, excess Grower establishments, Processor establishments, Secure Transporter establishments, and Safety Compliance establishments that may be approved for operation within the City of Stanton shall not be limited.
- d) No more than two marihuana sales locations as defined herein shall be allowed to operate at any one time in the City of Stanton.
- e) No more than two Microbusiness establishments shall be allowed to operate in the I, Industrial District ~~at any one time and no more than two Microbusiness establishments shall be allowed to operate~~ and, in the C-2, General Business District at any one time.
- f) Prohibition of Special Licenses.
 - 1) A Designated Consumption Establishment as defined in the rules promulgated by the Michigan Department of Licensing and Regulatory Affairs shall be prohibited in the City of Stanton.
 - 2) A person or any entity holding a Marihuana Event Organizer license as defined in the Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs shall not be permitted to operate within the City of Stanton.
 - 3) A Temporary Marihuana Event as defined in the rules promulgated by the Michigan Department of Licensing and Regulatory Affairs shall be prohibited in the City of Stanton.
- g) A nonrefundable fee shall be paid annually by each marihuana establishment authorized within the City of Stanton in the amount not to exceed \$5,000.00 as set by resolution of the Stanton City **Commission**. The fee shall be required for each license proposed for each establishment approved by the City of Stanton. 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 marihuana establishment in the City of Stanton. Thereafter, the fee shall be paid annually to the City of Stanton no later than January 31st each year. Failure to pay this fee by the due date may result in the revocation of the special use permit by the City **Commission** following a public hearing.

15B.05 DEVELOPMENT REQUIREMENTS

a) Marihuana establishments as defined herein are permitted with special land use approval in the following zoning districts:

- 1) Marihuana Grower establishments are permitted only in the I, Industrial District.
- 2) Excess Grower establishments are permitted only in the I, Industrial District.
- 3) Marihuana Processor establishments are permitted only in the I, Industrial District
- 4) Marihuana Retailer establishments are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
- 5) Marihuana Secure Transporter establishments are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District
- 6) Marihuana Safety Compliance establishments are permitted only in the C-2, General Commercial District and the I, Industrial District.
- 7) Marihuana Microbusiness establishments are permitted only in the I, Industrial District and the C-2, General Business District.
- 8) A marihuana establishment 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.

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

- 1) Any marihuana establishment 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. Parking shall be as required by Chapter 17 of the City of Stanton Zoning Ordinance, with the exception that all parking for a marihuana establishment shall be subject to Section 15B.05 (e) herein.
- 2) Where the regulations of this Chapter 15B 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 15B shall apply.
- 3) Any marihuana establishment 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.

- 4) Marihuana establishments may be permitted in a structure that contains multiple tenants, provided the marihuana establishment is approved as a special land use; meets all applicable occupancy restrictions; and that the marihuana establishment meets all requirements Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to security. Marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling.
- 5) Operations at the same location and equivalent licenses shall be regulated as follows:
 - i. Any combination of marihuana establishments may operate as separate marihuana establishments at the same location, provided the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to requirements for partitioned establishments, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations.
 - ii. Each marihuana establishment operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. Each marihuana establishment specific to the marihuana license shall have distinct and identifiable areas with designated structures that are on the same parcel or contiguous parcels. A licensed Retailer operating at the same location with any other licensed marihuana establishment shall have retail entrances and exits clearly identified.
 - iii. A licensee that has any combination of marihuana licenses may operate separate marihuana businesses at the same location, provided each business is permitted in the zoning district in which the marihuana business is proposed. A stacked license is considered a single marihuana business for the purposes of operation at the same location; however, a stacked license shall not be considered a single marihuana establishment for the purposes of the annual fee required to be paid to the City of Stanton.
 - iv. A marihuana Grower, marihuana Processor, and a marihuana Retailer shall not be prohibited from operating within a single facility but shall be partitioned from any other marihuana establishment, activity, or business.
 - v. A laboratory licensed as a marihuana Safety Compliance Facility establishment may be co-located with an existing accredited laboratory that is not a licensed Safety Compliance Facility establishment with approval by the Agency according to criteria required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
 - vi. A marihuana Grower establishment, marihuana Processor establishment, and a marihuana Retailer establishment shall not be prohibited from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the Medical

Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).

- vii. A person who holds equivalent licenses with common ownership as defined herein, may operate those equivalent licenses at the same location, according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, and in accordance with this Chapter 15B.
 - viii. A licensee with common ownership of a marihuana Retailer and a medical marihuana Provisioning Center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from adult-use marihuana products.
 - ix. A person who holds equivalent licenses with common ownership under the Acts, and operates at the same location, is not required to have any of the following:
 - 1. Separate business suites, partitions, or addresses.
 - 2. Separate entrances and exits.
 - 3. Distinct and identifiable areas with designated structures that are contiguous and specific to the state license and the state operating license.
 - 4. Separate point of sale area and operations.
 - x. One or more owners may own marihuana establishments at the same location; one or more licensees may be licensed to operate marihuana establishments at the same location.
- 6) No marihuana Retailer shall be located within another business.

c) Location and Buffering Requirements from Schools

- 1) A marihuana establishment 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 marihuana establishment is proposed, to the parcel upon which the school is located.
- 3) For marihuana Retailer establishments located within a multi-tenant commercial retail structure or center, the distance to a buffered school use shall be measured from the **closest wall of the suite or business address** occupied by the marihuana Retailer establishment 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 Marihuana Establishments

- 1) A marihuana Retailer establishment shall not be located within 100 feet of another marihuana Retailer establishment, a marihuana Microbusiness, a marihuana Secure Transport establishment **or a**

Provisioning Center or Secure Transporter facility licensed under the Medical Marihuana Facilities Licensing Act.

- 2) A marihuana Secure Transport establishment shall not be located within 100 feet of another marihuana Secure Transport establishment, a marihuana Retailer establishment or a **Provisioning Center or Secure Transporter facility licensed under the Medical Marihuana Facilities Licensing Act.**
- 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 marihuana establishment is proposed to the parcel upon which the other marihuana establishment is located.
- 4) For marihuana Retailer establishments located within a multi-tenant building, the distance shall be measured from the closest portion of the building occupied by the marihuana Retailer establishment to the closest parcel or boundary line of the occupied property or portion of the building occupied by another marihuana Retailer establishment, marihuana Secure Transport establishment or a **Provisioning Center or Secure Transporter facility licensed under the Medical Marihuana Facilities Licensing Act.**
- e) 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 marihuana establishment is located, and shall not be permitted to be on a non-contiguous lot. **However, a marihuana establishment located in the C-1 zone shall be subject to the requirements of Section 17.05(a) herein.**

15B.06 OPERATIONAL REQUIREMENTS

- a) Operational requirements for a marihuana **Retailer** shall be as follows:
 - 1) Every marihuana Retailer shall be located in an enclosed building.
 - 2) A marihuana Retailer shall not operate between the hours of 10:00 P.M. and 7:00 A.M.
 - 3) The licensee of a marihuana Retailer is authorized by the State of Michigan to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana products to marihuana establishments and to individuals who are 21 years of age or older. All transfers of marihuana to or from a separate marihuana establishment shall be by means of a marihuana Secure Transporter.
 - 4) A transfer of marihuana to a marihuana Retailer from a marihuana establishment that occupies the same location as the marihuana Retailer does not require a marihuana Secure Transporter if the marihuana is transferred to the marihuana Retailer using only private real property without accessing public roadways.
 - 5) A licensee who holds two or more marihuana Retailer licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana Retailer establishments. **All transfers of marihuana shall be by means of a marihuana Secure Transporter.** The transferred marihuana product must be entered and tracked in the statewide monitoring system.

- 6) A marihuana Retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product to customers. The marihuana Retailer shall keep marihuana products behind a counter or other barrier to ensure that customers do not have direct access to the marihuana products.
 - 7) Access to point of sale areas in a marihuana establishment is restricted to persons age 21 or over. Where equivalent licenses are held in common ownership for a marihuana Retailer establishment and a medical marihuana Provisioning Center facility, and which operate in the same location within a business space that is not partitioned, access is limited to customers age 18 or older.
 - 8) All marihuana storage areas within marihuana Retailers shall be separated from any customer areas by a permanent barrier. No marihuana is permitted to be stored in an area accessible by customers or the general public.
 - 9) Any marihuana remaining on the premises of a marihuana Retailer while the Retailer is not in operation shall be secured in a locked area in the interior of the premises.
 - 10) The premises of a marihuana Retailer 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.
 - 11) No licensed marihuana Retailer shall place or maintain, or cause to be placed or maintained, any advertisement of marihuana in any form or through any medium within the distance to buffered uses as set forth in Section 15B.05 (c), with the exception that a marihuana Retailer may establish signs in compliance with the requirements of Chapter 18 which regulates signs in the City of Stanton, and in compliance with Section 15B.07 (p) herein.
 - 12) A marihuana Retailer may employ an individual to engage in the delivery of a marihuana product for sale or transfer to an individual 21 years of age or older at a residential address or at the address of a designated consumption establishment provided at the time the order is placed.
 - 13) A marihuana Retailer may accept an online order request of a marihuana product and payment for the order that will be delivered only to the physical residence of an individual 21 years of age or older or at the address of a designated consumption establishment provided by an individual 21 years of age or older.
- b) Operational requirements for a marihuana **Grower Establishment** shall be as follows:
- 1) A Grower license authorizes the Grower to perform the following:
 - i. To cultivate not more than the numbers of marihuana plants as authorized under Class A (100 plants), Class B (500 plants), or Class C (2,000 plants) licenses;
 - ii. To sell or otherwise transfer marihuana to marihuana establishments;
 - iii. To sell or otherwise transfer marihuana plants to a marihuana Grower by means of a marihuana Secure Transporter;
 - iv. To sell or otherwise transfer marihuana without using a Secure Transporter to a marihuana Processor or marihuana Retailer if the following are both met:

- a. The marihuana Processor marihuana Retailer occupies the same location as the marihuana Grower and the marihuana is transferred using only private real property without accessing public roadways;
- b. The marihuana Grower enters each transfer into the statewide monitoring system.
- v. A marihuana Grower is permitted to sell or otherwise transfer marihuana seeds, seedlings, tissue cultures, or immature plants to a marihuana Grower from another marihuana Grower without using a marihuana Secure Transporter.
- vi. To transfer marihuana only by means of a Secure Transporter unless otherwise permitted by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).

- 2) Consumption and/or use of marihuana shall be prohibited at the Grower establishment; the dispensing of marihuana at the Grower establishment shall be prohibited.
- 3) All Grower activity related to the Grower establishment 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 marihuana plants from public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye. Outdoor growing areas shall include locked entries only accessible to authorized persons or emergency personnel.
- 4) That portion of the establishment where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the City of Stanton Public Safety to ensure compliance with the State of Michigan fire codes.
- 5) Marihuana Grower establishments shall produce no products other than useable marihuana intended for human consumption.
- 6) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Grower establishment shall be prohibited.

c) Operational requirements for a marihuana **Safety Compliance** establishment shall be as follows:

- 1) A Safety Compliance license authorizes the licensee to perform the following activities without the means of a Secure Transporter:
 - i. Take marihuana from, test marihuana for, and return marihuana to only a licensed marihuana establishment.
 - ii. Perform tests to certify that the marihuana is reasonably free of known contaminants in compliance with the standards established by the agency.
 - iii. A Safety Compliance Facility establishment license authorizes the licensee to collect a random sample of marihuana at the marihuana establishment of a marihuana Grower, marihuana Processor, marihuana Retailer, or marihuana Microbusiness for testing.
- 2) A Safety Compliance Facility establishment shall become fully accredited by an entity approved by the Marihuana Regulatory Agency of the State of Michigan within one year after the date the license is

issued, or have previously provided drug testing services to the State of Michigan or the State of Michigan court services and is a vendor in good standing.

- 3) The applicant and each investor with any interest in the marihuana Safety Compliance Facility establishment shall not have an interest in the marihuana establishment of a marihuana Grower, marihuana Secure Transporter, marihuana Processor, or marihuana Retailer establishment.
 - 4) A Safety Compliance Facility establishment shall have a secured laboratory space that cannot be accessed by the general public, and shall retain at least one laboratory manager with a relevant advanced degree in a medical or laboratory science.
 - 5) All Safety Compliance activity related to the Safety Compliance Facility establishment shall be performed in an enclosed building.
 - 6) All marihuana shall be contained within the building in an enclosed, locked establishment.
 - 7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Safety Compliance Facility establishment shall be prohibited.
- d) Operational requirements for a marihuana **Processor** establishment shall be as follows:
- 1) A Processor license authorizes the licensee to purchase or transfer marihuana or marihuana-infused products from only a licensed marihuana establishment; process and package marihuana; and authorizes the sale or otherwise transfer of marihuana or marihuana-infused products to only a licensed marihuana establishment.
 - 2) A Processor license authorizes the Processor to transfer marihuana only by means of a Secure Transporter.
 - 3) A Processor license authorizes the licensee to sell or otherwise transfer marihuana without using a Secure Transporter to a marihuana Processor or marihuana Retailer if the following are both met:
 - i. The marihuana Grower, marihuana Processor, or marihuana Retailer occupies the same location as the marihuana Processor and the marihuana is transferred using only private real property without accessing public roadways;
 - ii. The marihuana Processor enters each transfer into the statewide monitoring system.
 - 4) A licensee who holds two or more marihuana Processor licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana Processor establishments. The transferred marihuana product must be entered and tracked in the statewide monitoring system.
 - 5) All Processor activity related to the marihuana Processor establishment shall be performed in an enclosed building.
 - 6) All 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 establishment as a marihuana Processor establishment shall be prohibited.
 - 8) All marihuana Processors shall have an employee who is certified as a Food Protection Manager.
 - 9) All marihuana Processors shall be certified by one of the following, as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules:
 - i. The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1, or
 - ii. the FDA Food Safety Modernization Act, 21 USC 2201 to 2252
 - 10) 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** establishment 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 marihuana between marihuana establishments 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 marihuana to a registered qualifying patient or registered primary caregiver as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended.
 - 2) If a marihuana Secure Transporter establishment has its primary place of business in a municipality that has not adopted an ordinance prohibiting marihuana establishments, the marihuana Secure Transporter may travel through any municipality.
 - 3) The applicant and each investor with any interest in the marihuana Secure Transporter establishment shall not have an interest in a marihuana Grower, Processor, Retailer, or Safety Compliance establishment, and shall not hold title to marihuana.
 - 4) Each driver transporting marihuana shall have a chauffeur's license as issued by the State of Michigan. Each vehicle transporting 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 marihuana. A route plan and a manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
 - 5) The marihuana and any money associated with the purchase or sale of marihuana product shall be transported in one or more sealed, locked containers and not be accessible while in transit.
 - 6) A Secure Transporter vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.
 - 7) A marihuana Secure Transporter establishment shall have a primary place of business, and shall store its vehicles at its primary place of business. However, a marihuana 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) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with this chapter, and with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
 - 9) All Secure Transporter activity shall be performed in an enclosed building with the exception of driving and the loading and unloading of marihuana which may take place on a private portion of the Secure Transporter establishment outside the Secure Transporter establishment building.
 - 10) Loading and unloading of Secure Transporter vehicles with marihuana may take place on a private, unenclosed portion of any marihuana establishment, provided any area of loading and unloading is under video surveillance as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules. 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 marihuana establishment.
 - 11) All marihuana stored at the Secure Transporter establishment 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.
 - 12) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Secure Transporter establishment shall be prohibited.
- f) Operational requirements for a marihuana **Microbusiness** establishment shall be as follows:
- 1) A marihuana Microbusiness establishment license authorizes the licensee to cultivate not more than 150 plants. Only mature marihuana plants are included in the plant count.
 - 2) A marihuana Microbusiness establishment license authorizes the licensee to engage in the processing and packaging of marihuana.
 - 3) A marihuana Microbusiness establishment license authorizes the licensee to engage in the retail sale or transfer of marihuana to only individuals 21 years of age or older, but not to other marihuana establishments.
 - 4) A marihuana Microbusiness establishment license authorizes the licensee to transfer marihuana to a marihuana Safety Compliance Facility establishment for testing.

- 5) A marihuana Microbusiness license authorizes a marihuana Microbusiness to transfer marihuana from the marihuana Grower area to the marihuana Processor and marihuana Retailer areas of the marihuana Microbusiness and from the marihuana Processor area to the marihuana Grower and marihuana Retailer areas of the marihuana Microbusiness without using a marihuana Secure Transporter if all areas of the marihuana Microbusiness enter each transfer between different areas of the marihuana Microbusiness into the statewide monitoring system. In no case shall transfer of Marihuana take place in a public place or street, or private place or street which is not under the ownership and control of the licensed marihuana establishment.
 - 6) A licensed marihuana Microbusiness establishment shall not operate at more than one location.
 - 7) A marihuana Microbusiness may accept the transfer of marihuana seeds, tissue cultures, and clones that do not meet the definition of marihuana plant in these rules at any time from another licensed Grower; however, the marihuana Microbusiness shall not sell or transfer marihuana seeds, tissue cultures, or clones.
 - 8) A marihuana Microbusiness may accept the transfer of marihuana plants only once upon licensure from a registered primary caregiver if the caregiver was an applicant for that marihuana Microbusiness license.
 - 9) A marihuana Microbusiness license is subject to all applicable provisions of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules related to a marihuana Grower, marihuana Retailer, and marihuana Processor with the exception that a marihuana Microbusiness is not required to be located in an area zoned for industrial or agricultural uses.
- g) Operational requirements for a marihuana Excess Grower establishment shall be as follows:
- 1) An excess marihuana Grower license authorizes the sale of marihuana, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a marihuana Processor or marihuana Retailer.
 - 2) An excess marihuana Grower license shall only be issued to a person who holds 5 stacked class C marihuana Grower licenses issued by the agency under the act and at least 2 Grower class C licenses issued by the agency under the MMFLA.
 - 3) An excess marihuana Grower licensee is subject to all requirements for a marihuana Grower as provided for in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules and this Ordinance, as applicable.

15B.07 OPERATIONAL REGULATIONS FOR ALL MARIHUANA ESTABLISHMENTS

- a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- b) A marihuana establishment may not cultivate, process, test, or store marihuana other than a physical location approved by the Department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.

- c) A marihuana Grower, marihuana Retailer, Marihuana Processor, marihuana Microbusiness, or marihuana Safety Compliance Facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.
- d) A marihuana establishment shall be partitioned from any other marihuana business or activity, any other business, or any dwelling, except as provided by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, for marihuana operations at the same location.
- e) A marihuana establishment shall have distinct and identifiable areas with designated structures that are contiguous and specific to the marihuana license.
- f) A marihuana establishment shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
- g) Marihuana establishments shall not allow onsite or as part of the marihuana establishment 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.
- h) Access to areas of the marihuana establishment that are not point of sale areas is restricted to the licensee, employees of the licensee; crew members of a marihuana Secure Transporter establishment; the Department of Licensing and Regulatory Affairs, through its investigators, agents, and auditors; the state police; and law enforcement officials.
- i) No marihuana establishment may allow a person under 21 years of age to volunteer or be employed by the marihuana establishment.
- j) Access to areas of the marihuana establishment shall be provided to any person required to complete an inspection of any portion of the building, structure, or use to ensure compliance with any applicable City of Stanton, Montcalm County, State of Michigan, and federal laws or regulations.
- k) The licensee shall maintain a log tracking all visitors to a marihuana establishment 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, the state police, **or local law enforcement officials** to determine compliance with the act and these rules.
- l) With the exception of staff meetings, employee training, and similar events associated with the operation of the marihuana establishment, 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.

- m) The marihuana establishment must be at a fixed location. Mobile marihuana establishments and drive-through, drive-up, or walk-up operations are prohibited.
- n) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana establishment.
- o) Processors, Growers, and Safety Compliance establishments 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 marihuana establishment is located.
- p) All marihuana establishments 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.
- q) 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.
- r) All marihuana establishments shall have a video surveillance system that meets all requirements of the rules promulgated by the Department of Licensing and Regulatory Affairs (LARA) for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- s) 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 Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- t) 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.
- u) 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.
- v) Verification **shall be obtained** from City of Stanton Public Safety personnel that the facility meets all requirements for fire protection.
- w) Marketing and advertising regulations for all marihuana establishments 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 marihuana Retailer establishment 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 marihuana product, or pricing, or special sale of any marihuana product;
 - ii. A sign may include the words “Cannabis” or “Marihuana” 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 “marihuana” for use only by persons age 21 or older.**
 - 4) Marihuana products shall not be marketed or advertised to persons younger than 21 years of age. Sponsorships targeted to members **21 years of age** are prohibited.
- x) A marihuana establishment shall not be operated in an occupied residence.
- y) No marihuana establishment shall be operated in a manner creating noise, dust, vibration, glare, or fumes beyond the boundaries of the property on which the marihuana establishment is operated; or odors detectable to normal senses beyond the interior of the building or occupied portion of the building where the marihuana establishment is located; or any other nuisance that hinders the public health, safety, and welfare of the residents of the City of Stanton.
- z) A marihuana establishment 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.
- aa) Any other operational measures requested by the Department of Licensing and Regulatory Affairs (LARA) that are not inconsistent with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules **shall be met.**

15B.08 APPLICATION AND PROCESSING PROCEDURES

- a) All applications for special land use approval for a marihuana establishment shall be accompanied by an application fee of \$5,000.
- b) An application for special land use approval for a marihuana establishment 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 marihuana establishment shall be subject to final approval by the Stanton City **Commission** following a recommendation by the Planning Commission.
- c) A notice for public hearing as required by Section 21.09 shall be additionally sent to all properties within 1,000 feet **of the boundary or property lines of the parcel for which the Special Land Use is being requested.** ~~distance required for those buffered uses as required by Section 15B.05 (c) (1).~~

- d) In addition to all application materials as required for a special land use, an application for a marihuana establishment, on a form as approved by the City Commission, shall be completed and submitted by the applicant.
- e) The application shall include the following information in addition to any additional information as required by the application form for a marihuana establishment:
- 1) The City of Stanton may request from the applicant a copy of the Entity/Individual Prequalification Application Packet for a state marihuana establishment 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 marihuana establishment is to be operated; or written consent from the property owner of use of the premises for a marihuana establishment, and a copy of any lease agreement.
 - 4) A Security Plan for the marihuana establishment, prepared as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, 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 marihuana establishment 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.
 - 5) A 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) An 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) A 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 surfaces with potholes or cracks.**
 - iv. Fences **in disrepair.**
 - v. **Unscreened** dumpsters.
 - vi. **Overgrown or dying** vegetation.
 - 8) A 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.

- 9) 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.
 - 10) A professionally prepared scaled drawing of the floor plan of the marihuana establishment including uses of all floor areas, customer flow plan locations of interior and exterior cameras.
 - 11) 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.
 - 12) Proof of liability insurance.
 - 13) A diagram of any proposed text or graphic materials to be shown on the exterior of the proposed marihuana establishment.
 - 14) A location area map showing the distance to all buffered uses as required in Section 15B.05 (c) (1). Each buffered use shall be labeled on the location area map.
 - 15) 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 marihuana establishment shall obtain a building permit for any building utilized as a proposed marihuana establishment, 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 **Commission**, public safety official, or other municipal official in order to complete the review of the application.

15B.09 STANDARDS FOR APPROVAL.

An approval of a marihuana establishment 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 15B.
- e) Compliance with all applicable requirements of the City of Stanton Codified Ordinances.
- f) Compliance with all requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.

- g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

15B.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 marihuana establishment 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 marihuana establishment shall be additionally sent to all properties within 1,000 **feet of the boundary or parcel lines of the property being requested for a variance.** ~~buffer distance required by Section 15B.05 (e) (1).~~

15B.11 CHANGE OF OWNERSHIP, LICENSEE, OR LOCATION

- a) Upon change of ownership of any approved a marihuana establishment, 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 marihuana establishment.
- 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 Commission as required by Section 15B.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 a marihuana establishment be approved or used for a different type of marihuana establishment except in accordance with all requirements and procedures of this Chapter 15B.
- g) A change of location of a marihuana establishment after licensure requires a new license according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules. A change of location of a marihuana establishment after licensure, or a change of licensee at a location previously approved as a marihuana establishment, requires application for approval as a special land use by the City of Stanton according to the requirements of this Chapter 15B.

15B.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.

SECTION 2. 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.

SECTION 3. EFFECTIVE DATE

This Ordinance will become effective upon the expiration of seven days after publication. The vote in favor of adoption of this Ordinance was as follows:

YEAS: Commission members: _____

NAYS: Commission members: _____

ABSENT/ABSTAIN: Commission members: _____

Date of Adoption:

Effective Date:

CERTIFICATION

As the Clerk of the City of Stanton, Montcalm County, Michigan, I certify that this is a true and complete copy of an Ordinance adopted by the City Commission at its regular meeting of _____, held in compliance with the City Charter and applicable state laws.

Respectfully submitted,

Dated: _____,

By _____

Lori Braman City Clerk