

Caledonia Township
Medical Marihuana Zoning Ordinance Provisions

Article 2 DEFINITIONS

Sec. 2.2.138. Marijuana or marihuana – The 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.

1. Grower - A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
2. Licensee - A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
3. Medical Marihuana Facility - 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.
4. Medical Marihuana Grow Facility – A facility that cultivates, dries, trims, or cures, and packages marihuana for sale.
5. Outdoor production - The growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
6. Person - An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

Article 9 ZONING DISTRICTS, MAP, AND SCHEDULE OF REGULATION

Sec. 9.5 - A-1 District: Agricultural Production

Sec. 9.5.3. Special Land Use

LL. Medical Marihuana Grow Facilities

Sec. 9.6 – A-2 District: Agricultural Production/Rural Residential

Sec. 9.6.3. Special Land Use

FF. Medical Marihuana Grow Facilities

Article 10 OFF-STREET PARKING AND LOADING

Grow Facility = One (1) space per employee, plus two (2) additional spaces.

Article 13 NONCONFORMING USES OF LAND AND STRUCTURES

Sec. 13.3 Nonconforming Use of Land

13.3.2 Medical Marihuana Nonconforming Use

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this Ordinance.
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment thereto.

- C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

Article 15 DESIGN STANDARDS

15.58 Medical Marihuana Grow Facility

- A. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by Caledonia Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Caledonia Township may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
- B. At the time of application for a special use permit the marijuana facility must be licensed by the State of Michigan and then must be at all times in compliance within 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. The use or facility must be at all times in compliance with all other applicable state laws and ordinances of Caledonia Township.
- D. A marijuana grow facility may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this Ordinance.
- E. The required minimum lot size shall not be less than 2 acres.
- F. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines.
- G. Buffer requirements are considered a setback or separation area in which a Medical Marihuana use permitted under this Ordinance must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the Zoning Administrator. A proposed Medical Marihuana use must be outside of designated buffer areas.
 - 1. A 1,000 foot buffer is required from all public, parochial and other private schools offering courses in general education, and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCL 333.7410) not including measuring procedures along a public right-of-way.
 - 2. A 500 foot buffer is required from all licensed child care ~~centers, facilities, child care family home (1-6), and child care group home (7-12)~~ child day care centers, nursery schools and child care institutions. All facilities listed here pertain to child care facilities that cater to children under the age of 18 but excluding those operating out of a private home. Such facilities, centers and institutions are further defined in 7.24(f)(1) and 7.24(f)(2) of this Ordinance.
 - 3. A 500 foot buffer is required from all Federal owned, used, or operated property. Such Federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office.
 - 4. A 500 foot buffer is required from all designated public parks within the Township.
 - 5. A 500 foot buffer is required from all hospitals within the Township.
- H. The indoor growing of marihuana shall be located entirely within one or more completely enclosed buildings. This shall include entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.

- I. If only a portion of a building is authorized for use in marijuana production, a partition wall at least 7 feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building.
- J. Lighting Requirements
 - 1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7 p.m. to 7 a.m. the following day.
 - 2. Outdoor marijuana grow lights shall not be illuminated.
- K. Odor
 - 1. Any building used for the growing, drying, or storage of medical marihuana 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 or as required by the manufacture direct.
 - 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.
- L. Provide a security plan in compliance with LARA administrative rules.