

ORDINANCE NO. ORD-18-21

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UNIFIED DEVELOPMENT CODE
(MEDICAL MARIJUANA PROVISIONING CENTER
LOCATION RESTRICTION)

AN ORDINANCE TO AMEND SECTION 5.17.3 G OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

Section 1. That Section 5.17.3 G of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

G. Medical Marijuana Facility

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 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. Words and Phrases

Words and phrases contained in the Michigan Medical Marijuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 et seq., or the Medical Marijuana Act ("MMMA"), MCL 333.26421 et seq., shall have the same meanings in this Code. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA or the MMMA, but if any

definition in Article VIII conflicts with the definition in the MMFLA or MMMA, then the definition in the MMFLA or MMMA shall apply.

3. Additional Medical Marijuana Facility Location Restrictions

a. A Medical Marijuana Provisioning Center may only be located within a PUD in compliance with the standards in this Section 5.16.3G and where retail use is permitted in the PUD Supplemental Regulations.

b. For any Medical Marijuana Provisioning center for which a Special Exception Use Permit has been granted prior to October 31, 2018, no No Lot containing a Medical Marijuana Provisioning Center shall be located within 600 feet of a Lot on which another Medical Marijuana Provisioning Center is located. Any other Medical Marijuana Provisioning Center shall not be located on a Lot that is within 1,000 feet of a Lot on which another Medical Marijuana Provisioning Center is located.

c. A maximum of one State Operating License shall be utilized per Lot.

i) Exceptions: In the M1, M1A and M2 districts, a maximum of five Marijuana Facilities with State Operating Licenses may co-locate on a single Lot, and in the RE and ORL districts, a maximum of two Marijuana Facilities with State Operating Licenses may co-locate on a single Lot. No two facilities of the same type of Medical Marijuana use (Grower, Processor, Secure Transporter, Provisioning Center as accessory Retail Sales, and Safety Compliance Facility) may be located on the same Lot.

d. FOR ANY MEDICAL MARIJUANA PROVISIONING CENTER FOR WHICH A SPECIAL EXCEPTION USE PERMIT HAS BEEN GRANTED PRIOR TO OCTOBER 31, 2018, NO Lot containing a Medical Marijuana Provisioning Center, Grower, or Processor shall be located within 1,000 feet of a Lot on which a Public School or Private School, but excluding dance or art schools, is located. ANY OTHER MEDICAL MARIJUANA PROVISIONING CENTER, GROWER, OR PROCESSOR SHALL NOT BE LOCATED ON A LOT THAT IS WITHIN 1,000 FEET OF A LOT ON WHICH ONE OF THE FOLLOWING IS LOCATED: A PUBLIC SCHOOL, A PRIVATE SCHOOL, A CHILD CARE CENTER OR GROUP CHILD CARE HOME AS DEFINED IN MCL 722.111 ET. SEQ.

4. Standards for Medical Marijuana Home Occupations

Cultivation or other Medical Use of Marijuana as a Medical Marijuana Home Occupation in Single-Family Dwellings.

a. Medical Marijuana Home Occupations are not permitted in Two-Family or other Multiple-Family Dwellings.

- b. 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.
- c. All other performance standards for Home Occupations as provided in Section 5:16.6H shall be required.
- d. A zoning permit shall be required, consistent with Section 5.29.1.

5. Standards for Medical Marijuana Use or Cultivation

When the cultivation or other Medical Use of Marijuana in Dwelling Units is not a Medical Marijuana Home Occupation, it shall comply with the following standards.

- a. The Principal Use of the Dwelling Unit shall be Residential Occupancy and shall be in actual use as such.
- b. No more than 12 plants for each registered Qualifying Patient who resides in the Dwelling Unit shall be grown.
- 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.

6. 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.
- b. No smoking, inhalation, or consumption of Marijuana shall take place on the Premises of any Marijuana Facility.
- c. All activities of a Marijuana Facility shall be conducted indoors.
- d. 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 Premises.

7. Special Exception Use Regulations for Medical Marijuana Facilities

- a. In addition to the requirements in Section 5.29.5, 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 this chapter shall be provided. For sites that require City Council approval of a Site Plan, approval of the Special Exception use by the Planning Commission shall be contingent upon Site Plan approval by City Council.
- c. An application for a Medical Marijuana Provisioning Center in the M1, M1A, or M2 zoning district may only be approved if the Provisioning Center is incidental to the Principal Activity or Principal Use and the Floor Area devoted to Provisioning Center does not exceed 10% of the Floor Area of the Site.

Section 2. This ordinance shall take effect and be of force on and after ten days from legal publication.

As Amended and Approved by Ann Arbor City Council at First Reading on July 16, 2018.