TOWNSHIP OF WEBBER

COUNTY OF LAKE, STATE OF MICHIGAN

ORDINANCE NO. \_\_\_\_\_\_\_\_\_

ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **EFFECTIVE: EIGHT DAYS FOLLOWING**

 **PUBLICATION AFTER ADOPTION**

ZONING ORDINANCE TEXT AMENDMENTS

An Ordinance to adopt various amendments to the Webber Township Zoning Ordinance regarding recreational (adult use) marihuana establishments, 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 terms and definition for “Commercial Recreational (Adult Use) Marihuana Facility” as follows:

Commercial Recreational (Adult Use) Marihuana Facility (or Facility): The term may include any of the following:

1. Grower Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
2. Excess Grower, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
3. Processor Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
4. Retailer, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
5. Marihuana Event Organizer, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
6. Temporary Marihuana Event, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
7. Designated Consumption Establishment, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended
8. Safety Compliance Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
9. Secure Transporter Facility as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.
10. Microbusiness, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No \_\_\_\_\_\_\_\_\_\_), as may be amended.

**SECTION II**

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

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

Recreational (Adult Use) Marihuana Grower Establishment – Class A, Class B and Class C.

Excess Grower

Retailer

Microbusiness

Recreational (Adult Use) Marihuana Processor, when located on the same site as a Grower or Excess Grower Establishment.

**SECTION III**

**AMENDMENT TO ARTICLE VII –RECREATIONAL DISTRICT - SECTION 7.03, REGARDING SPECIAL LAND USES**

 Article VII, Section 7.03 of the Webber Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

Marihuana Event Organizer Establishment

Temporary Marihuana Event

**SECTION IV**

**AMENDMENT TO ARTICLE XII – LIMITED COMMERCIAL DISTRICT - SECTION 12.03, REGARDING SPECIAL LAND USES**

 Article XII, Section 12.03 of the Webber Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

Retailer

Safety Compliance Facility.

Secure Transporter Facility.

**SECTION V**

**AMENDMENT TO ARTICLE XIII –COMMERCIAL DISTRICT - SECTION 13.03, REGARDING SPECIAL LAND USES**

 Article XIII, Section 13.03 of the Webber Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

Retailer

Safety Compliance Facility.

Secure Transporter Facility.

Medical Marihuana Provisioning Center Facility

**SECTION VI**

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

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

Microbusiness

Recreational (Adult Use) Marihuana Grower Facility – Class A, Class B and Class C.

Recreational (Adult Use) Marihuana Processor, when located on the same site as a Grower or Excess Grower Establishment.

Safety Compliance Facility.

Secure Transporter Facility.

***SECTION VII***

***AMENDMENT TO ARTICLE XVIII, SPECIAL LAND USES, BY ADDING***

***NEW SECTION 18.21 COMMERCIAL RECREATIONAL (ADULT USE)***

***MARIHUANA ESTABLISHMENTS***

*Article XVIII, Special Land Uses, of the Webber Township Zoning Ordinance is hereby amended to add a new section, Section 18.21, Commercial Recreational (Adult Use) Marihuana Establishments, which section will read as follows:*

*Section 18.21 Commercial Recreational (Adult Use) Marihuana Esatblishments*

1. *A Commercial Recreational (Adult Use) Marihuana Establishment may be authorized to operate within the Township by the holder of a state operating license, pursuant to Initiated Law 1 of 2018 as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.*
2. *No Commercial Recreational (Adult Use) Marihuana Establishment shall be located within 500 feet of any school or public park/playground, with the minimum distance between uses measured between the Establishment and the nearest property line of the school or public park/playground.*
3. *Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any establishment operation. When required, an outdoor trash container or dumpster shall be subject to the follows:*
4. *The placement of the container shall be subject to site plan review.*
5. *Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.*
6. *All containers shall rest on a concrete pad.*
7. *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.*
8. *The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.*
9. *A Commercial Recreational (Adult Use) Marihuana Establishment shall be reviewed in consideration of the following:*
10. *Lighting – the placement and arrangement of outdoor lighting serving the establishment 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.*
11. *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.*
12. *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.*
13. *Environmental – Information on the storage and use of products, water and energy consumption, and waste disposal associated with an establishment 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.*
14. *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 establishment, with specific attention toward avoiding the creation of traffic through a predominately residential area.*
15. *Security – Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the establishment to adequately provide for public safety.*
16. *Impact on Neighboring Property – Barriers and/or buffers, establishment separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.*

**SECTION VIII**

**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 IX

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.

Kathryn Young, Clerk

Webber Township