

DANBY TOWNSHIP

ORDINANCE NO. 2023-4

Adopted 3-23-2023

Effective Date 5-2-2023

AN ORDINANCE TO AMEND THE DANBY TOWNSHIP ZONING ORDINANCE TO OPT-IN TO REGULATE MARIHUANA ESTABLISHMENTS AND TO ADD MARIHUANA ESTABLISHMENTS TO SPECIFIED ZONING DISTRICTS AS SPECIAL LAND USES, TO DEFINE MARIHUANA ESTABLISHMENTS, AND TO INCLUDE SPECIFIC USE REGULATIONS

WHEREAS, THE TOWNSHIP OF DANBY, COUNTY OF IONIA, STATE OF MICHIGAN ORDAINS:

Section 1: Chapter 2 Definitions, Section 2.13- Definitions M. Section 2.13 of the Danby Township Zoning Ordinance is amended to include the following definitions to be inserted in alphabetical order:

MARIHUANA ESTABLISHMENT - A facility licensed by the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101, et seq., or the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018.

- A. **MARIHUANA GROWER** - A marihuana establishment licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- B. **MARIHUANA MICROBUSINESS** - A recreational/adult use marihuana establishment licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- C. **MARIHUANA PROCESSOR** - A marihuana establishment licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- D. **MARIHUANA RETAILER OR PROVISIONING CENTER** - A marihuana establishment licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to lawfully authorized marihuana establishments and individuals.
- E. **MARIHUANA SAFETY COMPLIANCE FACILITY** - A marihuana establishment licensed to test marihuana, including certification for potency and the presence of contaminants.
- F. **MARIHUANA SECURE TRANSPORTER** - A marihuana establishment licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Section 2: Chapter 5 Agricultural (AG) District, Section 5.03 Special Land Uses. Section 5.03 of the Danby Township Zoning Ordinance is amended to include the following special land uses in the AG District Zoning District:

- Medical Marihuana Grower – Class C
- Recreational Marihuana Grower – Class C
- Medical or Recreational Marihuana Processor, if located on the same site as a marihuana grower

Section 3: Chapter 9 General Commercial (C-1) District, Section 9.03 Special Land Uses. Section 9.03 of the Danby Township Zoning Ordinance is amended to include the following special land uses in the C-1 District Zoning District:

- Marihuana Processor
- Marihuana Retailer or Provisioning Center
- Marihuana Safety Compliance Facility
- Marihuana Secure Transporter

Section 4: Chapter 13 Special Land Uses, Section 13.07. Section 13.07 of the Danby Township Zoning Ordinance is amended to include a new subsection BB to read in its entirety as follows:

Marihuana Establishments: Marihuana Grower, Marihuana Processor, Marihuana Retailer or Provisioning Center, Marihuana Safety Compliance Facility, and Marihuana Secure Transporter.

1. Intent. The intent of this section is to regulate marihuana establishments in Danby Township and to consider each application on a case-by-case basis to ensure that public health, safety, and welfare are protected. The requirements of this section and the special land use process intend to reduce potential impacts related to odor, noise, light, security, environmental features, public infrastructure, public services, privacy, and property values.
2. Review. Marihuana establishments shall be reviewed in accordance with the special land standards, site plan standards and requirements, and all other zoning requirements for development.
3. Validity and Operations.
 - a. Commencement of marihuana establishment business operations shall be contingent upon receipt of a state operating license and a Danby Township Marihuana Facility Permit issued by the Township Board.
 - b. All marihuana establishments shall remain in compliance with the Danby Township Zoning Ordinance.

4. General Requirements.
 - a. No marihuana establishment shall be operated in a manner that creates excessive noise, dust, vibrations, glare, and fumes or odors that are detectible to the normal senses beyond the boundaries of the parcel on which the marihuana establishment operates.
 - b. All marihuana establishments shall have adequate security to prevent access to marihuana by unauthorized persons.
5. Specific requirements for marihuana retailers and provisioning centers:
 - a. No retail sales shall occur between the hours of 9:00 p.m. and 9:00 a.m.
 - b. Marihuana and marihuana-infused products shall not be directly visible from the exterior of the facility.
6. Specific requirements for marihuana growers:
 - a. The minimum parcel size shall be at least 20 acres.
 - b. All cultivation, growing, harvesting, and storage of marihuana must occur inside a building. Outdoor growing is prohibited. Further, open-air buildings are prohibited, and all buildings and structures must remain closed aside from normal access, loading, or delivery operations.
 - c. All facilities must be designed to minimize odors emanating from the marihuana plants. Air scrubbing and carbon filtration systems shall be required by Danby Township unless another comparable technology or best practice with equivalent effectiveness is incorporated.
 - d. Security fences may be as high as necessary to comply with state requirements. Fencing shall be established in a manner that is sensitive to nearby residential properties.
 - e. Grower buildings shall be at least 250 feet from property lines.
 - f. A building used for a marihuana establishment must not have a flat roof. This requirement applies regardless of the zoning district in which the building is located.
 - g. There is no limit on the number of buildings on a single parcel associated with the use, so long as each building complies with this Ordinance, the Zoning Ordinance, Building Code, and any other applicable laws and regulations.
 - h. Greenhouses, hoop houses, or similar types of buildings with translucent walls and roof materials shall incorporate black-out screening when artificial lighting is incorporated. Use of screening shall comply with the following requirements:
 - i. Screening shall be used from dusk to dawn when artificial lighting is used. Screening may be retracted or opened between dawn and dusk.
 - ii. No more than five (5) percent of light originating from inside the building shall be transmitted outside of the building.
 - iii. At least 95 percent of the surface area of translucent walls and roof materials shall be covered by black-out screening.

- iv. Black-out screening shall be maintained in good working condition at all times.
- i. Separations.
 - i. There shall be no less than one mile between marihuana growers on a different site that exists at the time of application. The minimum required separation is measured horizontally from the nearest outside wall of the proposed facility to the nearest outside wall of an existing or permitted marihuana grower building.
 - ii. Grower buildings shall be no less than 500 feet from any existing dwelling on a different site that exists at the time of application. The minimum required separation is measured horizontally from the nearest outside wall of the proposed facility to the nearest outside wall of an existing dwelling. A separation waiver may be granted by the Township Board if signed consent supporting the waiver is provided by the owners of all dwellings within 500 feet and the Township Board finds that the operation of the marihuana establishment does not have detrimental effects on neighboring residential property.
- 7. The applicant shall provide an operations plan, including but not limited to the following information:
 - a. General narrative concerning business plans, objectives, and operations.
 - b. Business structure and ownership
 - c. Organization and management.
 - d. Explanation of strategy and methods to comply with this ordinance, zoning requirements, building codes, fire safety rules, and other applicable codes.
 - e. Odor control plans and system specifications.
 - f. Security plan overview.
 - g. Waste management plan.

Section 5: Severability. The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 6: Effective Date. This ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

ADOPTED:

Yeas: 5

Nays: 0

Absent: 0

STATE OF MICHIGAN)

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COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Danby Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 23rd day of March 2023.

Kristina Platte
Danby Township Clerk

**Note the original is signed*

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