

**ANN ARBOR CHARTER TOWNSHIP PLANNING COMMISSION
RECOMMENDATION FOR AMENDMENT TO ZONING CODE SECTIONS 74-2, 74-461,
74-462 AND 74-465, AND ADDITION OF ZONING CODE SECTIONS 74-613, 74-614, AND
74-615 “MEDICAL MARIJUANA GROW OPERATION”
ORDINANCE NO. _____
_____, 2016**

The Ann Arbor Charter Township Planning Commission recommends adoption of the following amendments to Chapter 74, Section 74-2 Definitions and Interpretation, Subsection (b), Definitions, Section 74-461 Rural districts, Section 74-462 Rural and suburban residential districts, and Section 74-465, Industrial districts, and the addition of Chapter 74, Section 74-613 Medical Marijuana Grow Operation, Section 74-614 Marijuana Provisioning Center or Dispensary, and Section 74-615 Small Medical Marijuana Grow Operation:

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.

(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:

* * *

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.

* * *

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

* * *

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.

* * *

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

<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>
...			

*See Section 74-613 for supplemental regulations

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

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

*See Section 74-613 for supplemental regulations

* * *

Sec. 74-465. – Industrial districts.

The following uses are permitted in industrial districts:

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

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

*See Section 74-613 for supplemental regulations

CHAPTER 74, Sections 74-613 Medical Marijuana Grow Operation, 74-614 Marijuana Provisioning Center or Dispensary, and 74-615 Small Medical Marijuana Grow Operation, 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 ~~I-1, A-1, R-C, A-R, and R-1-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.

RESOLUTION DECLARED ADOPTED.

ANN ARBOR CHARTER TOWNSHIP PLANNING
COMMISSION

By: _____
Dianne O’Connell, Chair

By: _____
Lee Gorman, Secretary

Public Hearing: _____, 2016
Planning Commission Recommendation: _____, 2016
Approved by Board: _____, 2016
Effective: _____, 2016 (7 days after publication)