

ERIE TOWNSHIP  
ORDINANCE NUMBER 117 – (K)  
**(DRAFT MARIHUANA FACILITIES PROPOSED)**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE NUMBER 117 TO ADD ARTICLE 8 - MARIHUANA FACILITIES, REGULATIONS FOR MEDICAL AND ADULT USE FACILITIES AS A SPECIAL USE AND TO MAKE ADDITIONS TO ARTICLE 11 STANDARDS FOR SPECIFIC SPECIAL LAND USE AND TO UPDATE THE ZONING MAP WITH THE ADDITION OF THE MARIHUANA FACILITIES OVERLAY (MFO) DISTRICT.

**Erie Township ordains:**

**Section 1. Title.**

This Ordinance shall be known as the Zoning Amendment Ordinance for Marihuana Facilities Regulations.

**Section 2. Addition of Special Use.**

Article 8, of the Erie Township Zoning Ordinance, Ordinance 117 as amended, are hereby amended to add Marihuana Facilities Regulations and subject to Planning Commission Special Use Approval.

**Section 3 Addition of - Article 8 - Marihuana Facilities**

**SECTION 8.01 - INTENT AND PURPOSE**

The Marihuana Facility Overlay District (MFO) is intended to provide opportunities for the development of certain Commercial Marihuana Facilities permitted under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. This Section proposes to accomplish this through the implementation of regulations that promote the use of certain land(s) while protecting the public health, safety, and welfare of the residents of Erie Township and to establish reasonable uniform regulations for their operation, while preserving the unique character of Erie Township, within the MFO District for certain Commercial Marihuana Facilities.

**SECTION 8.02 - DEFINITIONS**

As used in this Article:

1. Marihuana or Marijuana means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106 or any amendments thereto.
2. Any term defined by the Michigan Regulation and Taxation of Marihuana Act 333.27951, et seq (“MRTMA”), shall have the definition given in the MRTMA, and any amendments thereto.
3. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, et seq (“MMMA”), shall have the definition given in the MMMA, and any amendments thereto.
4. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq (“MMFLA”), shall have the definition given in the MMFLA, and any amendments thereto.
5. Any term defined by the Marihuana Tracking Act, MCL 333.27901, et seq (“MTA”), shall

have the definition given in the MTA, and any amendments thereto.

6. In the event of a conflict between the definition of any term under the MRTMA and any other act referenced in this section, or between the definition of any term in this Article and the definition of the term under the MRMTA, the definition under the MRMTA, and any amendments thereto, shall be applied.

**SECTION 8.03 - PERMITTED USES**

Only the following types of marihuana facilities, as authorized by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and the Erie Township Regulations are permitted uses:

Medical Marihuana Facilities	Adult Use Marihuana Facilities
a. Provisioning Centers.	a. Retailer

All of the above uses are subject to the development standards set forth in the provisions of Article 8, and permitted in accordance with Article 10, Table 10-2 Permitted Principal Uses In All Districts.

**SECTION 8.04 - USES NOT PERMITTED**

The following Marihuana Uses or Facilities shall not be permitted in Erie Township:

- Designated Consumption Establishment
- Excess Marihuana Grower
- Marihuana Event Organizer
- Temporary Marihuana Event
- Growers – Including Class A, B, C
- Processors
- Secure Transporters
- Safety Compliance Facilities
- Marihuana Microbusiness

**SECTION 8.05 - PERMITTED LOCATIONS**

Marihuana Facilities shall only be permitted in the Zoning Districts as specified in Article 10, Table 10-2 Permitted Principal Uses In All Districts and as specified on the official approved Zoning Map and additionally in the Marihuana Facilities Overlay (MFO) District.

1. No retail Marihuana Facility shall have direct access to or be located on any of the following:
  - A. Any Residentially zoned street or neighborhood.

**SECTION 8.06 - MEDICAL MARIHUANA USES PERMITTED SUBJECT TO SPECIAL**

**CONDITIONS**

1. Medical Marihuana Facilities must comply with the following regulations:
  - A. Facilities must comply with the Michigan Medical Marihuana Facilities Licensing Act, Michigan Compiled Laws 333.27101 et seq.
  - B. At the time of application for a special use permit the marijuana facility must be licensed by the State of Michigan, or have the State of Michigan license concurrently in process with the special use permit approval 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. At the time of application for a special use permit the marijuana facility must be licensed by Erie Township, [or have the Erie Township license concurrently in process with the special use permit and site plan approval], and then must be at all times in compliance with Ordinance Number [REDACTED].
  - D. The use or facility must be at all times in compliance with all other applicable laws and ordinances of Erie and any applicable amendments thereto.
  - E. Erie Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Ordinance [REDACTED], Building Codes or the terms of the special use permit and approved site plan are not met.
  - F. Medical Marijuana Provisioning Center shall meet the Special Use standards and requirements of Article 11.

**SECTION 8.07 ADULT USE MARIHUANA USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

1. All Adult Use Marihuana Facilities or Establishments must comply with the following regulations:
  - A. Facilities must comply with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act. (“MRTMA”)
  - B. At the time of application for a special use permit the marijuana facility must be licensed by the State of Michigan, or have the State of Michigan license concurrently in process with the special use permit approval and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
  - C. At the time of application for a special use permit the marijuana facility must be licensed by Erie Township, [or have the Erie Township license concurrently in process with the special use permit and site plan approval], and then must be at all times in compliance with Ordinance Number (new number for adult use).

- D. The use or facility must be at all times in compliance with all other applicable laws and ordinances of Erie Township including site plan approval.
- E. Erie Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Ordinance (new number for adult use), Building Codes or the terms of the special use permit and approved site plan are not met.
- F. Adult Use Marijuana Retailer shall meet the Special Use standards and requirements of Article 11.

**Section 4. Addition to Article 10, Table 10-2**

TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS																
PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> "BR" = Use Permitted by Right "S" = Special Land Use "_" = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	MFO
Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, arcades (6 or more machines) and banquet halls	-	-	-	-	-	-	-	-	-	S	BR	S	S	S	S	-
Kennels	S	S	-	S	-	-	-	-	-	-	S	S	-	BR	BR	-
Manufacture of pottery, tile, and glass products as artistic pieces and merchandise for small scale, principally on-premises retail sale	-	-	-	-	-	-	-	-	-	BR	BR	-	BR	-	-	-
<b>Marihuana Facilities</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Marinas, with or without boat sales, repair or storage (indoor or outdoor)	-	-	-	-	-	-	-	-	-	-	S	BR	-	-	-	-
Mini-storage (warehouse) facilities	-	S	-	-	-	-	-	-	-	S	BR	S	-	-	-	-
Motels	-	-	-	-	-	-	-	-	-	S	BR	-	-	-	-	-
Office establishments which perform services on the premises including but not limited to; financial services, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses	-	-	-	-	-	-	-	S	S	BR	BR	S	BR	BR	BR	-
Offices and showrooms of plumbers, electricians, decorator, or similar trades that include no more than forty (40%) percent of the floor area of the building or part of the building used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise	-	-	-	-	-	-	-	-	-	BR	BR	S	BR	BR	BR	-

**Section 5. Additions to - Article 11 Standards for Specific Special Land Use - Section 11.30**

- A. Signage requirements for marijuana facilities shall comply with all provisions of Article 15 and are only permitted in accordance with Section 15.05, Signs in Commercial and Industrial Districts.

- B. Only one (1) Retail Marihuana facility or Provisioning Center shall be permitted per parcel: however, co-located Retail Marihuana facility and Provisioning Center may be permitted at the sole discretion of Erie Township, subject to regulations of this section and the State of Michigan.
  - C. Facilities shall have sufficient setbacks as stated in Article 10 – Site Development Requirements, for a Commercial District, unless otherwise required here-in, and shall include landscape screens or buffers to minimize light, odor and noise affecting adjacent properties.
  - D. Buffer Zones - A Marihuana Facilities or Establishment may not be located within the distance specified from the uses below, measured as follows:
    - 1. The distance shall be measured as the shortest straight-line distance between the property line of the location of the following uses to the closest point of the building of the marihuana Facility, whichever is less.
    - 2. Marihuana Facilities or Establishments may not be located within 1000 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; or a public library; or a religious institution or a residentially zoned property or 100 feet from a house or residentially occupied property.
  - E. Special use applications must provide a plan for secure storage and disposal of marihuana and chemicals, to minimize risk of theft or exposure.
  - F. All storage shall be contained within a fully enclosed building, unless the Facility has received prior Site Plan approval and conditions for outdoor storage.
  - G. Facilities must be constructed with opaque facades so that marihuana plants and products are not visible from exterior areas.
  - H. The roofs of facilities must be constructed of rigid materials, not thin films, and further conform to all Michigan Construction Codes.
1. Retailer Centers and Provisioning centers shall be additionally subject to the following standards:
- A. Hours - A Retail/Provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the Retail/Provisioning center between the hours of 9:00 a.m. and 9:00 p.m.
  - B. Indoor Activities - All activities of a Retail/Provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A Retail/Provisioning center shall not have a walk-up window or drive-thru window service.
  - C. Other Activities - Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space or grounds occupied by the Retail/Provisioning center.
  - D. Nonconforming Uses - A Retail/Provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.

- E. Physical Appearance - The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and maintain the predominantly rural character of Erie Township, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
  
- F. Odor – For Odors or nuisance smells, as used in this subsection, building means the building, or portion thereof, used for a Retail/Provisioning center:
  - 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 time length needed to allow people to ingress or egress the building.
  - 6. An alternative odor control system is permitted if the special use 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 at the Licensee's expense to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
  - 7. The above odor requirements shall result in no detectable odor outside of the building at any time.
  
- G. Off Street Parking shall be provided in accordance with all of the requirements of Article 16 and additionally provide for one (1) space for each seventy-five (75) square feet of sales, lobby/entry and public accessible areas plus one (1) additional space for each employee.

**Section 6. Addition of the Marihuana Facilities Overlay District to the Official Zoning Map Effective Date 10/16/2003 and last updated 4-24-2024.**

Map shall be updated as shown in attached Exhibit A

**Section 8. Effective Date.**

This Ordinance shall become effective twenty (21) days after final passage and publication.

I, Kim Cousino, Clerk, do hereby certify that this foregoing ordinance was duly adopted at a regular meeting of the Erie Township Board of the Township of Erie, Michigan held, \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Kim Cousino, CMC  
Clerk, Erie Township

ATTEST:

ADOPTED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
Michael Grodi, Supervisor