

LEE TOWNSHIP
CALHOUN COUNTY, MICHIGAN

ORDINANCE NO. 2023-01

ADOPTED: 5/10/2023

EFFECTIVE DATE: EIGHT DAYS FOLLOWING PUBLICATION AFTER ADOPTION

An Ordinance to amend the Lee Township Zoning Ordinance to revise zoning provisions for authorized medical marijuana facilities and adult use marijuana establishments in certain zoning districts, to provide an effective date and to repeal all ordinances or parts of ordinances (including parts of Ordinance 2021-01A) in conflict herewith.

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CALHOUN COUNTY, MICHIGAN

ORDAINS:

SECTION 1
AMENDMENT TO ARTICLE II, DEFINITIONS
LEE TOWNSHIP ZONING ORDINANCE

Article II, Section 200 Definitions, is amended by amending certain definitions to read as follows:

19.a Designated consumption establishment: an adult use marijuana establishment that is licensed by the Cannabis Regulatory Agency, as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder

41. a Grower: a medical marijuana grower as defined in the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, as amended or an adult use marihuana grower as defined as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder.

61.c Marihuana Event Organizer: an adult use marijuana establishment that is licensed by the Cannabis Regulatory Agency, as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder.

61.e. Marihuana Microbusiness: an adult use marijuana establishment that is licensed by the Cannabis Regulatory Agency, as defined in the Michigan Regulation and

Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder, including Class A microbusinesses.

61.f. Marihuana Retailer: an adult use marijuana establishment that is licensed by the Cannabis Regulatory Agency, as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder.

70.a. Processor: a medical marijuana processor as defined in the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, as amended or an adult use marijuana processor as defined as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder.

70.b Provisioning center: a medical marijuana provisioning center as defined in the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, as amended. A noncommercial location used by a primary caregiver as defined in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, is not a provisioning center for purposes of this ordinance.

74.a. Safety Compliance Facility: a medical marijuana safety compliance facility as defined in the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, as amended or an adult use marijuana safety compliance establishment as defined as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder.

75.a Secure Transporter: a medical marijuana secure transporter facility as defined in the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), PA 281 of 2016, as amended or an adult use marijuana secure transporter establishment as defined as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended and the Administrative Rules promulgated thereunder

All other parts of Section 200 remain unchanged.

SECTION 2
AMENDMENT TO ARTICLE IV, AG ZONING DISTRICT
LEE TOWNSHIP ZONING ORDINANCE

Article IV, Section 4.01 Special Land Uses, is amended by adding new subsection G to read as follows:

G. Medical marihuana facilities and adult use marihuana establishments

All other parts of Article IV, Section 4.01 remain unchanged.

SECTION 3
AMENDMENT TO ARTICLE XXVI
MEDICAL MARIHUANA FACILITIES AND
ADULT USE MARIHUANA ESTABLISHMENTS
LEE TOWNSHIP ZONING ORDINANCE

Article XXVI, Medical Marihuana Facilities and Adult Use Marihuana Establishments is amended as follows:

Section 2600. Definitions is deleted in its entirety.

Section 2604 B (1) Minimum lot size shall be revised to strike subsection b. All medical marihuana facilities and adult use marihuana establishments shall require a minimum subject property of 10 acres.

Section 2604 B (3) shall be revised to read as follows: “Indoor Operations. All medical marihuana facilities and adult use marihuana establishments operations, including growing and cultivating, shall be located entirely within a fully enclosed, secure building or structure, with rigid walls, a roof and doors. No medical marihuana or adult use marihuana activities or operations may occur outside.

Section 2604 B (4)(a) and (b) are revised to remove any exceptions for adult use marihuana microbusinesses.

Section 2604 (B)(5)(b) shall be revised to read as follows: “No outdoor grow lights are allowed. Outdoor lights approved for security purposes must be shielded downward and use cutoff fixtures. No lights may exceed more than 1 foot candle at any property line.”

Section 2604 (B) (6) – the first sentence of this subsection shall read as follows: “As used in this subsection, building means the building or portion thereof used for medical marihuana facilities and/or adult use marihuana establishments operations.”

Section 2604(B)(6)(f) – the final sentence of this subsection regarding exceptions for a microbusiness is deleted in its entirety.

Section 2604(B)(7) – this subsection is rewritten to read as follows: “Security. Security cameras providing 24 hour, seven day a week coverage shall be installed and used by a medical marihuana facility and/or an adult use marihuana operation to monitor activities on site. Recordings shall be provided to local law enforcement if requested.”

Section 2604 (B) (8) – this section is deleted in its entirety.

Section 2604 (C) (6) is amended to require that a medical marihuana provisioning center and/or an adult use marihuana retailer may not be located within 1,000 feet of a church or within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 – 12. All other parts of this subsection remain unchanged.

All other parts of Article XXVI remain unchanged.

SECTION 4
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 the ordinance other than said part or portion thereof.

SECTION 5
SAVINGS CLAUSE

Any prosecution which is pending on the effective date of this Ordinance and which arose from a violation of any ordinance repealed by this Ordinance, or a prosecution which is started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance shall be tried and determined exactly as if the Ordinance had not been repealed.

SECTION 6
REPEAL AND EFFECTIVE DATE

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

Samantha Van Dorsten, Clerk
Lee Township
23045 21 Mile Road
Olivet, MI 49076