

## ORDINANCE NO. 752-10-19

Commissioner Eppley moved, supported by Commissioner Anderson, the adoption of the following Ordinance:

### ORDINANCE AMENDING ARTICLES 2, 3 AND 11 OF THE BIG RAPIDS ZONING ORDINANCE TO DEFINE AND PERMIT CERTAIN STATE LICENSED MARIHUANA BUSINESS FACILITIES AND ESTABLISHMENTS IN THE C-1, C-2, C-3 AND INDUSTRIAL DISTRICTS

WHEREAS, the Planning Commission developed amendments to the Big Rapids Zoning Ordinance to permit state licensed Marihuana Businesses in Commercial and Industrial Zoning Districts, and

WHEREAS, the Planning Commission conducted public hearings on the Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission recommended adoption of a text amendment to the Big Rapids Zoning Ordinance that would add definitions of marihuana businesses and permit the state licensed marihuana businesses subject to the conditions of Article 3 District Regulations and Section 11.1:29 Use Standards.

NOW THEREFORE, the **City of Big Rapids** ordains:

**Section 1.** The definitions pertaining to Marihuana Businesses are added to Article 2.9 to read as follows:

- (1) **LARA** – The Michigan Department of Licensing and Regulatory Affairs.
- (2) **MRA** – The State of Michigan Marihuana Regulatory Agency.
- (3) **Licensee** – A person holding a state license.
- (4) **Marihuana** – 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. It does not include industrial hemp.
- (5) **Marihuana Establishment** – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.
- (6) **Grower** – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (7) **Microbusiness** – A person with a commercial license 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 facility, but not to other marihuana establishments.

- (8) **Marihuana Plant** – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.
- (9) **Processor** – A person with a commercial license to obtain marihuana from marihuana establishments, process and package marihuana, and sell or otherwise transfer marihuana to marihuana establishments.
- (10) **Retailer** – A person with a commercial license 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. Also called provisioning centers.
- (11) **Safety Compliance Facility** – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.
- (12) **Secure Transporter** – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.
- (13) **Excess Marihuana Grower** – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.
- (14) **Municipal License** – A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

**Section 2.** Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (3)(f) Marihuana establishments that are retailers, safety compliance facilities or microbusinesses, subject to the conditions of Section 11.1:29.

3.9:2(3)(g) and other similar establishments.

**Section 3.** Article 3, Section 3.10:2 is amended to add the following text as permitted uses and structures in the C-2 District:

3.10:2(1)(v) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.10:2(1)(w) other similar establishments.

**Section 4.** Article 3, Section 3.11:2 is amended to add the following text as permitted uses and structures in the C-3 District:

3.11:2(2)(i) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.11:2(2)(j) other similar establishments.

**Section 5.** Article 3, Section 3.12:7 is amended to add the following text as permitted principal uses and structures in the Industrial District:

3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.

**Section 6.** Article 11.1:29 is amended to read as follows:

Marihuana establishments may be permitted subject to the general and specific conditions below:

(1) Conditions which apply all marihuana establishments are listed below:

(a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.

(b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

(c) The Licensee shall have, or shall have applied for, a Municipal License or permit as described in the City Code.

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private, measured in a straight line from property line to property line.

(e) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign as described below. The sign shall not be digital or internally illuminated.

i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.

ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height.

(f) The use of marihuana is prohibited at all licensed marihuana establishments.

(g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.

(h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.

(i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

(j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License or permit has been issued by the City Clerk and all conditions enumerated in the City Code have been met.

(2) Marihuana retailers, safety compliance facilities and microbusinesses may be permitted in the C-1, C-2 and C-3 Commercial Districts subject to the conditions below:

(a) The facility may only operate between the hours of 9AM to 9PM.

(b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.

(c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.

(d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.

(e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.

(3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the Industrial District subject to the conditions below:

(a) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.

(b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.

(c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

(d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

**Section 7.** The ordinance shall be effective 20 days after publication.

**Section 8.** The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published:

# Draft Marihuana Businesses Allowed Parcels Map

