

VILLAGE OF DECATUR

ORDINANCE NO. 2019-002

AN ORDINANCE TO AMEND THE ZONING ORDINANCE (ORD # 202) TO PROVIDE REGULATIONS FOR COMMERCIAL MEDICAL MARIHUANA FACILITIES, TO PROVIDE FOR SPECIAL USE APPROVAL FOR COMMERCIAL MEDICAL MARIHUANA FACILITIES, TO ESTABLISH A MARIHUANA FACILITIES OVERLAY DISTRICT, TO PROVIDE AN EFFECTIVE DATE AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

SECTION I: AMENDMENT TO ARTICLE 2 OF THE VILLAGE OF DECATUR ZONING ORDINANCE

A. Article 2 “Definitions”, of the Village of Decatur Zoning Ordinance (ORD #202) is hereby amended by the revision of the following section as provided herein:

1. Article 2 “Definitions” is hereby amended to add the following definitions:

Commercial Medical Marihuana Facility (or Facility): the term may include any of the following:

- a. *Provisioning Center*, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorize by Ordinance No. 2019-001.
- b. *Grower Facility*, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by Ordinance No. 2019-001.
- c. *Processor Facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.
- d. *Safety Compliance Facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.
- e. *Secure Transporter Facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.

All other parts of this Article remain unchanged.

SECTION II: AMENDMENT TO ARTICLE 5, SECTION 8 OF THE VILLAGE OF DECATUR ZONING ORDINANCE

A. Article 5, Section 8, Table 5.1 of the Village of Decatur Zoning Ordinance #202 is hereby amended by adding the following:

1. New land use under Commercial Land Uses as Special Land Use Requiring Additional Standards:

- a. Provisioning Center, permitted in B-1, B-2, and I Land Use Types within the Retail or Non-Retail Areas of the Commercial Marihuana Facilities (CMF) Overlay District, as regulated under Article 6, Section 1 and Article 7, Section 13.

B. Article 5, Section 8, Table 5.1 of the Village of Decatur Zoning Ordinance #202 is hereby amended by adding the following:

1. New land use under Industrial Land Uses as Special Land Use Requiring Additional Standards:

- a. Grower Facility – Class A, Class B and Class C, permitted in I Land Use Type, within the Non-Retail Areas of the Commercial Marihuana Facilities (CMF) Overlay District, as regulated under Article 6, Section 1 and Article 7, Section 13.
- b. Processor Facility, permitted in I Land Use Type, within the Non-Retail Areas of the Commercial Marihuana Facilities (CMF) Overlay District, as regulated under Article 6, Section 1 and Article 7, Section 13.

- c. Safety Compliance Facility, permitted in I Land Use Type, within the Non-Retail Areas of the Commercial Marihuana Facilities (CMF) Overlay District, as regulated under Article 6, Section 1 and Article 7, Section 13.
- d. Secure Transporter Facility, permitted in I Land Use Type, within the Non-Retail Areas of the Commercial Marihuana Facilities (CMF) Overlay District, as regulated under Article 6, Section 1 and Article 7, Section 13.

All other parts of this Article remain unchanged.

SECTION III: AMENDMENT TO ARTICLE 6 OF THE VILLAGE OF DECATUR ZONING ORDINANCE

A. Article 6 of the Village of Decatur Zoning Ordinance (#202) is hereby amended as follows:

1. Article 6 shall be titled "Overlay Districts".
2. Under Article 6, the following new section shall be added as provided herein:

Section 1 – Commercial Marihuana Facilities Overlay District

- A. Purpose – The Commercial Marihuana Facilities (CMF) Overlay District is intended to identify certain areas of the B-1, B-2, and I Districts where commercial marihuana facilities are permitted to locate. This district is applied over the B-1, B-2, and I Districts and allows for permissions and/or restrictions in addition to those of the underlying B-1, B-2, and I District.
- B. Overlay District Requirements – All uses, structures, and development within the CMF District shall be subject to all the requirements of the respective B-1, B-2, and I Districts within which the parcel is located. In addition, any property in the CMF District containing a principal use in conformance with the requirements of this Article (including nonconforming uses or structures as regulated by Article 11) shall be in accordance with Article 7, Section 13 as amended.
- C. Map-The boundaries of this district are shown upon the CMF District Map which accompanies and is made a part of this Ordinance. Said map and all information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the Village Clerk.

SECTION IV: AMENDMENT TO ARTICLE 7 OF THE VILLAGE OF DECATUR ZONING ORDINANCE

A. Article 7 "Special Use Permit" of the Village of Decatur Zoning Ordinance (#202) is hereby amended by adding the following new section as provided herein:

Section 13 - Commercial Medical Marihuana Facilities

1. A Commercial Medical Marihuana Facility may be authorized to operate within the Village by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.
2. No Commercial Medical Marihuana Facility shall be located within 1,000 feet of any school, with the minimum distance being measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles, to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school.
3. All Commercial Medical Marihuana Facilities shall be located within the boundaries of the Commercial Marijuana Facilities (CMF) Overlay District as defined and authorized under Article 6, Section 1 as amended.
4. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:

- a. The placement of the container shall be subject to site plan review.
 - b. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
 - c. All containers shall rest on a concrete pad.
 - d. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
 - e. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.
5. A Commercial Medical Marijuana Facility shall be reviewed in consideration of the following:
- a. Lighting – The placement and arrangement of outdoor lighting serving the facility shall provide adequate security and visibility.
 - b. Noise – Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
 - c. Odor – Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
 - d. Environmental – Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
 - e. Traffic – A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominantly residential area.
 - f. Security – Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
 - g. Impact on Neighboring Property – Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.
 - h. Annual Review – A facility shall be subject to an annual review by the Planning Commission to confirm compliance with the Special Land Use Permit and the provisions of this Ordinance.

All other parts of this Article remain unchanged.

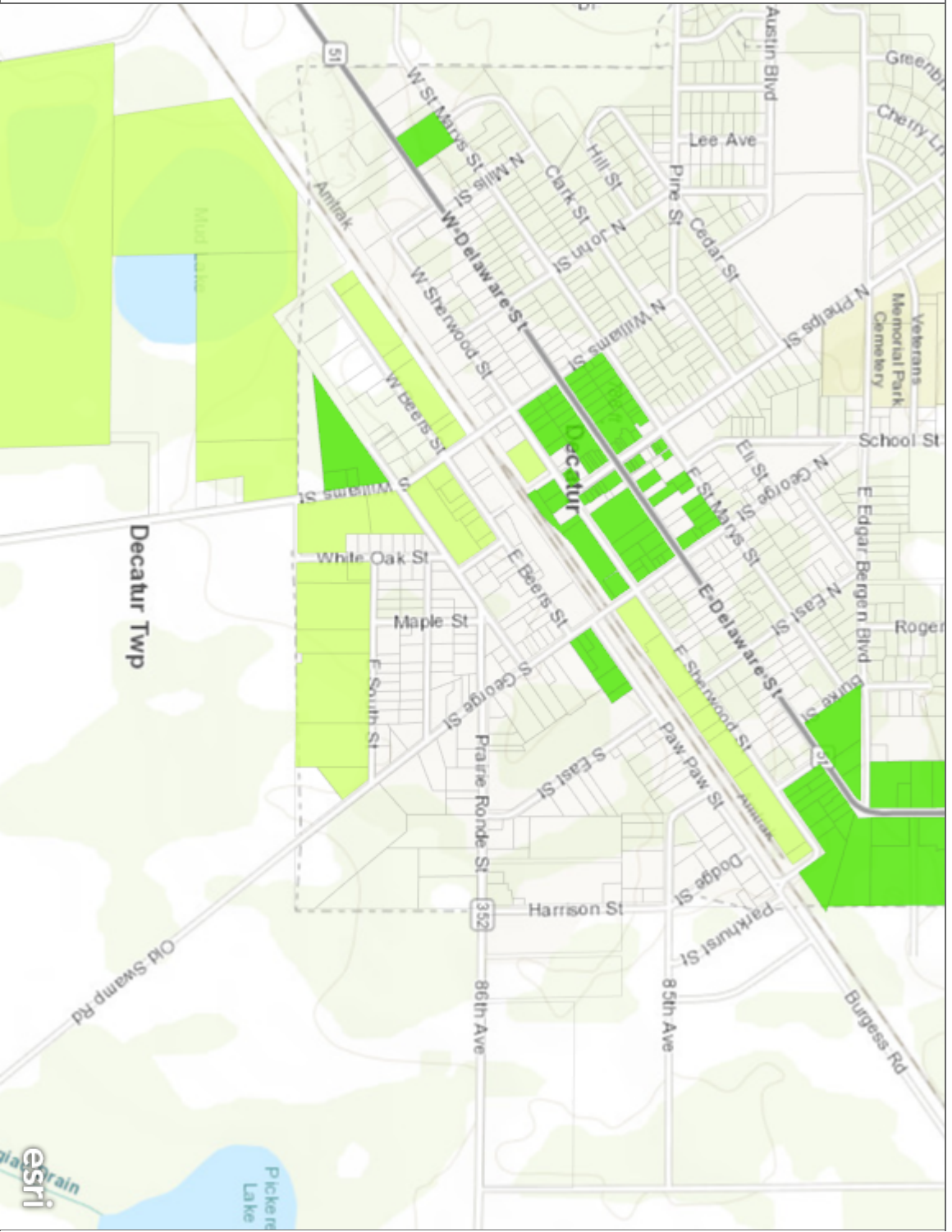
SECTION V: SEVERABILITY.

Sections of this Ordinance shall be deemed severable and should any Section, clause, or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Commercial Marihuana Facilities Overlay District

FacilitiesStreets - Parcels

-  Retail Only
-  Retail and Non-Retail
-  Not Permitted



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