



# Land Use Series: Sample Ordinances Regulating Medical Marijuana Facilities

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## INTRODUCTION:

This bulletin provides a sample police power ordinance for authorizing one or more types of medical marijuana facilities in a municipality under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq. (“MMFLA”) and the sample zoning ordinance amendments that should be adopted with it to regulate the location of the facilities and establish standards for approval. The zoning amendments must be adopted pursuant to the Michigan Zoning Enabling Act. A step-by-step checklist of procedures to amend a zoning ordinance is available from MSU Extension’s Land Use Series at [lu.msue.msu.edu](http://lu.msue.msu.edu). See “Checklist # 4: For Adoption of a Zoning Ordinance Amendment (including some PUDs) in Michigan.”

- A. To provide for medical marijuana facilities in a city, village, or township with its own existing zoning ordinance:
  1. Adopt a police power ordinance to authorize one or more facility types, and
  2. Adopt a zoning ordinance amendment regulating the location of the facilities and establishing standards for approval.
- B. To provide for medical marijuana facilities in a township relying on county zoning:
  1. Adopt a police power ordinance to authorize one or more facility types. (Under the MMFLA only a city, village, or township can adopt a police power ordinance to authorize facilities.)
  2. Work with the county planning commission to place provisions in the county’s zoning ordinance regarding in which zoning districts to allow each facility type and special land use standards, including one for approval being location in a township that has adopted an ordinance authorizing such facility type.
- C. A city or village without zoning may adopt a police power ordinance to provide for one or more medical marijuana facility types, but should seek legal advice from an experienced municipal attorney regarding whether a police power ordinance may be used to regulate placement or other aspects of facilities.
- D. A township without township or county zoning (or county zoning without amendments to regulate the location of facilities) may adopt a police power ordinance to provide for one or more medical marijuana facility types but probably cannot regulate where they are located because a township cannot exercise zoning power under the guise of a police power ordinance (*Forest Hill Energy-Fowler Farms, LLC. v. Twp of Bengal*).



## Notes

There are many ways other than those outlined in this sample for a police power ordinance to address the issues regarding medical marijuana facilities. It is intended to be adopted with zoning ordinance amendments to regulate the location of the facilities and establish standards for approval. (See sample following.) **Please consult an attorney experienced in municipal law before adopting any local ordinance.**

## Sample Police Power Ordinance

### **AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES.**

#### **Section 1001. Purpose**

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities in the [*municipality*] and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the [*municipality*] through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
- C. As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

#### **Section 1002. Definitions**

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
- B. Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.



## Notes

- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- E. "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- G. "Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- H. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. "Processor" means a licensee that is a commercial entity located in 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.
- J. "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 article.



**Notes**

A municipality may choose to authorize one or more facility types without authorizing all facility types.

A municipality may want to specify certain items of the information required on the application.

- K. "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.
- L. "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.

**Section 1003. Authorization of Facilities and Fee.**

- A. The maximum number of each type of marijuana facility allowed in the [municipality] shall be as follows.

<u>Facility</u>	<u>Number</u>
Grower	[#]
Processor	[#]
Secure transporter	[#]
Provisioning center	[#]
Safety compliance facility	[#]

- B. At least every [#] years after adoption of this ordinance, [council/board] shall review the maximum number of each type of marijuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the [council/board].
- C. A nonrefundable fee shall be paid by each marijuana facility licensed under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the [municipality] [council/board].

**Section 1004. Requirements and Procedure for Issuing License**

- A. No person shall operate a marijuana facility in [municipality] without a valid marijuana facility license issued by the [municipality] pursuant to the provisions of this ordinance.
- B. Every applicant for a license to operate a marijuana facility shall file an application in the [municipal official's] office upon a form provided by the [municipality]. [The application shall contain the following information:]
- C. Every applicant for a license to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.



## Notes

The police power and zoning ordinances could also be drafted to require the zoning approvals before any municipal licensing process.

A municipality may specify other license conditions and provide for inspections to ensure compliance.

- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the [*municipal official*] shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The [*municipal official*] shall act to approve or deny an application not later than fourteen (14) days from the date the application was accepted. If approved, the [*municipal official*] shall issue the applicant a provisional license.
- E. A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the [*municipality*]. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.
- F. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the [*municipal official*] shall approve or deny the marijuana facility license. The [*municipal official*] shall issue marijuana facility licenses in order of the sequential application number previously assigned.
- G. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license under this ordinance and continued operation of any marijuana facility.
- H. A marijuana facility license issued under this ordinance is not transferable.

### **Section 1005. License Renewal**

- A. A marijuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marijuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the [*municipality*] and payment of the annual license fee. Application to renew a marijuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.

### **Section 1006. Applicability**

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marijuana facility were established without authorization before the effective date of this ordinance.



## Notes

### **Section 1007. Penalties and Enforcement.**

- A. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than [\$.##], plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the [*municipality*] may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- C. This Ordinance shall be enforced and administered by the [*municipal official*], or such other [*city/village/township*] official as may be designated from time to time by resolution of the [*council/board*].

### **Section 1008. Severability.**

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

### **Section 1009. Effective Date**

This Ordinance shall take effect [*insert provision applicable to municipality*] in accordance with law.

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**See also the following Sample  
Zoning Ordinance Amendments**



## Notes

There are many ways other than those outlined in these sample zoning ordinance amendments to address zoning issues regarding medical marijuana facilities. **Please consult an attorney experienced in municipal law before adopting any local ordinance.**

For additional information on the distinction between “agriculture” and “agriculture-like,” see MSU Extension’s Land Use Series: “Sample zoning for agriculture-like and urban agriculture “ available at [lu.msue.msu.edu](http://lu.msue.msu.edu).

## Sample Zoning Ordinance Amendments

These sample zoning ordinance amendments were written with the following assumptions:

- **The municipality has adopted a separate police power ordinance (see sample above) authorizing one or more types of medical marijuana facilities.**
- The municipality already has a site plan review process in its zoning ordinance.
- The municipality’s zoning ordinance already provides a definition for “person” that includes corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- The section numbering system follows the standard system of codification presented in MSU Extension’s Land Use Series: “Organization and Codification of a Zoning Ordinance,” which is available at [lu.msue.msu.edu](http://lu.msue.msu.edu).

### Definitions

***Add the following definitions to Section 503 (the section of the zoning ordinance for definitions of words).***

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

“Licensee” means a person holding a state operating license issued under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.

“Marijuana” or “marihuana” means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marijuana Act, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracking Act, MCL 333.27901 et seq.

“Marijuana facility” means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

“Outdoor production” means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

“Processor” means a licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

“Provisioning center” means a licensee that is a commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or



## Notes

The municipality will also want to require a site plan review for these facilities and should amend that process in their zoning ordinance as necessary to address the standards specific to these facilities.

The municipality may require in its special use or site plan procedure any information necessary to ensure full compliance with the provisions of state and local laws. Failure to provide required information may be the basis for disapproval of a special use permit and any related development permits and approvals.

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 article.

"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.

"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.

## Zoning Districts

***Add, where appropriate, to each zoning district's list of possible special land uses the following, where wanted:***

- A. A marijuana grower as authorized by [the municipality's police power authorizing ordinance] in the [insert zone] District(s);
- B. A marijuana processor as authorized by [the municipality's police power authorizing ordinance] in the [insert zone] District(s);
- C. A marijuana provisioning center as authorized by [the municipality's police power authorizing ordinance] in the [insert zone] District(s);
- D. A marijuana secure transporter as authorized by [the municipality's police power authorizing ordinance] in the [insert zone] District(s); and
- E. A marijuana safety compliance facility as authorized by [the municipality's police power authorizing ordinance] in the [insert zone] District(s).

## Special Use Standards

***Add a section to Article 16 (the part of the zoning ordinance for specific special use permit standards).***

16XX. Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility:



## Notes

The municipality may want to require the state license prior to a zoning permit application, or prior to the site plan application, or prior to site plan approval, or even after approval of the [special use] zoning permit issued conditioned on site plan approval.

Building, electrical, mechanical, and plumbing codes must be enforced by the local government jurisdiction.

The municipality will want to reference its existing sign requirements in the zoning ordinance and/or other sign ordinance.

Signage may also become the subject of state regulations under its rulemaking authority for advertising.

- A. A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 86 [*the article containing the procedural process for special use permits*] in the specified zone(s), provided that:
1. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the [*municipality*]. In the event that a court with jurisdiction declares some or all of this article invalid, then the [*municipality*] may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
  2. At the time of application for a special use permit the marijuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marijuana Act, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
  3. At the time of application for a special use permit the marijuana facility must be licensed by [*municipality*], [or have the [*municipality*] license concurrently in process with the special use permit and site plan approval], and then must be at all times in compliance with [*the municipality's police power authorizing ordinance*].
  4. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the [*municipality*].
  5. The [*municipality*] may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, [*the municipality's police power authorizing ordinance*], or the terms of the special use permit and approved site plan are not met.
  6. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
  7. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in the [*the article or ordinance containing the sign regulations*].
- B. Marijuana growers and marijuana processors shall be subject to the following standards:
1. Minimum Lot Size. A minimum lot size standard shall apply as follows:



## Notes

Fencing and screening is normally a local concern, but special requirements for marijuana producers who grow plants outside may also become the subject of state regulations under its rulemaking authority.

To prevent inconsistencies, this standard may instead reference the municipality's existing outdoor lighting requirements and landscape standards that may also impact lighting .

- a. In the [*list the specific rural and agricultural district(s)*], the subject property shall be a minimum of [#] acres, except that if the majority of abutting properties are equal to or greater than [*lesser #*] acres, the subject property shall be a minimum of [*lesser #*] acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or road.
  - b. In the [*list the specific industrial district(s)*], the subject property shall be a minimum of [#] acres, except that if outdoor production is proposed, the subject property shall be a minimum of [*greater #*] acres.
2. Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high water mark.
3. Indoor Production and Processing. In the [*list the specific industrial district(s)*], marijuana production shall be located entirely within one or more completely enclosed buildings. In the [*list the specific industrial district(s)*], marijuana processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
4. Maximum Building Floor Space. The following standards apply in the [*list the specific industrial district(s)*]:
  - a. A maximum of [#] square feet of building floor space may be used for all activities associated with marijuana production on the subject property.
  - b. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building.
5. Lighting. Lighting shall be regulated as follows:
  - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
  - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.



## Notes

The municipality instead may want to reference its existing noise standards in the zoning ordinance.

Local governments may also enforce any noise and public nuisance ordinance as to odors, fumes, noise, dust, vibration, and the like.

The municipality may want to reference its existing provisions for escrow fees related to the costs of outside experts.

6. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
    - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
    - d. Negative air pressure shall be maintained inside the building.
    - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - f. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
  7. Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
  8. Residency. In the [*list specific rural or agricultural district(s)*], an owner of the subject property, or the licensee associated with the subject property shall reside in a dwelling unit on the subject property unless there is a 24-hour, seven-days-a-week staffed security presence on the property with a direct phone number supplied to local law enforcement,
- C. Provisioning centers shall be subject to the following standards:
1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 9:00 a.m. and 9:00 p.m.



### Notes

The focus here is on buffers from uses associated with children. Buffers from other uses are typically smaller. Some communities provide distances from adult entertainment uses, liquor stores, or other marijuana facilities. Municipalities should determine whether enough suitable parcels remain available after eliminating those due to buffers.

The same or different buffers can also be established for other facility types.

A buffer could instead be measured from the closest point of the building space occupied by the marijuana facility.

The municipality will want to edit the list of terms, such as school, to use those already defined in the zoning ordinance.

2. Indoor Activities. All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
3. Other Activities. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the [municipality]. The distance shall be measured as the shortest straight line distance between the property line of the location of the following uses to the property line of the parcel on which provisioning center premises is located, whichever is less .
  - a. A provisioning center may not be located within [#] feet of the real property comprising or used by a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; or a public library .
  - b. A provisioning center may not be located within [#] feet of a religious institution or a residentially zoned property.
7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
  - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.



## Notes

The municipality may want to reference its existing provisions for escrow fees related to the costs of outside experts.

The municipality will want to use the term for medical laboratory type uses already defined in the zoning ordinance.

The municipality will want to use the term for transportation and warehousing type uses already defined in the zoning ordinance.

- c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
- d. Negative air pressure shall be maintained inside the building.
- e. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted

D. Marijuana Safety Compliance Facility shall be subject to the following standards:

- 1. A marijuana safety compliance facility shall be subject to the special regulations and standards applicable to [*medical laboratories and medical testing facilities* ] in the ordinance.
- 2. all activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.

E. Marijuana Secure transporter shall be subject to the following standards:

- 1. A marijuana secure transporter shall be subject to the special regulations and standards applicable to [*transportation and warehousing* ] uses in the [ordinance] and the following standards.
- 2. Any buildings or structures used for the containment of stored materials shall be located no closer than [#] feet from any property line.

## Nonconformities

***Add a section to Article 80 (the part of the zoning ordinance about nonconforming uses).***

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this [ordinance].
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this [ordinance] or any amendment thereto.
- C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.