

5:50.1. - Regulations concerning medical use of marijuana.

(1) *Intent.*

- (a) It is the intent of this section to provide appropriate locations and reasonable restrictions for medical marijuana facilities allowed by the Medical Marijuana Facilities Licensing Act, MCL 333.2701 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district regulations.
- (b) It is the intent of this section to also provide appropriate locations and reasonable restrictions for the cultivation and transfer of marijuana allowed by the Michigan Medical Marijuana Act, MCL 333.26421 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations.
- (c) It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

(2) *Definitions.* The following words and phrases shall have the following definitions when used in this Chapter.

- (a) *Words and phrases contained in the Medical Marijuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 et seq.* This Chapter contains some words and phrases that are defined in the MMFLA. As used in this chapter, they have the same meaning as provided in the MMFLA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MMFLA, then the definition in the MMFLA shall apply. These words and phrases are as follows:
 - (i) *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.
 - (ii) *Licensee* means a person holding a state operating license.
 - (iii) *Marijuana* means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
 - (iv) *Marijuana facility* means a location at which a license holder is licensed to operate under the MMFLA.
 - (v) *Marijuana plant* means any plant of the species *Cannabis sativa* L.
 - (vi) *Marijuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation. Marijuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.
 - (vii) *Plant* means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
 - (viii) *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.
 - (ix) *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 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 through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.

- (x) *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.
 - (xi) *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.
 - (xii) *State operating license* or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:
 - a. A grower.
 - b. A processor.
 - c. A secure transporter.
 - d. A provisioning center.
 - e. A safety compliance facility.
- (b) *Words and phrases contained in the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq.* This subsection contains some words and phrases that are defined in the MMMA. As used in this chapter, they have the same meaning as provided in the MMMA, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the MMMA, then the definition in the MMMA shall apply. These words and phrases are as follows:
- (i) *Marihuana* means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
 - (ii) *Medical use of marijuana* means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
 - (iii) *Primary caregiver* means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
 - (iv) *Qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition.
- (c) *Other words and phrases.* The words and phrases in this Chapter, as used in this Chapter, shall have the following meanings:
- (i) *Marijuana* means "marihuana" as defined in the MMFLA.
 - (ii) *Medical marijuana home occupation* means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (A) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (B) is for the purpose of assisting 1 or more registered qualifying patients with the medical use of marijuana who do not reside in the dwelling and (C) complies with the MMMA.

(3) *Additional medical marijuana facility location restrictions:*

- (a) No parcel containing a medical marijuana provisioning center shall be located within 600 feet of a parcel on which another medical marijuana provisioning center is located.
 - (b) A maximum of 1 state operating license shall be utilized per parcel.
 - (i) Exceptions: In the M1, M1A and M2 districts, a maximum of 5 marijuana facilities with state operating licenses may co-locate on a single parcel, and in the RE and ORL districts, a maximum of 2 marijuana facilities with state operating licenses may co-locate on a single parcel. No 2 facilities of the same type (grower, processor, secure transporter, provisioning center as an incidental use, and safety compliance facility) may be located on the same parcel.
 - (c) No parcel containing a medical marijuana provisioning center, grower, or processor shall be located within 1,000 feet of a parcel on which a public or private K-12 elementary or secondary school is located.
- (4) *Cultivation or other medical use of marijuana as a medical marijuana home occupation in single-family dwellings.*
- (a) In a single-family dwelling in any zoning district, no more than 72 marijuana plants shall be grown on the premises, regardless of the number of registered primary caregivers and/or registered qualifying patients residing in the dwelling. The principal use of the single-family dwelling shall be a residential occupancy and shall be in actual use as such.
 - (b) A zoning compliance permit shall be required, consistent with section 5:92.
 - (c) All other performance standards for home occupations as provided in section 5:10.2(4)(c) shall be required.
- (5) *Medical marijuana home occupations are not permitted in two-family or multiple-family dwellings.*
- (6) *Cultivation or other medical use of marijuana in dwelling units when the use is not a medical marijuana home occupation.*
- (a) In a dwelling unit in any zoning district, where medical use of marijuana is not a medical marijuana home occupation, no more than 12 plants for each registered qualifying patient who resides in the dwelling unit shall be grown.
 - (b) The principal use of the dwelling unit shall be residential occupancy and shall be in actual use as such.
 - (c) No equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
 - (d) All aspects of the medical use of marijuana shall comply at all times with the provisions of the MMMA.
- (7) *Medical marijuana facility regulations.*
- (a) No person shall reside in or permit any person to reside in a marijuana facility, except as allowed in the M1 and M2 zoning districts.
 - (d) No smoking, inhalation, or consumption of marijuana shall take place on the premises of any marijuana facility.
 - (e) All activities of a marijuana facility shall be conducted indoors.
 - (f) No equipment or process shall be used in any marijuana facility which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- (8) *Special exception use regulations for medical marijuana facilities.*

- (a) In addition to the requirements in section 5:104 (Special exceptions), the following information shall be provided to the Planning Commission for consideration of an application for special exception use. Additional information may be requested by staff or the Planning Commission.
 - (i) For provisioning centers, growers, and processors:
 - a. An operations statement that describes, but is not limited to, the life-cycle of marijuana and marijuana-infused products entering, stored on, grown, dried, and leaving the site. This may include how deliveries are handled, methods of storage, cash handling, a business floor plan, or other pertinent information.
 - b. A detailed safety and security plan that addresses marijuana, customers, employees, and neighboring residents, offices, or businesses.
 - c. A description of methods to be used to contain all odors within the building.
 - d. A waste disposal plan specific to marijuana, marijuana plant waste, and marijuana-infused products.
 - e. Days and hours of operation.
 - (ii) For growers:
 - a. A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class.
- (b) A site plan that meets the requirements of Chapter 57, Subdivision and Land Use Controls, is required. For sites that require City Council approval of a site plan, approval of the special exception use by the City Planning Commission shall be contingent upon site plan approval by City Council.

(Ord. No. 10-37, § 1, 6-20-11, eff. 8-22-11; Ord. No. 17-21, § 14, 12-18-17)