

CITY OF LUNA PIER  
ORDINANCE NUMBER 240

AN ORDINANCE TO AMEND THE ZONING ORDINANCE NUMBER 121 TO ADD MEDICAL MARIHUANA FACILITIES AS A SPECIAL USE IN A LIGHT INDUSTRIAL DISTRICT AND AMEND THE OFFICIAL ZONING MAP.

**The City of Luna Pier ordains:**

Section 1. Title.

This Ordinance shall be known as the Zoning Amendment Ordinance for Medical Marijuana/Marihuana Facilities.

Section 2 Addition of Special Use.

Article 2, Article 13, Article 17 and the Zoning Map of the City of Luna Pier Zoning Ordinance, Ordinance 121 as amended, are hereby amended to add Medical Marihuana Facilities as a permitted use subject to special conditions only in zoning district I-1 Light Industrial and subject to Planning Commission Approval.

Section 3 Addition of definitions to Article 2

Medical Marijuana Facilities Related Definitions:

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 another Grower, processor or provisioning center.

LICENSEE means a person holding a state operating license issued under the Medical Marihuana 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 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.*

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.*

PROCESSOR means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale to a state licensed processor or 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 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.

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.

Section 4 Addition of Section 1307, Regulating Medical Marihuana Facilities.

The following Section 1307 is hereby added to the City of Luna Pier Zoning Ordinance 121 as amended:

Section 1307 Uses Permitted Subject to Special Conditions

Medical Marihuana Facilities.

1. Medical Marihuana Facilities must comply with the following regulations.
  - A. Facilities must comply with the Michigan Medical Marihuana Facilities Licensing Act, Michigan Compiled Laws 333.27101 *et seq.*
  - B. At the time of application for a special use permit the marijuana facility must be licensed by the State of Michigan, or have the State of Michigan license concurrently in process with the special use permit approval 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 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.*; and all other applicable rules promulgated by the State of Michigan.
  - C. At the time of application for a special use permit the marijuana facility must be licensed by the City of Luna Pier, [or have the City of Luna Pier license concurrently in process with the special use permit and site plan approval], and then must be at all times in compliance with Ordinance Number 239.
  - D. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the City of Luna Pier including Site Plan Approval.
  - E. The City of Luna Pier 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, Ordinance 239, Building Codes or the terms of the special use permit and approved site plan are not met.

- F. Signage requirements for marijuana facilities are not permitted as stated in Article 24, Section 2410, 9. I-1 District, and shall comply with Article 24, Sections 2400 and 2401, 3. B-1 District requirements.
  - G. Co-located facilities and stacked grower licenses may be permitted, subject to regulations of this section and the State of Michigan.
  - H. Facilities shall have sufficient setbacks as stated in Article 18 – Schedule of Development Standards, for an I-1 District, unless otherwise required herein, and include landscape screens or buffers to minimize light, odor and noise affecting adjacent properties.
  - I. Special use applications must provide a plan for secure storage and disposal of marijuana and chemicals, to minimize risk of theft or exposure.
  - J. All storage shall be contained within a building, unless the Facility has received prior Site Plan approval and conditions for outdoor storage.
  - K. Facilities must be constructed with opaque facades so that marijuana plants and products are not visible from exterior areas.
  - L. The roofs of facilities must be constructed of rigid materials, not thin films, and further conform to all Michigan Codes.
2. Marijuana growers and marijuana processors shall additionally be subject to the following standards:
- A. Marijuana production and Processing shall be located entirely within one or more completely enclosed buildings.
  - B. Lighting shall be regulated as follows: 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.
  - C. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - 1. 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.
    - 2. 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.

3. 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.

4. Negative air pressure shall be maintained inside the building.

5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. 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.

D. 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.

E. Facility property shall include 24-hour, seven-days-a-week staffed security presence on the property.

3. Provisioning centers shall be additionally subject to the following standards:

A. 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.

B. 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.

C. Other Activities. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.

D. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.

E. 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.

F. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below. 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.

- G. a. A provisioning center may not be located within 100 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; or a religious institution or a residentially zoned property.
- H. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
  - 1. 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.
  - 2. 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.
  - 3. 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.
  - 4. Negative air pressure shall be maintained inside the building.
  - 5. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - 6. 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.
- 4. Marijuana Safety Compliance Facility shall be additionally subject to the following standards:
  - A. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- 5. Marijuana Secure Transporter shall be additionally subject to the following standards:
  - A. A marijuana secure transporter shall be subject to the special regulations and standards applicable to [transportation and warehousing] uses in the Zoning ordinance and the following standards.
  - B. Any buildings or structures used for the containment of stored materials shall be located no closer than 50 feet from any property line and 100 feet from any Residentially Zoned property.

Section 5     Amendment and Addition to Article 17, Schedule Of Permitted And Special Uses

1. Add: Medical Marijuana Grower – as a Special Use in the I-1 District
2. Add: Medical Marijuana Processor – as a Special Use in the I-1 District
3. Add: Medical Marijuana Provisioning Center – as a Special Use in the I-1 District
4. Add: Medical Marijuana Secure Transporter – as a Special Use in the I-1 District
5. Add: Medical Marijuana Safety Compliance Facility – as a Special Use in the I-1 District
6. Delete: Medical Marijuana Sales – as a Special Use in the I-1 and I-2 Districts.

Section 6.     Amendment of Zoning Map

The Official Zoning Map referenced in Article 3 of the City of Luna Pier Zoning Ordinance 121 as amended is hereby amended and attached hereto.

Section 7.     Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Michigan held on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DRAFT**  
\_\_\_\_\_  
DeAnn Parran, City Clerk

Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_