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ORDINANCE NO. 1448

AN ORDINANCE TO AMEND SECTION 50-94a OF DIVISION 3 – SPECIAL USE PERMIT – OF ARTICLE II – ADMINISTRATION AND ENFORCEMENT – OF CHAPTER 50 – ZONING – OF THE CODE OF THE CITY OF EAST LANSING TO LESSEN THE SEPARATION DISTANCE BETWEEN PROVISIONING CENTERS IN AN OVERLAY DISTRICT IN WHICH ONE PROVISIONING CENTER IS IN A B-1 ZONING DISTRICT AND THE OTHER IS IN A B-2 ZONING DISTRICT.

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:

**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 marihuana facilities under the Medical Marihuana 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 Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan department of community health and the department of licensing and regulatory affairs and provide a copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification application for a state operating license at the time of filing a site plan. An approved special use permit issued under this chapter is valid only if the permit holder also holds a valid current state operating license and a copy of the valid current State license has been provided to the City Clerk by the holder.
- (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, medical marihuana or tobacco products 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 to facilities on different properties 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. Licensed grower, processors, provisioning centers, and safety compliance facilities that have stacked license or are located on the same property are allowed to transfer medical marihuana, marihuana infused products, marihuana seeds, and marihuana plants without the use of a secure transporter.
- (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 facility 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.
- (10) No marihuana shall be cultivated, grown, manufactured, or processed in any manner that would emit odors reasonably discernable to another person outside the area from which the odor is generated. If the facility is in a building, 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.
- (11) Cultivation of marihuana in an outdoor facility shall be permitted so long as the

area is enclosed, locked, and inaccessible on all sides, and that the structure meets all building code and zoning regulations.

- (12) The licensee of any facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.
- (13) The proposed size, height, architectural character and placement of any renovated structures on the site shall be reasonably compatible with the existing or anticipated buildings on adjacent properties.

(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 center facilities 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 marihuana facilities under the Michigan Medical Marihuana Facilities Licensing Act.

- (1) The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that medical marihuana provisioning center facilities and paraphernalia trade become a dominant influence or feature of the district or neighborhood.
- (2) Hours of operation must be set between 8 a.m. and 9 p.m.
- (3) No marihuana or marihuana-infused products shall be visible from the exterior of the facility.
- (4) All marihuana and marihuana-infused products shall be contained within locked containers or locked display cases unless being displayed to a patient on the premises by a caregiver.
- (5) The operators of the medical marihuana provisioning center facility shall provide an annual donation in the amount of 1% of net profits from its operations or \$5,000.00, whichever amount is greater, to an organization qualifying for exemption from taxation pursuant to 26 USC 501(c)(3) largely benefitting the residents of East Lansing and organized and operated exclusively for purposes of improving the lives of people with low to moderate income, conserving or improving natural resources, or preventing cruelty to children or animals, and with the use of the funds being in accordance with MCL 125.3504.
- (6) No medical marihuana provisioning center shall be allowed to locate within 500 feet of the lot lines of another medical marihuana provisioning center except that in the medical marihuana provisioning center facility overlay district located in the DDA District, no medical marihuana provisioning center facility shall be permitted to locate within 1000 feet of another medical marihuana provisioning center facility.