

Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

ORDINANCE NO. 1416a

AN ORDINANCE TO AMEND SECTION 50-94a OF DIVISION 3 – SPECIAL USE PERMIT – OF ARTICLE II – ADMINISTRATION AND ENFORCEMENT – OF CHAPTER 50 – ZONING - AND TO ADD DIVISION 7 - MEDICAL MARIHUANA PROVISIONING CENTERS OVERLAY DISTRICTS – AND SECTIONS 50-801, 50-802 AND 50-803 TO ARTICLE VII – OTHER DISTRICTS – OF CHAPTER 50 – ZONING - OF THE CODE OF THE CITY OF EAST LANSING TO ALLOW FOR AND REGULATE MEDICAL MARIHUANA PROVISIONING CENTERS.

THE CITY OF EAST LANSING ORDAINS:

Section 50-94a of Chapter 50 of the Code of the City of East Lansing is hereby amended to read as follows and Division 7 and sections 50-801, 50-802 and 50-803 are hereby added to Article VII of Chapter 50 of the Code of the City of East Lansing to read as follows:

50-94a. Additional Standards for medical marihuana facility uses.

(a) *All uses.* Except as may be provided elsewhere in this section or chapter and except to the extent the standards would interfere with or conflict with statutory regulations for the licensing of marijuana facilities under the Medical Marijuana Facilities Licensing Act, each special use permit for a medical marihuana facility shall meet the standards of section 50-94(a) and the following standards.

- (1) They shall comply at all times and in all circumstances with the Michigan Medical Marijuana Facilities Licensing Act, the Michigan Medical Marijuana Act and the rules of the Michigan department of community health and the department of licensing and regulatory affairs and provide copies of the application for a state operating license at the time of filing a site plan;
- (2) They must be located outside of one thousand (1,000) feet from the lot lines of any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal “Drug-Free School Zones” requirements;

- (3) They may not be operated out of a residence or residential structure;
- (4) The consumption of alcohol or medical marihuana on the premises is prohibited;
- (5) The facility shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety or welfare;
- (6) All transfers and deliveries of medical marihuana, marihuana infused products, marihuana seeds, and marihuana plants must be to a processor, a provisioning center, or safety compliance facility and only by means of a secure transporter and must occur within the structure out of public view except as allowed by the Medical Marihuana Facilities Licensing Act or rules or regulations promulgated thereunder;
- (7) They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with a processor, a safety compliance facility, a secure transporter facility, or a growing facility;
- (8) Except when in the process of being transferred, being processed, or during the process of testing all marihuana and marihuana infused product shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensed growers or their employees, as reviewed and approved by the building official and the police department;
- (9) The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices so that there shall be no excessive demands placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, or environmental quality, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any conduct unlawful under state or local law, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any conduct unlawful under state or local law that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued;
- (10) No marihuana shall be cultivated, grown, manufactured, or processed outdoors or in any manner that would emit odors reasonably discernable to another person beyond the interior of the building from which the odor is generated. The odor must be prevented by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building from which the odor is generated; and
- (11) The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to

the city.

(b) Additional specific special use standards for medical marihuana provisioning center facilities. In addition to the standards set forth in this section and section 50-94(a) of this code, to address their unique characteristics, medical marihuana provisioning centers shall also meet the applicable standards below except to the extent the standard or standards would interfere with or conflict with statutory regulations for the licensing of marijuana facilities under the Michigan Medical Marihuana Facilities Licensing Act.

(1) Not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

(2) The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that ~~dispensaries and~~ medical marihuana facilities and paraphernalia trade become a dominant influence or feature of the district or neighborhood and no ~~caregiver operation or dispensary~~ medical marihuana provisioning center shall be located within 500 feet of another ~~caregiver operation or dispensary~~ medical marihuana provisioning center.

(3) Drive-through facilities shall be permitted.

(4) Hours of operation must be set between 8 a.m. and 9p.m.

(5) No marihuana or marihuana products shall be visible from public view.

(6) All marihuana and marihuana products shall be contained within locked containers or locked display cases unless being displayed to a patient on the premises by a caregiver.

DIVISION 7. MEDICAL MARIHUANA PROVISIONING CENTER FACILITIES OVERLAY DISTRICTS.

Sec. 50-801. Purpose and objectives.

The purpose and objectives of the Medical Marihuana Provisioning Center Facilities Overlay District is to allow for the unique activity of Medical Marihuana Provisioning Center Facilities within the city while achieving land management objectives of appropriate placement of said uses within the city while segregating the use from certain other land uses in order to avert situations in which such a use may have a deleterious effect on neighboring properties or the city as a whole.

Sec. 50-802. Medical Marihuana Provisioning Center Facilities Overlay Districts.

The following Medical Marihuana Provisioning Center Facilities Overlay Districts are hereby established within the city. (THE FOLLOWING ARE EXAMPLES OF POTENTIAL

DISTRICTS.)

(a) A District containing those parcels of property abutting the north side of Grand River Avenue between _____ street and _____ street.

(b) A District containing those parcels of property abutting the south side of Michigan Avenue between _____ street and _____ street.

(c) A District containing those parcels of property within the area north of Grand River Avenue, south of Saginaw Street and east of Coolidge Road.

(d) A District containing those parcels of property within the B-5 Community Retail Sales Business Districts abutting Lake Lansing Road east of Marfitt Road.

Sec. 50-803. Permitted Uses.

Permitted principal uses, subject to an approved special use permit, as provided for in Article II, Division 3 of this Chapter are Medical Marihuana Provisioning Center Facilities if they meet the standards of and are operated in accordance with the standards set forth in Sec. 50-94(a) and Sec. 50-94a (a) and (b).