

July 26, 2023

Columbia Township Planning Commission
Columbia Township
8500 Jefferson Road
Brooklyn, MI 49230

RE: Zoning Ordinance Amendments – Marihuana Establishments

Dear Columbia Township Planning Commission:

This correspondence presents updated draft amendments to the Zoning Ordinance addressing the authorization and regulation of various marihuana establishments. These draft amendments replace my previous amendments dated June 26, which focused only on microbusinesses. The updated amendments address the authorization and regulation of a wider scope of marihuana establishments based on the Planning Commission's meeting minutes of June 27. The amendments consist of three elements:

- **Amendment #1** addresses definitions. (Article 21)
- **Amendments #2 – #7** address the authorization of selected types of marihuana establishments in specified districts. (Table 3-2 and Table 3-3 of Article 3).
- **Amendment #8** presents site development and related requirements for marihuana establishments. (Sec. 7.28 of Article 7)

These draft amendments are to work in conjunction with a separate police power ordinance that township attorney Eric White has prepared, which addresses the same matter but focuses on licensing and related matters.

The amendments follow.

Amendment #1: Definitions (Article 21)

Insert the following into Article 21 of the Zoning Ordinance:

Marihuana-Related Terms and Phrases: All terms and phrases related to the authorization and regulation of marihuana under this Ordinance shall be as defined according to the Michigan Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 et seq., the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq., or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ("MRTMA"), including such terms and phrases as marihuana, marihuana establishment, marihuana grower, marihuana microbusiness, marihuana retailer, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility. If a definition of one Act conflicts with another, the definition in the most applicable State act shall apply.

**Amendment #2: Authorization of Microbusinesses
(Article 3, Table 3-2)**

Insert Line 18 under “Uses of a Primarily Commercial, Business, or Industrial Character” of Table 10-2, to authorize “marihuana microbusinesses” by Special Land Use (“S”) approval in the AG District and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #3: Authorization of Marihuana Retailers
(Article 3, Table 3-3)**

Insert Line 38 under “Uses of a Primarily Commercial or Business Character” of Table 3-3, to authorize “marihuana retailers” by Special Land Use (“S”) approval in the C-1, C-2, and C-3 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #4: Authorization of Marihuana Growers
(Article 3, Table 3-3)**

Insert Line 19 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana growers” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #5: Authorization of Marihuana Processors
(Article 3, Table 3-3)**

Insert Line 20 under “Uses of a Primarily Commercial or Business Character” of Table 3-3, to authorize “marihuana processors” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #6: Authorization of Marihuana Secure Transporter
(Article 3, Table 3-3)**

Insert Line 21 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana secure transporter” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #7: Authorization of Marihuana Safety Compliance Facilities
(Article 3, Table 3-3)**

Insert Line 22 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana safety compliance facilities” by Special Land Use (“S”) approval in the R&D District and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #8: Site Development Requirements
(Article 7, Section 7.28)**

Insert the following Section 7.28 into Article 7, addressing site development and related requirements for marihuana establishments.

Section 7.28 Marihuana Establishments

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as may be otherwise regulated by this Section.

B. Standards and Requirements Applicable to All Marihuana Establishments

1. Compliance with Township Ordinances. No approvals shall be granted under this Ordinance for any marihuana establishment in excess of any limits on permits for such establishments in the Township as may be established by the Columbia Charter Township Recreational (Adult Use) Marihuana Establishment and Medical Marihuana Facilities Ordinance, or if the establishment is to be noncompliant with all other Township ordinances.
2. Residing Within Prohibited. No person shall reside in or permit any person to reside in a marihuana establishment.
3. Use of Marihuana Prohibited. No smoking, inhalation, or consumption of marihuana shall take place on the premises of any marihuana establishment.
4. Outdoor Operations Prohibited. All activities of a marihuana establishment shall be conducted indoors except that curbside pickup may be provided for any marihuana retailer or marihuana microbusiness.
5. Nuisances. No equipment or process shall be used in any marihuana establishment that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the lot on which it is located.
6. Frontage/Access. A marihuana establishment shall have frontage on U.S.-127, M-50, or M-124, and take their access from such thoroughfare. The restriction shall not prohibit a marihuana establishment with frontage on U.S.-127, M-50, or M-124 but which gains access from a service drive or road that intersects with such thoroughfare.
7. Security: A marihuana establishment shall continually comply with all security requirements and pass inspections as required under Township ordinances, state statues, codes and the rules and regulations of the Michigan Department of Licensing and Regulatory Affairs and the Marihuana Regulatory Agency.
8. Additional Application Requirements. Along with the application submittal requirements for a marihuana establishment according to Article 14 and 15 of this Ordinance, a zoning permit application for a marihuana establishment shall include the following additional information.
 - a. A description of how deliveries are handled, methods of storage, a business floor plan, and other pertinent operational information.
 - b. A detailed safety and security plan that addresses marihuana, customers, employees, and neighboring residents, businesses, and other nearby land uses.
 - c. A description of methods used to contain all odors within the establishment.
 - d. A description of the expected volume of water to be used daily.
 - e. A description of the volume of and treatment of waste including wastewater and any permits required for wastewater, and a waste disposal plan specific to marihuana, marihuana plant waste, and marihuana-infused products.
 - f. Days and hours of operation.

C. Additional Standards and Requirements for Marihuana Microbusinesses

1. Separation Distances: All state-licensed marihuana microbusiness with an approved marihuana microbusiness license pursuant to the Township's Code of Ordinances shall be subject to the following separation distances, as measured as a straight horizontal line between the nearest lot lines:
 - a. No lot used for a marihuana microbusiness shall be located within seven hundred fifty (750) feet of a lot used as a licensed child care facility, public or private elementary school, or a vocational or secondary school.
 - b. No lot used for a marihuana microbusiness shall be located within five hundred fifty (500) feet of a lot used as a public park or place of religious worship.
 - c. No marihuana microbusiness shall be located within seven hundred fifty (750) feet of a lot used for any other facility that has received a state license for a marihuana retailer or a marihuana microbusiness.

D. Additional Standards and Requirements for Marihuana Retailers

1. Separation Distances.
 - a. A lot containing a marihuana retailer shall be located at least 600 feet from any lot on which either a marihuana microbusiness or other marihuana retailer is located.
 - b. A Lot containing a marihuana retailer shall be located at least 1,000 feet from a lot on which a pre-existing public school or private school is located, but excluding dance, art, or trade schools.

E. Additional Standards and Requirements for Marihuana Growers

1. Separation Distances: A lot containing a marihuana grower shall be located at least 1,000 feet from any lot on which a pre-existing public school or private school, but excluding dance, art, or trade schools, is located.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Mark A. Eidelson, AICP
President

cc: Todd Wanty, Planning Commission Chairperson
Rick Church, Zoning Administrator
Barry Marsh, Supervisor
Eric White, Township Attorney