

VILLAGE OF DECATUR

ORDINANCE NO. 2019-005

AN ORDINANCE TO AMEND THE ZONING ORDINANCE (ORD # 202) TO PROVIDE REGULATIONS FOR RECREATIONAL MARIHUANA FACILITIES, TO PROVIDE FOR SPECIAL USE APPROVAL FOR RECREATIONAL MARIHUANA FACILITIES, 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:
Marihuana Establishment (or Adult-Use/Recreational Marihuana Facility): the term may include any of the following:
 - a. *Marihuana Retailer*, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and authorized by Ordinance No. 2019-004.
 - b. *Marihuana Microbusiness*, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and authorized by Ordinance No. 2019-004.
 - c. *Marihuana Grower*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
 - d. *Marihuana Processor*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
 - e. *Marihuana Safety Compliance Facility*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
 - f. *Marihuana Secure Transporter*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.

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. Marihuana Retailer, 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 14.
 - b. Marihuana Microbusiness, 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 14.
- 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. Marihuana Grower – 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. Marihuana Processor, 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. Marihuana 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. Marihuana Secure Transporter, 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 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 14 - Adult-Use (Recreational) Marihuana Facilities

- 1. A Marihuana Establishment 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 Marihuana Establishment shall be located within 1,000 feet of any school, with the minimum distance being measured along the centerline of the street or streets of address between 2 fixed points on the centerline determined by projecting straight lines, at right angles, to the centerline, 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 Marihuana Establishments 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, fence, and gate shall be maintained in a neat and orderly manner, free from debris.
- 5. A Marihuana Establishment 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.

SECTION VI: EFFECTIVE DATE.

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st of November 2019. Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of October 2019.

Ali Elwaer, Village President

Kimberly Babcock, Village Clerk & Treasurer

STATE OF MICHIGAN)

) SS.

COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 7th day of October 2019, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of October 2019.

Kimberly Babcock, Village Clerk & Treasurer