

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

ORDINANCE NO. 1053

**AN ORDINANCE TO ADD A NEW SUBSECTION 154.410.B.4.b AND TO AMEND
TABLE 154.410.A OF THE MOUNT PLEASANT ZONING ORDINANCES TO
REGULATE MARIHUANA ESTABLISHMENTS AS SPECIAL USES**

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. Addition. A new subsection 154.410.B.4.b is added to the Mount Pleasant Zoning Ordinances to read as follows:

- b. Adult-use marihuana establishments must comply with the following regulations. All terms defined in section 115.01 have the same meaning when used in this subsection:
 - i. Establishments must comply with the MRTMA and the MRTMA rules.
 - ii. Co-located marihuana establishments and stacked grower licenses may be permitted, subject to the regulations of this section and any applicable rules promulgated by LARA.
 - iii. Establishments shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
 - iv. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
 - v. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
 - vi. Signage for marihuana establishments will be approved pursuant to the generally applicable procedures and standards provided in section 154.414, with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.

- vii. Marihuana establishments must control and eliminate odor as follows:
 - I. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - II. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must 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.
 - III. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - IV. Negative air pressure must be maintained inside the building.
 - V. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - VI. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.

- viii. The following minimum-distancing regulations apply to all marihuana establishments:
 - I. An establishment may not be located within 1,000 feet of a public or private K-12 school.
 - II. An establishment generally may not be located within 500 feet of the SD-U University Special District, unless the establishment is located to the east of the Central Michigan University main campus, east of Mission Street.
 - III. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment.

- ix. Establishment types in the city are limited as follows:
 - I. Not more than 5 growers operating under Class A licenses;
 - II. Not more than 3 growers operating under Class B or Class C licenses;
 - III. Not more than 3 retailers;
 - IV. No limit on the number of processors;
 - V. No limit on the number of secure transporters;
 - VI. No limit on the number of safety compliance establishments;
 - VII. Not more than 2 microbusinesses;
 - VIII. Zero designated consumption establishments; and
 - IX. Zero excess marihuana growers.

- x. For retailers:
 - I. Retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
 - II. Retailers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
 - III. Retailers in commercial (as opposed to industrial) character districts must be located within the boundaries of the city's Mission-Pickard Downtown Development District or Central Business Tax Increment Financing Authority District. Retailers would be incompatible with the portions of the commercial character districts outside these designated areas.
 - IV. Retailers are allowed in industrial districts only if the establishment is co-located with a grower or processor
 - V. The exterior appearance of a retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
 - VI. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.

- VII. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
 - VIII. Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
 - IX. The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.
 - X. No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.
 - XI. Retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- xi. Establishments other than retailers may operate only in areas zoned SD-I.
 - xii. For growers:
 - I. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
 - II. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
 - III. For each zoning lot, no more than 3 stacked grower licenses may be in operation.
 - xiii. For processors:
 - I. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

- xiv. For safety compliance facilities:
 - I. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

- xv. For microbusinesses:
 - I. Microbusinesses may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
 - II. Microbusinesses may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
 - III. The exterior appearance of a microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
 - IV. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
 - V. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness indicating that consumption is prohibited on the premises.
 - VI. Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
 - VII. The public or common areas of the microbusiness establishment must be separated from restricted or non-public areas of the marihuana establishment.
 - VIII. No drive-through window on the portion of the premises occupied by a microbusiness establishment shall be permitted.
 - IX. Microbusinesses shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
 - X. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent

or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

XI. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

xvi. Notwithstanding any other provision to the contrary, penalties for violations of this subsection shall be as follows:

I. If at any time an authorized establishment violates this subsection, any condition imposed through a special use permit, or any other applicable city ordinance, the City Commission may request that LARA revoke or refrain from renewing the establishment's state operating license.

II. It is unlawful to disobey, neglect, or refuse to comply with any provision of this subsection b or any condition of a special use permit issued pursuant to this subsection. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense, subject to the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

III. The foregoing sanctions are in addition to the city's right to seek other appropriate and proper remedies, including actions in law or equity.

Section 2. Renumbering. The subsection currently labeled 154.410.B.4.b, which provides special use standards for automotive repair garages, and all subsequent subsections within subsection 154.410.B.4 are renumbered (c through y) to accommodate the new subsection provided above.

Section 3. Amendment to Table. The portion of Table 154.410.A pertaining to "commercial, retail, professional, and service" uses shall be amended to indicate that adult-use marihuana establishments are permitted as special uses in the SD-I district, and that retailers are also permitted as special uses in the CD-4 and CD-5 character districts. Accordingly, that portion of the table shall appear as follows:

District	CD-3L	CD-3	CD-4	CD-5	SD-H	SD-I	SD-RC	SD-A	CZ
ADULT-USE MARIHUANA USES									
Retailer			SUP	SUP		SUP*			
Processor						SUP			
Secure transporter						SUP			
Safety compliance						SUP			
Grower, Class A						SUP			
Grower, Class B						SUP			
Grower, Class C						SUP			
Microbusiness						SUP			

* Retailers are permitted in the SD-I district only if they are collocated with an authorized grower or processor.

Section 4. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption

Introduced: October 14, 2019
 Adopted: November 11, 2019
 Published: November 18, 2019
 Effective: December 12, 2019

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