

**AMENDMENT TO THE LENOX TOWNSHIP ZONING ORDINANCE
(TEXT AMENDMENT)**

AN ORDINANCE TO AMEND THE LENOX TOWNSHIP ZONING ORDINANCE TO ALLOW FOR MEDICAL MARIHUANA FACILITIES AS PERMITTED OR SPECIAL LAND USES IN LENOX TOWNSHIP AND TO PROVIDE ZONING REGULATIONS AND CONDITIONS RELATIVE TO SUCH USES.

LENOX TOWNSHIP ORDAINS:

ARTICLE 1. AMENDMENT

Amend Article 3 “General Provisions,” Section 337 “Medical Marihuana Uses,” of the Lenox Township Zoning Ordinance, to add a new subsection 337.1.f and to amend subsection 337.2 to read as follows:

SECTION 337. MEDICAL MARIHUANA USES

1. Intent.

a.- e. [*Unchanged*].

f. In 2016, the Michigan Legislature enacted the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and the Marihuana Tracking Act, MCL 333.27901 et seq. In addition to the intent and purposes stated above, the provisions in this Section of the Zoning Ordinance, as well as those in other sections of this Zoning Ordinance relating to the subject of medical marihuana, are adopted for the purposes and with the intent set forth in Lenox Township Medical Marihuana Facilities Licensing Ordinance (being Part 25, Ordinance 3 of the Lenox Township Book of Ordinances) and Sections 1 through 3 of said Ordinance are incorporated herein.

2. Medical Marihuana Facilities.

a. *All types of medical marihuana facilities* shall be subject to the following minimum conditions:

- (a) All operations must be completely enclosed within a building;
- (b) Issuance of a license for the medical marihuana facility by the State of Michigan;
- (c) Issuance of a license for the medical marihuana facility by the Township;
- (d) Compliance with all provisions of the Medical Marihuana Facilities Licensing Act 281 of 2016, as it may be amended from time to time;
- (e) Compliance with all provisions of the Lenox Township Medical Marihuana Facilities Licensing Ordinance (being Part 25, Ordinance 3 of the Lenox Township Book of Ordinances), as it may be amended from time to time;
- (f) Compliance with all other relevant provisions of the Lenox Township Zoning Ordinance, as it may be amended from time to time;
- (g) No marihuana facility operating or purporting to operate prior to the effective date of the amendment to the Township Zoning Ordinance adding this subsection 337.2 shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this Zoning Ordinance; and

- (h) Discontinuation of a State-issued or Township-issued medical marihuana facility license shall constitute prima facie evidence that an otherwise lawful nonconforming medical marihuana facility use, structure or condition on the premises has been discontinued.
- b. *Medical marihuana provisioning centers* shall also be subject to all of the following minimum conditions:
 - (a) Medical marihuana provisioning centers shall not operate between the hours of 9:00 PM and 9:00 AM;
 - (b) Drive-through windows and outdoor services are not allowed;
 - (c) Outdoor seating is not allowed;
 - (d) The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads;
 - (e) The medical marihuana provisioning center must be connected to municipal water and sewer;
 - (f) The medical marihuana provisioning center shall be located no closer than 1000 feet* to any school and no closer than 500 feet* to any place of worship, park, playground, public library, or residentially zoned or occupied property; and
 - (g) The medical marihuana provisioning center shall be located no closer than 500 feet* to any other medical marihuana facility.

*The distances set forth in subsections (f) and (g), above, shall be measured as the shortest straight-line distance between the property line of the parcel on which the marihuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.

- c. *Medical marihuana grow facilities and medical marihuana processing facilities* shall also be subject to all of the following minimum conditions:
 - (a) The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads;
 - (b) The facility must be connected to municipal water and sewer; and
 - (c) The facility shall be located no closer than 1000 feet* to any school and no closer than 500 feet* to any place of worship, park, playground, public library, or residentially zoned or occupied property.

*The distances set forth in subsection (c), above, shall be measured as the shortest straight-line distance between the property line of the parcel on which the marihuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.

ARTICLE 2. AMENDMENT

Amend Article 11, "OS – Office Service District," Section 1100, "Permitted Uses," of the Lenox Township Zoning Ordinance, to add a new subsection H to read as follows:

SECTION 1100. PERMITTED USES.

A.-G. [*Unchanged*].

H. Medical marihuana safety compliance facility (Subject to SECTION 337).

ARTICLE 3. AMENDMENT

Amend Article 12, "CC – Community Commercial District," Section 1202, "Special Land Uses," of the Lenox Township Zoning Ordinance, to add a new subsection B to read as follows:

SECTION 1202. SPECIAL LAND USES.

- A. [Unchanged].
- B. Medical marihuana provisioning center (SECTION 337 and 1850).

ARTICLE 4. AMENDMENT

Amend Article 13, "GC – General Commercial District," Section 1302, "Special Land Uses," of the Lenox Township Zoning Ordinance, to add a new subsection F to read as follows:

SECTION 1302. SPECIAL LAND USES.

- A.-D. [Unchanged].
- F. Medical marihuana provisioning center (SECTION 337 and 1850).

ARTICLE 5. AMENDMENT

Amend Article 14, "IR – Restricted Industrial District," Section 1400 "Permitted Uses" and Section 1402 "Special Land Uses," of the Lenox Township Zoning Ordinance, to add new subsections 1400.R, 1400.S, 1402.J and 1402.K to read as follows:

SECTION 1400. PERMITTED USES.

- A.-Q. [Unchanged].
- R. Medical marihuana safety compliance facility (Subject to SECTION 337).
- S. Medical marihuana secured transporter facility (Subject to SECTION 337).

SECTION 1402. SPECIAL LAND USES.

- A.-I. [Unchanged].
- J. Medical marihuana grow facility (SECTION 337 and 1850).
- K. Medical marihuana processing facility (SECTION 337 and 1850).

ARTICLE 6. AMENDMENT

Amend Article 15, "IC – Controlled Industrial District," Section 1500 "Permitted Uses" and Section 1502 "Special Land Uses," of the Lenox Township Zoning Ordinance, to add new subsections 1500.F, 1500.G, 1502.I and 1502.J to read as follows:

SECTION 1500. PERMITTED USES.

- A.-E. [Unchanged].
- F. Medical marihuana safety compliance facility (Subject to SECTION 337).
- G. Medical marihuana secured transporter facility (Subject to SECTION 337).

SECTION 1502. SPECIAL LAND USES.

A.-H. [*Unchanged*].

I. Medical marihuana grow facility (SECTION 337 and 1850).

J. Medical marihuana processing facility (SECTION 337 and 1850).

ARTICLE 7. AMENDMENT

Amend Article 18, "Special Land Uses," of the Lenox Township Zoning Ordinance, to add Section 1850, "Medical Marihuana Facilities," to read as follows:

SECTION 1850. MEDICAL MARIHUANA FACILITIES.

Medical marihuana grow facilities, medical marihuana processing facilities and medical marihuana provisioning centers shall be subject to all of the minimum conditions and requirements set forth in Section 337.

ARTICLE 8. AMENDMENT

Amend Article 24, "Definitions," of the Lenox Township Zoning Ordinance, to add the definitions of the following terms in alphabetical order:

A. "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.

B. "Marihuana facility" and "medical marihuana facility" mean an enterprise at a specific location at which a licensee is licensed to operate under the Township Ordinances and the Medical Marihuana Facilities Licensing Act, 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 registered primary caregiver.

C. "Marihuana plant" means any plant of the species *Cannabis sativa* L.

D. "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 et seq.

E. "Medical marihuana grow facility" means a marihuana facility at which a commercial entity located in Michigan, that is licensed as a grower of marihuana by the State and Township, cultivates, dries, trims, or cures and packages marihuana for sale only to a processor or provisioning center.

F. "Medical marihuana processing facility" means a marihuana facility at which a commercial entity, that is licensed to operate a processing facility by the State and Township, purchases marihuana from a medical marihuana grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form only to a medical marihuana provisioning center.

G. "Medical marihuana provisioning center" means a marihuana facility at which a commercial entity, that is licensed to operate a provisioning center by the State and Township, purchases marihuana from a medical marihuana grower or processor and sells, supplies, or provides marihuana only to registered qualifying patients, directly or through the patients' registered primary caregivers. Medical marihuana provisioning center includes any commercial property where marihuana is sold at retail only to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a registered 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 Ordinance.

H. "Medical marihuana safety compliance facility" means a marihuana facility at which a commercial entity, that is licensed to operate a safety compliance facility by the State and Township, 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.

I. "Medical marihuana secure transporter facility" means a marihuana facility at which a commercial entity, that is licensed as a secure transporter by the State and Township, stores marihuana for marihuana facilities and from which the commercial entity provides transportation services of marihuana between marihuana facilities for a fee.

J. "Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

K. "Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act or a visiting qualifying patient as that term is defined in the Michigan Medical Marihuana Act.

ARTICLE 9. SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ARTICLE 10. REPEALER

All ordinances, parts of ordinances, or sections of the Lenox Township Book of Ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

ARTICLE 11. SAVINGS

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

