

**VILLAGE OF SARANAC
ORDINANCE NO. 108**

**AN ORDINANCE TO AMEND THE VILLAGE ZONING ORDINANCE TO
REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES AND
RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN
ACCORDANCE WITH STATE LAW**

Section 1. Amendment of Section 30.11.02 of the Zoning Ordinance

Section 30.11.02 of the Zoning Ordinance, entitled “Special Land Uses,” which is within Article 11 of the Zoning Ordinance (governing CBD Central Business Zoning District), is amended to add new subparagraphs (W) and (X), which read as follows in their entirety:

(W) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Ordinance Number 109 and Section 30.18.59 of this Zoning Ordinance.

(X) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Ordinance Number 110 and Section 30.18.60 of this Zoning Ordinance.

Section 2. Amendment of Section 30.12.02 of the Zoning Ordinance

Section 30.12.02 of the Zoning Ordinance, entitled “Special Land Uses,” which is within Article 12 of the Zoning Ordinance (governing IND Industrial Zoning District), is amended to add new subparagraphs (R) and (S), which read as follows in their entirety:

(R) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Ordinance Number 109 and Section 30.18.59 of this Zoning Ordinance.

(S) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Ordinance Number 110 and Section 30.18.60 of this Zoning Ordinance.

Section 3. Amendment of Section 30.13.02 of the Zoning Ordinance

Section 30.13.02 of the Zoning Ordinance, entitled “Special Land Uses,” which is within Article 13 of the Zoning Ordinance (governing I/S Industrial/Service District), is amended to add new subparagraphs (J) and (K), which read as follows in their entirety:

(J) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Ordinance Number 109 and Section 30.18.59 of this Zoning Ordinance.

(K) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Ordinance Number 110 and Section 30.18.60 of this Zoning Ordinance.

Section 4. Addition of New Section 30.18.59

Section 30.18.59, entitled “Medical Marihuana Facilities,” is hereby added to Article 18 of the Village Zoning Ordinance and reads as follows in its entirety:

Section 30.18.59. Medical Marihuana Facilities.

In addition to all requirements of Ordinance Number 109, Article 20 and any other requirements of this Zoning Ordinance or Village Ordinances, and any conditions imposed by the Planning Commission in granting special use approval, medical marihuana facilities must comply with the following requirements. All terms defined in Ordinance Number 109 have the same meaning when used in this section.

1. Facilities must comply with the MMMFLA and the MMMFLA rules, as well as any other applicable state laws or regulations.
2. Co-located marihuana facilities, stacked grower licenses, and equivalent licenses are permitted.
3. Facilities shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.

5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
6. Signage for medical marihuana facilities may be approved pursuant to the standards provided in Article 18, with the additional restriction that facility signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
7. Medical marihuana facilities must control and eliminate odor as follows:
 - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must 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.
 - c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - d. Negative air pressure must be maintained inside the building.
 - e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
8. The following minimum-distancing regulations apply:
 - a. A facility other than a provisioning center may not be located within 1,000 feet of a public or private K-12 school or a college or university. A provisioning center may be located within 1,000 feet of a public or private K-12 school or a college or university and except that a provisioning center may not be located adjacent to a public or private K-12 school or a college or university.

- b. A grower, processor, or safety compliance facility may not be located within 500 feet of any existing one-family dwelling.
 - c. A provisioning center may not be located within 100 feet of any existing single-family detached dwelling. A provisioning center may be located in the same building as a residential apartment.
 - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana facility; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
9. The following requirements apply to provisioning centers:

Operational Requirements

- a. Provisioning centers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Provisioning centers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The interior of the facility must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- d. Consumption of marihuana shall be prohibited in the retail facility, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail facility must be separated from restricted or non-public areas of the marihuana facility.
- g. No drive-through window on the portion of the premises occupied by a retail facility shall be permitted.
- h. Provisioning centers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

Design Requirements

- i. *Appearance.* The exterior appearance of a provisioning center must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation.* Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
 - ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
 - iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades.* Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.
- l. *Entrances.* Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
- m. *Windows.* Windows shall have clear glass.
- n. *Awnings.* Awnings shall be no longer than a single storefront.
- o. *Base and Top Treatments.* All façades shall have:
 - i. A recognizable “base” consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone

or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.

- ii. A recognizable “top” consisting of, but not limited to: (a) cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.

- p. *Encroachments*. Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.

10. The following requirements apply to growers:

- a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building’s exterior structure.
- b. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

11. The following requirements apply to processors:

- a. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

12. The following requirements apply to safety compliance facilities:

- a. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

13. Special Use Permit Specific to Applicant.

- a. Any special use permit granted for a medical marihuana facility is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another medical marihuana facility only with Village approval and subject to Ordinance Number 109.

14. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time a facility violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable Village ordinance or state law or regulation, the Village may take any or all of the following actions:
 - a. The Village may request that LARA revoke or refrain from renewing the facility's state operating license.
 - b. Following notice and a public hearing, the Village may revoke the facility's special use permit.
 - c. The Village may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000
 - d. The Village may seek other appropriate and proper remedies, including actions in law or equity.

Section 5. Addition of New Section 30.18.60

Section 30.18.60, entitled "Adult-Use Marihuana Establishments," is hereby added to Article 18 of the Village Zoning Ordinance and reads as follows in its entirety:

Sec. 30.18.60. Adult-Use Marihuana Establishments.

In addition to all requirements of Ordinance Number 110, Article 20, any other requirements of this Zoning Ordinance or Village Ordinances, and any conditions imposed by the Planning Commission in granting special use approval, adult-use (recreational) marihuana establishments must comply with the following requirements. All terms defined in Ordinance Number 110 have the same meaning when used in this section.

1. Establishments must comply with the MRTMA and the MRTMA rules, as well as any other applicable state laws or regulations.
2. Co-located marihuana establishments, stacked grower licenses, and equivalent licenses are permitted.
3. Establishments shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
6. Signage for marihuana establishments may be approved pursuant to the standards provided in Article 18, with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
7. Marihuana establishments must control and eliminate odor as follows:
 - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must 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.
 - c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - d. Negative air pressure must be maintained inside the building.
 - e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
8. The following minimum-distancing regulations apply:
- a. An establishment other than a retailer may not be located within 1,000 feet of a public or private K-12 school or a college or university. A retailer may be located within 1,000 feet of a public or private K-12 school or a college or university and except that a retailer may not be located adjacent to a public or private K-12 school or a college or university.
 - b. A grower, processor, safety compliance establishment, or microbusiness may not be located within 500 feet of any existing one-family dwelling.
 - c. A retailer may not be located within 100 feet of any existing single-family detached dwelling. A retailer may be located in the same building as a residential apartment.
 - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
9. The following requirements apply to retailers:

Operational Requirements

- a. Retailers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Retailers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
- d. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.

- e. Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.
- g. No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.
- h. Retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

Design Requirements

- i. *Appearance.* The exterior appearance of a retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation.* Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
 - ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
 - iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades.* Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.

- l. *Entrances.* Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
 - m. *Windows.* Windows shall have clear glass.
 - n. *Awnings.* Awnings shall be no longer than a single storefront.
 - o. *Base and Top Treatments.* All façades shall have:
 - i. A recognizable “base” consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.
 - ii. A recognizable “top” consisting of, but not limited to: (a) cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.
 - p. *Encroachments.* Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.
10. The following requirements apply to growers:
- a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building’s exterior structure.
 - b. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
11. The following requirements apply to processors:
- a. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall

review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

12. The following requirements apply to safety compliance facilities:
 - a. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
13. The following requirements apply to microbusinesses:
 - a. Microbusinesses may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
 - b. Microbusinesses may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
 - c. The exterior appearance of a microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
 - d. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
 - e. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness indicating that consumption is prohibited on the premises.
 - f. Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
 - g. The public or common areas of the microbusiness establishment must be separated from restricted or non-public areas of the marihuana establishment.
 - h. No drive-through window on the portion of the premises occupied by a microbusiness establishment shall be permitted.
 - i. Microbusinesses shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

- j. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- k. Cultivation must be conducted in a manner to minimize adverse impacts on the Village's sanitary sewer. The Village's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

14. Special Use Permit Specific to Applicant.

- a. Any special use permit granted for a marihuana establishment is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another marihuana establishment only with Village approval and subject to Ordinance Number 110.

15. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time an establishment violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable Village ordinance or state law or regulation, the Village may take any or all of the following actions:
 - a. The Village may request that LARA revoke or refrain from renewing the establishment's state operating license.
 - b. Following notice and a public hearing, the Village may revoke the establishment's special use permit.
 - c. Village may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

- d. The Village may seek other appropriate and proper remedies, including actions in law or equity.

Section 6. Publication and Effective Date. The Village Deputy Clerk will cause to be published a notice of adoption of this ordinance within 15 days of the date of its adoption. This ordinance will take effect upon publication.

Section 7. Severability; Repeal of Prior Ordinances. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS: Council Member(s) Doll, Klutman, Mulnix, Simmons, Whorley, Darty
NAYS: Council Member(s) Hooper
ABSTAIN: Council Member(s) None
ABSENT: Council Member(s) None

CERTIFICATION

As the Village Deputy Clerk of the Village of Saranac, Ionia County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Village Council at a regular meeting held on 10/12, 2020.

Date: 10/12, 2020

Shawn L. Darty
Village President

Date: 10/12, 2020

Becky Straubel
Village Deputy Clerk

Introduced: 10/12, 2020
Adopted: 10/12, 2020
Published: 10/17, 2020
Effective: 10/17, 2020