

TOWNSHIP OF WEBBER
COUNTY OF LAKE, STATE OF MICHIGAN

ORDINANCE NO. 2018-04-12

ADOPTED: APRIL 12, 2018

**EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

ZONING ORDINANCE TEXT AMENDMENTS

An Ordinance to adopt various amendments to the Webber Township Zoning Ordinance regarding commercial medical marihuana facilities, to provide for severability, and to provide an effective date and repeal all Ordinances or parts of Ordinances in conflict herewith.

TOWNSHIP OF WEBBER
LAKE COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE II, SECTION 2.04, DEFINITIONS "C"

Article II, Section 2.04, Definitions "C" of the Webber Township Zoning Ordinance is hereby amended to add the term and definition for "Commercial Medical Marihuana Facility" as follows:

Commercial Medical Marihuana Facility (or Facility): The term may include any of the following:

1. Grower Facility, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by the Webber Township Medical Marihuana Ordinance (Ordinance No 2018-01-11).
2. Processor Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 2018-01-11.
3. Safety Compliance Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 2018-01-11.

4. Secure Transporter Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 2018-01-11.

SECTION II

AMENDMENT TO ARTICLE VI – AG AGRICULTURAL DISTRICT, SECTION 6.03, REGARDING SPECIAL LAND USES

Article VI, Section 6.03 of the Webber Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

Grower Facility – Class A, Class B and Class C.

Processor Facility, when located on the same site as a Grower Facility.

SECTION III

AMENDMENT TO ARTICLE XIV – LIGHT INDUSTRIAL DISTRICT, SECTION 14.03, REGARDING SPECIAL LAND USES

Article IV, Section 14.03 of the Webber Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

Grower Facility – Class A, Class B and Class C.

Processor Facility.

Safety Compliance Facility.

Secure Transporter Facility.

SECTION IV

AMENDMENT TO ARTICLE XVIII, SPECIAL LAND USES BY ADDING NEW SECTION 18.20 COMMERCIAL MEDICAL MARIHUANA FACILITY

Article XVIII, Special Land Uses, of the Webber Township Zoning Ordinance is hereby amended to add a new section, Section 18.20, Commercial Medical Marihuana Facility, which section will read as follows:

Section 18.20__

Commercial Medical Marihuana Facilities

- A. A Commercial Medical Marihuana Facility may be authorized to operate within the Township by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.
- B. No Commercial Medical Marihuana Facility shall be located within 500 feet of any school or public park/playground, with the minimum distance between uses measured between the Facility and the nearest property line of the school or public park/playground.
- C. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the follows:
 - 1. The placement of the container shall be subject to site plan review.
 - 2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
 - 3. All containers shall rest on a concrete pad.
 - 4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
 - 5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.
- D. A Commercial Medical Marihuana Facility shall be reviewed in consideration of the following:
 - 1. Lighting – the placement and arrangement of outdoor lighting serving the facility shall provide adequate security and comply with the purpose, objectives and standards set forth in Section 18.03 – Performance Standards. All lighting shall be downward directed; wall lighting shall use cut off fixtures. Lighting shall not exceed more than 1 foot candle at any property line. The Planning Commission may require submission of a photometric plan with a special use application.
 - 2. Noise – Noise and vibrations shall be minimized in their effect upon the surrounding area by the use of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
 - 3. Odor – Odor shall be minimized in its effect upon the surrounding area by the use of a modern odor control system designed to accomplish such minimization and operational procedures.

4. Environmental – Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
5. Traffic – A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominately residential area.
6. Security – Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
7. Impact on Neighboring Property – Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

SECTION V
SEVERABILITY

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

SECTION VI
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect eight (8) days after publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Carole Hill, Clerk
Webber Township