

**Notice of Public Hearing
Proposed Zoning Amendment**

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on **Thursday, February 1, 2018 at 7:00 p.m.** in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

The Zoning Amendment Z18-03 has been prepared to address Definitions and Interpretation and General Regulations in the following sections of the Ordinance:

Article 2: Definitions and Interpretation

ADD definition for Grower to Section 208 G

ADD definition for Licensee to Section 231 L

ADD definitions for Marijuana or Marihuana and Marihuana Facility to Section 214 M

ADD definitions for Processor to Section 217 P

ADD definitions for Safety Compliance Facility and Secure Transport to Section 220 S

Article 3: Districts Dimensional Standards Uses Table and Zoning Map

Table 3-2 be AMENDED by ADDING Marihuana Grower, Marihuana processor, Marihuana Secure Transporter and Marihuana safety compliance facility as a Special Land Use in P-D, C-1, L-I and G-I

Article 4: Non Conformities

ADD Section 409 Marihuana Facilities

Article 6: P-D Peninsula District

AMEND Section 600 Purpose and Intent by ADDING Marihuana Grower as a component of a Mixed Use Development, Marihuana Processor as a component of a Mixed Use Development, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a component of a Mixed Use Development as a Special Use

AMEND Section 602 Uses Permitted by Special Land Use by ADDING Item P. Marihuana Grower as a component of a Mixed Use Development, Item Q. Marihuana Processor as a component of a Mixed Use Development, R. Marihuana Secure Transporter, and Item S. Marihuana Safety Compliance Facility as a component of a Mixed Use Development as a Special Use

Article 10: C-1 Regional Commercial District

AMEND Section 1000 Purpose and Intent by ADDING Marihuana Grower Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1002 Uses Permitted by Special Land Use by ADDING Item M. Marihuana Grower, Item N. Marihuana Processor, O. Marihuana Secure Transporter, and Item P. Marihuana Safety Compliance Facility

Article 16: L-I Light Industrial District

AMEND Section 1600 Purpose and Intent by ADDING Marihuana Grower, Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1602 Uses Permitted by Special Land Use by ADDING Item I. Marihuana Grower, Item J. Marihuana Processor, K. Marihuana Secure Transporter, and Item L. Marihuana Safety Compliance Facility

Article 17: G-I General Industrial District

AMEND Section 1700 Purpose and Intent by ADDING Marihuana Grower Marihuana

a Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1702 Uses Permitted by Special Land Use by ADDING Item F. Marihuana Grower, Item G. Marihuana Processor, H. Marihuana Secure Transporter, and Item I. Marihuana Safety Compliance Facility

Article 18: Standards and Requirements for Special Land Uses

ADD Section 1851 Marihuana Facilities

Copy of the proposed Amendment on following pages

Ordinance Z18-03

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions and Interpretation

ADD definition for Grower to Section 208 G

ADD definition for Licensee to Section 231 L

ADD definitions for Marijuana or Marihuana and Marihuana Facility to Section 214 M

ADD definitions for Processor to Section 217 P

ADD definitions for Safety Compliance Facility and Secure Transport to Section 220 S

Article 3: Districts Dimensional Standards Uses Table and Zoning Map

Table 3-2 be AMENDED by ADDING Marihuana Grower, Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Land Use in P-D, C-1, L-I and GI

Article 4: Non Conformities

ADD Section 409 Marihuana Facilities

Article 6: P-D Peninsula District

AMEND Section 600 Purpose and Intent by ADDING Marihuana Grower as a component of a Mixed Use Development, Marihuana Processor as a component of a Mixed Use Development, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a component of a Mixed Use Development as a Special Use

AMEND Section 602 Uses Permitted by Special Land Use by ADDING Item P. Marihuana Grower as a component of a Mixed Use Development, Item Q. Marihuana Processor as a component of a Mixed Use Development, R. Marihuana Secure Transporter, and Item S. Marihuana Safety Compliance Facility as a component of a Mixed Use Development as a Special Use

Article 10: C-1 Regional Commercial District

AMEND Section 1000 Purpose and Intent by ADDING Marihuana Grower Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1002 Uses Permitted by Special Land Use by ADDING Item M. Marihuana Grower, Item N. Marihuana Processor, O. Marihuana Secure Transporter, and Item P. Marihuana Safety Compliance Facility

Article 16: Light Industrial District

AMEND Section 1600 Purpose and Intent by ADDING Marihuana Grower Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1602 Uses Permitted by Special Land Use by ADDING Item I. Marihuana Grower, Item J. Marihuana Processor, K. Marihuana Secure Transporter, and Item L. Marihuana Safety Compliance Facility

Article 17: General Industrial District

AMEND Section 1700 Purpose and Intent by ADDING Marihuana Grower Marihuana Processor, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use

AMEND Section 1702 Uses Permitted by Special Land Use by ADDING Item F. Marihuana Grower, Item G. Marihuana Processor, H. Marihuana Secure Transporter, and Item I. Marihuana Safety Compliance Facility

Article 18: Standards and Requirements for Special Land Uses
ADD Section 1851 Marihuana Facilities

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 2: Definitions and Interpretation, Section 208 G ADD a definition for grower as follows:

GROWER: Means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

2. That Article 2: Definitions and Interpretation, Section 213 L ADD a definition for licensee as follows:

LICENSEE: Means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

3. That Article 2: Definitions and Interpretation, Section 214 M ADD definitions for Marijuana or Marihuana and Marihuana facility as follows:

MARIJUANA or MARIHUANA: Means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

MARIHUANA FACILITY: Means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

4. That Article 2: Definitions and Interpretation, Section 217 P ADD definitions for processor as follows:

PROCESSOR: Means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

5. That Article 2: Definitions and Interpretation Section 220 S ADD definitions for safety compliance facility and secure transporter as follows:

SAFETY COMPLIANCE FACILITY: Means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants

and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

SECURE TRANSPORTER: Means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

6. Article 3: Districts Dimensional Standards Uses Table and Zoning Map; Table 3-2 be AMENDED by ADDING Marihuana Grower, Marihuana Processer, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a Special Use in P-D, C-1, L-I and G-I as follows:

CITY OF MANISTEE – Table of Land Uses												
Table 3-2 Uses Permitted by Right and Special Land Use Permit												
(R=Use by Right; SLU=Use Permitted as Special Land Use; * Indicates Use Permitted as Special Land Use on Key Street Segment)												
** Indicates Use Permitted as Special Land Use as part of a Mixed Use Development and requires a Special Use Permit												
USES	P-D Peninsula District	G-C Golf Course	R-1 Low Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water-Front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bus	L-I Light Ind	G-I Gen Ind
Marihuana Grower	SLU**							SLU			SLU	SLU
Marihuana Processer	SLU**							SLU			SLU	SLU
Marihuana Secure Transporter	SLU**							SLU			SLU	SLU
Marihuana Safety Compliance Facility	SLU**							SLU			SLU	SLU

7. That Article 4: Non Conformities be amended by ADDING Section 409 Marihuana Facilities as follows:

SECTION 409 MARIHUANA FACILITIES

- A. No marihuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this Ordinance.
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment thereto.
- C. Discontinuation of a state medical marihuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

8. That Article 6: P-D Peninsula, Section 600 Purpose and Intent, be AMENDED by ADDING Marihuana Grower as a component of a Mixed Use Development, Marihuana Processer as a component of a Mixed Use Development, Marihuana Secure Transporter and Marihuana Safety Compliance Facility as a component of a Mixed Use Development, as follows:

SPECIAL USES	
♦	Marihuana Grower as a component of a Mixed Use Development
♦	Marihuana Processer as a component of a Mixed Use Development
♦	Marihuana Secure Transporter as a component of a Mixed Use Development
♦	Marihuana Safety Compliance Facility as a component of a Mixed Use Development

9. That Article 6: P-D Peninsula, Section 602 Uses Permitted by Special Land Uses, be AMENDED by ADDING Item P. Marihuana Grower as a component of a Mixed Use Development, Item Q. Marihuana Processor as a component of a Mixed Use Development, R. Marihuana Secure Transporter, and Item S. Marihuana Safety Compliance Facility as a component of a Mixed Use Development as follows:

- P. *Marihuana Grower, subject to Section 1851, as a component of a Mixed Use Development***
- Q. *Marihuana Processer, subject to Section 1851 as a component of a Mixed Use Development***
- R. *Marihuana Secure Transporter, subject to Section 1851 as a component of a Mixed Use Development***
- S. *Marihuana Safety Compliance Facility, subject to Section 1851 as a component of a Mixed Use Development***

Renumber list as needed

10. That Article 10: C-1 Regional Commercial District, Section 1000 Purpose and Intent, be AMENDED by ADDING Marihuana Grower, Marihuana Processer, Marihuana Secure Transporter, and Marihuana Safety Compliance Facility as follows:

SPECIAL USES	
◆	<i>Marihuana Grower</i>
◆	<i>Marihuana Processer</i>
◆	<i>Marihuana Secure Transporter</i>
◆	<i>Marihuana Safety Compliance Facility</i>

11. That Article 10: C-1 Regional Commercial District, Section 1002 Uses Permitted by Special Land Uses, be AMENDED by ADDING Item M. Marihuana Grower, Item N. Marihuana Processor, O. Marihuana Secure Transporter, and Item P. Marihuana Safety Compliance Facility as follows:

- M. Marihuana Grower, subject to Section 1851***
- N. Marihuana Processer, subject to Section 1851***
- O. Marihuana Secure Transporter, subject to Section 1851***
- P. Marihuana Safety Compliance Facility, subject to Section 1851***

Renumber list as needed

12. That Article 16: Light Industrial District, Section 1600 Purpose and Intent, be AMENDED by ADDING Marihuana Grower, Marihuana Processer, Marihuana Secure Transporter, and Marihuana Safety Compliance Facility as follows:

SPECIAL USES	
◆	<i>Marihuana Grower</i>
◆	<i>Marihuana Processer</i>
◆	<i>Marihuana Secure Transporter</i>
◆	<i>Marihuana Safety Compliance Facility</i>

13. That Article 16: Light Industrial District, Section 1602 Uses Permitted by Special Land Uses, be AMENDED by ADDING Item I. Marihuana Grower, Item J. Marihuana Processor, K. Marihuana Secure Transporter, and Item L. Marihuana Safety Compliance Facility as follows:

- I. Marihuana Grower, subject to Section 1851***
- J. Marihuana Processer, subject to Section 1851***
- K. Marihuana Secure Transporter, subject to Section 1851***
- L. Marihuana Safety Compliance Facility, subject to Section 1851***

Renumber list as needed

14. That Article 17: General Industrial District, Section 1700 Purpose and Intent, be AMENDED by ADDING Marihuana Grower, Marihuana Processor, Marihuana Secure Transporter, and Marihuana Safety Compliance Facility as follows:

SPECIAL USES	
◆	<i>Marihuana Grower</i>
◆	<i>Marihuana Processor</i>
◆	<i>Marihuana Secure Transporter</i>
◆	<i>Marihuana Safety Compliance Facility</i>

15. That Article 17: General Industrial District, Section 1702 Uses Permitted by Special Land Uses, be AMENDED by ADDING Item F. Marihuana Grower, Item G. Marihuana Processor, H. Marihuana Secure Transporter, and Item I. Marihuana Safety Compliance Facility as follows:

F. *Marihuana Grower, subject to Section 1851*

G. *Marihuana Processor, subject to Section 1851*

H. *Marihuana Secure Transporter, subject to Section 1851*

I. *Marihuana Safety Compliance Facility, subject to Section 1851*

Renumber list as needed

16. That Article 18: Standards and Requirements for Special Uses be amended by ADDING Section 1851 Marihuana Facilities as follows:

SECTION 1851 MARIHUANA FACILITIES

A. **Definition.** Marihuana Facilities means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

B. **Regulations and Conditions.**

1. A marihuana grower, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 18 Standards and Requirements for Special Uses provided that:

a. In the P-D District such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of **Section 1858**.

b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

c. The use or facility must be at all times in compliance with Chapter 866 Medical Marihuana Facilities all other applicable laws and ordinances of the City of Manistee.

d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

2. **Marihuana Growers and Marihuana Processors.** Marihuana growers and marihuana processors shall be subject to the following standards:

a. **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.

1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall 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.

3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

4) Negative air pressure shall be maintained inside the building.

5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

b. All off-street parking shall be in compliance with **Section 514** of this Ordinance.

c. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

d. All exterior lighting shall be in accordance with **Section 525** hereof.

3. **Marihuana Safety Compliance Facility.** All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.

4. **Marihuana Secure Transporter.** A marihuana secure transporter shall be subject to the special regulations and standards applicable to Section 1899 Warehouse, Public uses in the Ordinance.

17. **CONFLICTING ORDINANCES:** that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance be and are hereby rescinded.

18. **EFFECTIVE DATE:** This Ordinance shall take effect ten days after publication in the Manistee News Advocate.

James W. Smith, Mayor

Dated

ATTEST:

Heather Pefley
City Clerk

Dated