

ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES RESOLUTION AND ORDINANCE AMENDING ZONING CODE SECTIONS 74-2, 74-461, 74-462 AND 74-465, AND ADDING ZONING CODE SECTIONS 74-613, 74-614, 74-615, AND 74-616 “MEDICAL MARIJUANA GROW OPERATION”

ORDINANCE NO. _____
_____, 2016

Resolution and ordinance adopted at a regular meeting of the Board of Trustees of the Charter Township of Ann Arbor (“Board of Trustees”), Washtenaw County, Michigan, held at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan on September 19, 2016.

PRESENT: _____

ABSENT: _____

Motion by Trustee: _____; supported by Trustee: _____.

After review of the Ann Arbor Charter Township Planning Commission’s resolution and recommendation, which followed a September 6, 2016 public hearing at which the public had an opportunity to comment, and after discussion and consideration of the proposed ordinance amendment, the Ann Arbor Charter Township Board of Trustees resolves, ordains and adopts the following amendments to Zoning Code Sections 74-2, 74-461, 74-462, and 74-465, and the addition of Zoning Code Sections 74-613, 74-614, 74-615, and 74-616:

CHAPTER 74, Section 74-2 Definitions and Interpretation, Subsection (b) Definitions, is amended to read as follows: [NEW LANGUAGE UNDERLINED]

Sec. 74-2. - Definitions and interpretation.

[Section 74-2(a) is unchanged.]

(b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

[Intervening definitions in Section 74-2(b) are unchanged.]

Marijuana provisioning center or dispensary: A use consisting of the commercial, retail sale, supply or provision of marijuana.

[Intervening definitions in Section 74-2(b) are unchanged.]

Medical marijuana grow operation: A use, in accordance with the Michigan Medical Marijuana Act, as amended (“MMMA”), for the growing, cultivation, and planting of more than twelve (12) and less than seventy-three (73) marijuana plants.

[Intervening definitions in Section 74-2(b) are unchanged.]

Small medical marijuana grow operation: A use, in accordance with the MMMA, for the growing, cultivation, and planting of no more than twelve (12) marijuana plants by a qualifying patient or primary caregiver as defined in the MMMA.

[The remainder of Section 74-2(b) is unchanged.]

CHAPTER 74, Sections 74-461 Rural Districts, 74-462 Rural and Suburban Residential Districts, and 74-465 Industrial Districts are amended to read as follows: [NEW LANGUAGE UNDERLINED]

Sec. 74-461. – Rural districts.

The following uses are permitted in rural districts:

- P = Permitted use
- C = Conditional use
- A = Accessory use

[Preceding uses in Section 74-461 are unchanged.]

<i>Uses</i>	(1) R-C	(2) A-1	(3) A-R
<u>Medical Marijuana Grow Operation****</u>	<u>C</u>	<u>C</u>	<u>C</u>

[Following uses in Section 74-461 are unchanged.]

*[Footnotes 1, 2 3, 4, *, **, and **** in Section 74-461 are unchanged.]*

**** See Section 74-613 for supplemental regulations.

[The remainder of Section 74-461 is unchanged.]

Sec. 74-462. – Rural and suburban residential districts.

The following uses are permitted in rural and suburban residential districts:

- P = Permitted use
- C = Conditional use
- A = Accessory use

[Preceding uses in Section 74-462 are unchanged.]

	3-acre lots
<i>Uses</i>	(1) R-1
<u>Medical Marijuana Grow Operation*</u>	<u>C</u>

[Following uses in Section 74-462 are unchanged.]

[Footnotes 1 and 2 in Section 74-462 are unchanged.]

*See Section 74-613 for supplemental regulations.

[The remainder of Section 74-462 is unchanged.]

Sec. 74-465. – Industrial districts.

The following uses are permitted in industrial districts:

- P = Permitted use
- C = Conditional use
- A = Accessory use

[Preceding uses in Section 74-465 are unchanged.]

<i>Uses</i>	(1) R-D	(2) I-1
<u>Medical Marijuana Grow Operation*</u>		<u>C</u>

[Following uses in Section 74-465 are unchanged.]

* See Section 74-613 for supplemental regulations.

[The remainder of Section 74-465 is unchanged.]

CHAPTER 74, Sections 74-613 Medical Marijuana Grow Operation, 74-614 Marijuana Provisioning Center or Dispensary, 74-615 Small Medical Marijuana Grow Operation, and 74-616 Other Marijuana Grow Operations are added to read as follows: [NEW LANGUAGE UNDERLINED]

Sec. 74-613. – Medical marijuana grow operation

1. Medical marijuana grow operations shall require conditional use approval subject to the procedures and standards set forth in Article II Administration and Enforcement, Division 3 Conditional Use Permits, being Section 74-131 et. seq. of the Township Zoning Code. Notwithstanding any other provision of the foregoing, or other Township ordinance to the contrary, the Township shall not grant more than one valid, conditional use permit for a medical marijuana grow operation for any single parcel or lot. Further, the Township shall not grant a conditional use permit to the lessee or land contract vendee of a parcel or lot, unless the lessee or vendee establishes in its application that it has the parcel's or lot's owner's or owners' approval of the application.

2. It shall be unlawful to operate or cause to be operated a medical marijuana grow operation within five hundred (500) feet of any of the following:

a. A church, synagogue or other place of worship.

b. A primary school, secondary school, child care center or day care center.

3. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure or enclosure used in conjunction with the medical marijuana grow operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection 2 above.

4. A property survey, drawn to scale, with dimensions, and showing property lines and all existing and proposed structures and other improvements, including parking areas and service drives, may be submitted with the application for a conditional use permit in lieu of any site plan, unless submission of a site plan or plans is otherwise required under Article II Division 4 Section 74-172. If, however, the proposed use involves changes to the outside of an existing building, or includes construction of a new building or structure, the Planning Commission may require submission of a preliminary site plan, or portions of a preliminary site plan that are applicable to the proposed changes or new building or structure, to be reviewed and approved by the Planning Commission before the conditional use permit may be issued.

5. Medical marijuana Grow Operations are conditional uses in the R-C, A-1, A-R, R-1 and I-1 zoning districts only and are not permitted, conditional or accessory uses in any other zoning district.

Sec. 74-614. – Marijuana provisioning center or dispensaries

Marijuana provision center or dispensary is not a permitted, conditional or accessory use in any zoning districts.

Sec. 74-615. – Small medical marijuana grow operation

Small medical marijuana grow operation is a permitted use in all zoning districts, subject to all applicable building codes, ordinances, laws and regulations.

Sec. 74-616. – Other marijuana grow operations

Operations for the growing, cultivation, or planting of seventy-three (73) or more marijuana plants are not a permitted, conditional or accessor use in any zoning districts.

AYES: _____

NAYES: _____

ABSTAIN: _____

ORDINANCE AMENDMENT DECLARED ADOPTED.

Michael Moran
Ann Arbor Charter Township Supervisor

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Board of Trustees, County of Washtenaw, State of Michigan, at a regular meeting held on September 19, 2016, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Rena Basch, Township Clerk

Dated: _____, 2016

Public Hearing: September 6, 2016
Planning Commission Recommendation: September 6, 2016
Board Action: _____, 2016
Publication _____, 2016
Effective _____, 2016 (7 days after publication)