

AGENDA
MARQUETTE CITY PLANNING COMMISSION
Tuesday, November 19, 2019 at 6:00 p.m.
Commission Chambers, City Hall

MEETING CALLED TO ORDER

- 1) ROLL CALL
- 2) APPROVE AGENDA
- 3) APPROVE MINUTES
 - Minutes of 11/12/19 (if available)
- 4) CONFLICT of INTEREST



1. PUBLIC HEARINGS
2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
3. OLD BUSINESS
4. NEW BUSINESS
5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
 - A. Bi-weekly Community Development Dept., Planning-Zoning division report**
 - B. Notice of Chocolay Township *Recreation and Natural Resource Plan Conservation Plan* review and comment period.**
7. WORK SESSION ON REPORTS/PLANS/ORDINANCES
 - A. Land Development Code – recreational marijuana draft zoning amendments**
8. COMMISSION AND STAFF COMMENTS
9. ADJOURNMENT

Public Hearings:

The order of presentation for a public hearing shall be as follows:

- a. City Staff/Consultants
- b. Applicant
- c. Correspondence
- d. Public Testimony
- e. Commission Discussion (Commissioners should state any ex-parte contact, if it occurred, prior to entering into discussion or voting on a case).

Public Comment:

A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes. Time does not need to be reserved for an item of business listed on the agenda, or otherwise addressed under Item #2, as time is provided for public comment for each item of business.

Planning/Zoning Weekly Report

October 28, 2019 to November 8, 2019

Planning and Zoning Applications, Permits, and Code Enforcement

Permits processed (starting 10/01/19 for totals):

PERMIT TYPE	APPROVED	DENIED	PENDING	TOTAL APPLICATIONS FOR FY 19-20
Zoning Compliance	7		4	16
Sign			1	2
Liability Release for sidewalk sign				0
Fence	2		4	14
Home Office/Home Occupation	1			1
Curb Cut & Driveway *	1			6
Site Plan Review (Admin. or PC**)	2		3	2
Special Use Permit **				0
Rezoning **			1	1
Planned Unit Development **				0
Variance ***	2		1	3
Appeals to BZA ***				0
Class A Nonconforming ***				0
* City Engineering issued permits as reviewed by the Zoning Official				
** Reviewed by the Planning Commission (site plan review authority is based on size of site)				
*** Approval Determined by the Board of Zoning Appeals (BZA)				

Rental Registrations: 19 short-term applications and 17 long-term application were reviewed. Since the beginning of the FY19-20, 21 long-term and 31 short-term rental applications have been completed for zoning review and sent back to the Fire Department.

Code Enforcement

Complaints received:	1	Void of Notice of Violations:	1
Cases Closed:	57	Rewrite to Civil Infraction Citation:	0
Number of letters sent:	45	Spot Report:	0
Notice of Violations:	0		

Planning Commission and Board of Zoning Appeals

The **Board of Zoning Appeals** held a regular meeting on November 7, 2019, and approved the following requests:

- **08-VAR-11-19 – 1417 Garfield Ave.** The applicant was seeking a 1-ft to 2-ft height variance and a 50% closed construction variance from the City of Marquette Land Development Code to allow for a 100% closed construction fence between the heights of 5-ft to 6-ft at 1417 Garfield Avenue.
- **09-VAR-11-19 – 1213 Pioneer Rd.** The applicant was seeking a 2-ft height variance and a 50% closed construction variance from the City of Marquette Land Development Code to allow a 6-ft high 100% closed construction fence at 1213 Pioneer Rd.



Charter Township of Chocolay

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Marquette, MI 49855
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To the reader:

Chocolay Township has completed a draft version of the *2020 – 2024 Recreation & Natural Resource Conservation* plan. The Township is going to submit the plan to the Michigan DNR and is asking you to review the plan.

As you may know, this a recreation plan must be on file with the DNR to be eligible for DNR grants. This plan, which outlines the Township's recreation direction for the next five years, is an attempt to meet that requirement.

A link to the electronic version of the plan can be found on the right side of the Chocolay Township home page (www.chocolay.org). I am requesting that you review the plan, and to let me know if there are changes that should be made. Note that as you review the plan text highlighted in yellow will be updated when the plan is approved by our Township Planning Commission and Township Board.

Send your comments to me no later than December 6, 2019. You can submit your comments to me via mail (Chocolay Township, Attn: Dale Throenle, 5010 US 41 South, Marquette, MI 49841) or via email (dthroenle@chocolay.org).

Thank you for taking the time to review Chocolay Township's recreation plan.

Sincerely,

Dale Throenle
Planning Director / Zoning Administrator



**CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
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MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: November 15, 2019
SUBJECT: Work Session – Land Development Code

Staff and the Planning Commission will discuss potential LDC amendments regarding the accommodation of Recreational Marihuana establishments that were approved for licensing via an ordinance that the City Commission recently approved, and which will go into effect in March of 2020. Staff has prepared the following draft documents as a framework to help the Planning Commission determine appropriate health, safety, and welfare standards that will be the basis for Special Use Permit application standards for the types of licenses and establishments that will be allowed by the City Commission action.

MARIHUANA GROWER

“Marihuana grower” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:

- Class A – not more than 100 marihuana plants;
- Class B – not more than 500 marihuana plants;
- Class C – not more than 2000 marihuana plants;
- Excess marihuana grower – issued to a person who holds 5 stacked Class C licenses

Discussion of Proposed Zoning Districts

11-12-19 Work session – Zones that allow industrial uses I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF. PC discussed splitting up the grower licenses within the following districts:

- I-M, CBD, GC, RC
 - Class A – not more than 100 marihuana plants;
- I-M, GC, RC
 - Class B – not more than 500 marihuana plants;
 - Class C – not more than 2000 marihuana plants;
 - Excess marihuana grower – issued to a person who holds 5 stacked Class C licenses

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 24. Marihuana grower license.

- (1) A marihuana grower license authorizes the marihuana grower to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:
 - (a) Class A – 100 marihuana plants.
 - (b) Class B – 500 marihuana plants.
 - (c) Class C – 2,000 marihuana plants.
- (2) Except as otherwise provided in the act and these rules, a marihuana grower license authorizes sale of marihuana plants to a marihuana grower only by means of a marihuana secure transporter. A marihuana grower license authorizes the sale or transfer of seeds, seedlings, tissue cultures, or immature plants to a marihuana grower from another marihuana grower without using a marihuana secure transporter.
- (3) A marihuana grower license authorizes a marihuana grower to transfer marihuana without using a marihuana secure transporter to a marihuana processor or marihuana retailer if both of the following are met:
 - (a) The marihuana processor or marihuana retailer occupies the same location as the marihuana grower and the marihuana is transferred using only private real property without accessing public roadways.
 - (b) The marihuana grower enters each transfer into the statewide monitoring system.
- (4) A marihuana grower license authorizes sale of marihuana, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a marihuana processor or marihuana retailer.

- (5) Except as otherwise provided in the act, subrule (2) and subrule (3) of this rule, and Rule 42, a marihuana grower license authorizes the marihuana grower to transfer marihuana only by means of a marihuana secure transporter.
- (6) A marihuana grower must enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
- (7) A marihuana grower license does not authorize the marihuana grower to operate in an area unless the area is zoned for industrial or agricultural uses or otherwise meets the requirements established in section 9(3)(c) of the act, MCL 333.27959.
- (8) A marihuana grower may accept the transfer of marihuana seeds, tissue cultures, and clones that do not meet the definition of marihuana plant in these rules at any time from another grower licensed under the act, these rules, the MMFLA, and its associated rules, or both.
- (9) A class A marihuana grower may accept the transfer of marihuana plants only once upon licensure from a registered primary caregiver so long as that registered primary caregiver was an applicant for that class A marihuana grower license.
- (10) A marihuana grower licensee is required to comply with the requirements of the act and these rules.

Excerpt from the Emergency Rules - Part 4. Operations

Rule 33. Marihuana establishments; general requirements.

- (1) A marihuana grower shall operate a marihuana establishment under either of the following conditions:
 - (a) The marihuana grower operations are within a building that meets the security requirements and passes the inspections in these rules and has a building permit pursuant to Rule 34 and these rules.
 - (b) The marihuana grower operations are within a building, except that cultivation may occur in an outdoor area, if all of the following conditions are met:
 - (i) The outdoor area containing the cultivation of marihuana plants is contiguous with the building, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and the fences are secured and comply with the applicable security measures in these rules, including, but not limited to, locked entries only accessible to authorized persons or emergency personnel.
 - (ii) After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana occurs inside the building meeting all the requirements under these rules.
 - (iii) The building meets the security requirements and passes the inspections in these rules and has a building permit pursuant to Rule 34 and these rules.
- (2) The agency shall publish a list of approved chemical residue active ingredients for marihuana growers to use in the cultivation and production of marihuana plants and marihuana products to be sold or transferred in accordance with the act or these rules.
- (3) The agency shall publish a list of banned chemical residue active ingredients which are prohibited from use in the cultivation and production of marihuana plants and marihuana products to be sold or transferred in accordance with the act or these rules.
- (6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

- (8) A marihuana grower or a marihuana processor shall make reasonable efforts to sell or transfer marihuana products to a marihuana retailer not under common ownership or whose majority of ownership is not in common with either the marihuana grower or the marihuana processor to ensure that all marihuana establishments are properly serviced, to efficiently meet the demand for marihuana, and to provide for reasonable access to marihuana in rural areas. The agency may:
- (a) Issue an order to place a limitation on a marihuana grower or a marihuana processor specifically limiting the amount of marihuana product that may be sold to marihuana processors and marihuana retailers under common ownership or whose majority of ownership is in common with the marihuana grower or the marihuana processor.
 - (b) Subject a licensee to sanctions or fines prescribed by Rule 20 for a violation of an order placing a limitation on a state license.

Excerpt from the Emergency Rules - Part 9. Special Licenses

Rule 60. Excess marihuana grower license.

- (1) An applicant for an excess marihuana grower license is subject to and shall meet the requirements of the act and these rules.
- (2) An excess marihuana grower license authorizes sale of marihuana, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a marihuana processor or marihuana retailer.
- (3) An excess marihuana grower license shall only be issued to a person who holds 5 stacked class C marihuana grower licenses issued by the agency under the act and at least 2 grower class C licenses issued by the agency under the MMFLA.
- (4) A person may apply for an excess marihuana grower license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for an excess marihuana grower license shall be made under oath on a form provided by the agency and shall contain information as prescribed by the agency.
- (5) An applicant for an excess marihuana grower license is subject to and shall meet the requirements in Rules 5 to 9 of these rules.
- (6) An applicant for an excess marihuana grower license shall pay applicable fees required under Rule 10 of these rules.
- (7) The agency may determine an applicant is ineligible or deny an application for the reasons specified in these rules, as applicable.
- (8) The agency shall set the total marihuana plant count for an excess marihuana grower license in increments of 2,000 marihuana plants not in excess of the total marihuana plants permitted under grower class C licenses held under the MMFLA.
- (9) Payment of an initial licensure fee shall be assessed prior to issuance of the state license. In determining the initial licensure fee for an excess marihuana grower license, the initial licensure fee of a class C marihuana grower license is assessed on the excess marihuana grower license at every 2,000 marihuana plant increment authorized by the state license.
- (10) An excess marihuana grower licensee is subject to all requirements for a marihuana grower as provided for in the act and these rules, as applicable.
- (11) An applicant shall pay the initial licensure fee within 30 days of issuance of excess marihuana grower license.
- (12) A marihuana grower's application for an excess grower license is exempt from the application fee of \$6,000 under Rule 10.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-11 – Minimal Operation Standards for Marihuana Grower

The following minimum standards shall apply for marihuana grower facility:

1. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the Act.
2. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.
3. The dispensing of marihuana at the grower facility shall be prohibited.
4. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;
 - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated; and
 - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
5. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
6. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

MARIHUANA PROCESSOR

“Marihuana processor” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Discussion of Proposed Zoning Districts

11-12-19 Work session – PC discussed possibility of splitting it up by light or heavy manufacturing use depending on the materials that are being used in the process.

Zone that allows Heavy Manufacturing

- I-M

(125) **Manufacturing, Heavy:** Heavy manufacturing means primarily moderate-and high-impact industrial uses that need to be separated from residential and other uses due to potential land use conflicts. Heavy manufacturing usually means continuous processing, as in the assembly of motor vehicles or the manufacture of chemicals, and may involve the manufacture, processing or packaging of raw or unprocessed materials **that are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity.** This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, that cannot be integrated into the building design, or engaging in largescale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production

Zones that allow Light Manufacturing or Light Industrial

- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

(126) **Manufacturing, Light:** Light manufacturing refers to industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacture is most often associated with batches or discrete production runs. **Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials.** The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy manufacturing, commercial, accessory use, home occupation, etc.), the Zoning Administrator shall consider the material, process, quantities, and/or other similar factors. For example purposes only, the food preparation use for a restaurant or caterer is classified as an accessory use to the principal use.

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 25. Marihuana processor license.

- (1) A marihuana processor license authorizes purchase of marihuana only from a marihuana grower or a marihuana processor and sale of marihuana-infused products or marihuana only to a marihuana retailer or another marihuana processor.
- (2) Except as otherwise provided in Rule 42, Rule 53, this rule, and the act, a marihuana processor license authorizes a marihuana processor to transfer marihuana only by means of a marihuana secure transporter. A marihuana processor license authorizes a marihuana processor to transfer marihuana without using a marihuana secure transporter to a marihuana grower, marihuana processor, or marihuana retailer if both of the following are met:
 - (a) The marihuana grower, marihuana processor, or marihuana retailer occupies the same location as the marihuana processor and the marihuana is transferred using only private real property without accessing public roadways.
 - (b) The marihuana processor enters each transfer into the statewide monitoring system.
- (3) A licensee who holds 2 or more marihuana processor licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana processor establishments. The transferred marihuana product must be entered and tracked in the statewide monitoring system as required in these rules and any requirements published by the agency.
- (4) A marihuana processor must enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-13 – Minimal Operation Standards for Marihuana Processor

The following minimum standards for processor facility shall apply:

1. Consumption and/or use of marihuana shall be prohibited at the processor facility.
2. All activity related to the processor facility shall be done indoors.
3. The dispensing of medical marihuana at the processor facility shall be prohibited.

All persons working in direct contact with marihuana shall conform to hygienic practice while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;
2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

A processor facility shall produce no products other than useable marihuana intended for human consumption.

MARIHUANA RETAILER

“Marihuana retailer” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Discussion of Proposed Zoning Districts

11-12-19 Work session – The PC discussed all zones that allow retail use:

- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 26. Marihuana retailer license.

- (1) A marihuana retailer license authorizes the purchase or transfer of marihuana only from a marihuana grower or marihuana processor and sale or transfer to only an individual 21 years of age or older. Except as otherwise provided in Rule 42, Rule 53, this rule, and the act, all transfers of marihuana to a marihuana retailer from a separate marihuana establishment must be by means of a marihuana secure transporter. A transfer of marihuana to a marihuana retailer from a marihuana establishment that occupies the same location as the marihuana retailer does not require a marihuana secure transporter if the marihuana is transferred to the marihuana retailer using only private real property without accessing public roadways.
- (2) A marihuana retailer license authorizes the marihuana retailer to transfer marihuana to or from a marihuana safety compliance facility for testing by means of a marihuana secure transporter or as provided in Rule 42.
- (3) A marihuana retailer shall comply with all of the following:
 - (a) Sell or transfer marihuana to an individual 21 years of age or older only after it has been tested and bears the label required for retail sale.
 - (b) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
 - (c) Before selling or transferring marihuana to an individual 21 years of age or older, verify the individual appeared to be 21 years of age or older by means of government issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in these rules.
- (4) A licensee who holds 2 or more marihuana retailer licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana retailer establishments. The transferred marihuana product must be entered and tracked in the statewide monitoring system as required in these rules and any requirements published by the agency.

Excerpt from the Emergency Rules - Part 4. Operations

Rule 33. Marihuana establishments; general requirements.

- (5) A marihuana retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product as provided in the act and these rules. The marihuana retailer shall keep marihuana products behind a counter or other barrier to ensure that a customer does not have direct access to the marihuana products.
- (6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-10 – Minimal Operation Standards for Marihuana Retailer

The following minimum standards shall apply for marihuana retailers:

1. No retail establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
2. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
3. The public or common areas of the retail center must be separated from restricted or non-public areas of the establishment.
4. A drive-through window on the premises of a retail establishment shall not be permitted.
5. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
6. No retail establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
7. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.
8. No marihuana retailer may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

MARIHUANA SAFETY COMPLIANCE FACILITY

“Marihuana safety compliance facility” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Discussion of Proposed Zoning Districts

11-12-19 Work session – The PC discussed all zones that allow lab use/medical office:

- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 29. Marihuana safety compliance facility license.

- (1) A marihuana safety compliance facility license authorizes the marihuana safety compliance facility to do all of the following without using a marihuana secure transporter:
 - (a) Take marihuana from, test marihuana for, and return marihuana to only a licensed marihuana grower, marihuana processor, marihuana retailer, or marihuana microbusiness.
 - (b) Collect a random sample of marihuana at the marihuana establishment of a marihuana grower, marihuana processor, marihuana retailer, or marihuana microbusiness for testing.
- (2) A marihuana safety compliance facility must be accredited by an entity approved by the agency by 1 year after the date the marihuana safety compliance facility license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services. The agency may grant a variance from this requirement upon a finding that the variance is necessary to protect and preserve the public health, safety, or welfare.
- (3) A marihuana safety compliance facility shall comply with all of the following:
 - (a) Perform safety tests to certify that marihuana is reasonably free of known contaminants in compliance with the standards established by the agency.
 - (b) Use validated test methods to perform all safety tests and to determine tetrahydrocannabinol (THC), tetrahydrocannabinol acid (THC-A), cannabidiol (CBD), and cannabidiol acid (CBD-A) concentrations.
 - (c) Perform other tests necessary to determine compliance with good manufacturing practices as prescribed in these rules.
 - (d) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
 - (e) Have a secured laboratory space that cannot be accessed by the general public.
 - (f) Retain and employ at least 1 laboratory manager with a relevant advanced degree in a medical or laboratory science. A laboratory manager shall be responsible for the following duties including, but not limited to:
 - (i) Ensure tests are conducted in accordance with ISO 17025.
 - (ii) Ensure test results are accurate and valid.
 - (iii) Oversee day-to-day operations.
 - (iv) Validate reporting requirements in the statewide monitoring system.
 - (v) Verify conformity with ISO 17025.
 - (vi) Any other duties required and published by the agency.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-12 – Minimal Operation Standards for Marihuana Safety Compliance Facility

The following minimum standards for safety compliance facility shall apply:

1. Consumption and/or use of marihuana shall be prohibited at the facility;
2. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.

MARIHUANA SECURE TRANSPORTER

“Marihuana secure transporter” means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Discussion of Proposed Zoning Districts

11-12-19 Work session – PC discussed to not have the zones that were warehouse use so removed TSC - T4 and T5, instead chose bulk storage use

- Proposed zones that have bulk storage use - RC and I-M

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 28. Marihuana secure transporter license.

- (1) A marihuana secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana establishments for a fee upon request of a person with legal custody of that marihuana or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver. If a marihuana secure transporter has its primary place of business in a municipality that has not adopted an ordinance under section 6 of the act, MCL 333.27956, prohibiting marihuana establishments, the marihuana secure transporter may travel through any municipality.
- (2) A marihuana secure transporter shall enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
- (3) A marihuana secure transporter shall comply with all of the following:
 - (a) Each driver transporting marihuana must have a chauffeur's license issued by this state.
 - (b) Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.
 - (c) A route plan and manifest must be entered into the statewide monitoring system, and a copy must be carried in the transporting vehicle and presented to a law enforcement officer upon request.
 - (d) The marihuana must be transported in 1 or more sealed containers and not be accessible while in transit.
 - (e) A secure transporting vehicle must not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.
- (4) A marihuana secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act and these rules.

Excerpt from the Emergency Rules - Part 4. Operations

Rule 33. Marihuana establishments; general requirements.

- (4) A marihuana secure transporter shall have a primary place of business as its marihuana establishment that is operating in a municipality that has not adopted an ordinance prohibiting marihuana establishments from operating within its boundaries under section 6 of the act, MCL 333.27956, and these rules and its marihuana establishment must comply with the requirements prescribed by the act, these rules, and any municipal ordinances that meet the requirements of section 6 of the act, MCL 333.27956. A marihuana secure transporter shall hold a separate state license for every marihuana

secure transporter location. A marihuana secure transporter may travel through any municipality to transport a marihuana product. A marihuana secure transporter shall comply with all of the following:

- (a) The marihuana secure transporter may take physical custody of the marihuana or money, but legal custody belongs to the transferor or transferee.
 - (b) A marihuana secure transporter shall not sell or purchase marihuana products.
 - (c) A marihuana secure transporter shall transport any marihuana product in a locked, secured, and sealed container that is not accessible while in transit. The container must be secured by a locked closed lid or door. A marihuana secure transporter of marihuana product from separate marihuana establishments shall not comingle the marihuana product. All marihuana products must be labeled in accordance with these rules and kept in separate compartments or containers within the main locked, secured, and sealed container. If the marihuana secure transporter transports money associated with the purchase or sale of marihuana product between establishments, the marihuana secure transporter shall lock the money in a sealed container kept separate from the marihuana product and only accessible to the licensee and its employees.
 - (d) A marihuana secure transporter shall log and track all handling of money associated with the purchase or sale of marihuana between marihuana establishments. These records must be maintained and made available to the agency upon request.
 - (e) A marihuana secure transporter shall have a route plan and manifest available for inspection by the agency to determine compliance with the act and these rules. A copy of the route plan and manifest must be carried with the marihuana secure transporter during transport between marihuana establishments. A marihuana secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana product pursuant to these rules. A marihuana secure transporter shall carry a copy of a route plan and manifest in the transporting vehicle and shall present them to a law enforcement officer upon request.
 - (f) A marihuana secure transporter shall follow the manifest. In cases of emergencies, the marihuana secure transporter shall notify the transferor and transferee, update the statewide monitoring system, and revise the manifest to reflect the unexpected change to the original manifest.
 - (g) A marihuana secure transporter shall store vehicles at its primary place of business. If a marihuana secure transporter stores a vehicle that does not contain marihuana or marihuana product at a location that is not its primary place of business, it will indicate that in its establishment plan pursuant to Rules 8 and 16.
 - (h) A marihuana secure transporter transferring marihuana product to a marihuana establishment shall remain onsite until the marihuana product is weighed and accepted or rejected before leaving the marihuana establishment.
 - (i) The timeframe for the marihuana secure transporter to maintain custody of the marihuana product must not be more than 48 hours or by permission of the agency on a case-by case basis.
 - (j) A marihuana secure transporter shall identify and record all vehicles with the agency and have the required vehicle registration with the secretary of state as required under state law. A marihuana secure transporter's vehicles are subject to inspection at any time by the agency to determine compliance with the act or these rules.
- (6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

- (7) A marihuana establishment transferring marihuana product to or receiving marihuana product from a marihuana secure transporter shall initiate the procedures to transfer or receive the marihuana product within 30 minutes of the marihuana secure transporter's arrival at the marihuana establishment.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-14 – Minimal Operation Standards for Marihuana Secure Transporter

The following minimum standards for secure transporters shall apply:

1. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
2. Storage of marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall not be open or accessible to the general public; and
 - b. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.

MARIHUANA MICROBUSINESS

“Marihuana microbusiness” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments

Discussion of Proposed Zoning Districts

11-12-19 Work session – Zones that allow industrial uses I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF. PC discussed choosing the following districts:

- I-M, CBD, GC, RC

Excerpt from the Emergency Rules - Part 3. Licensees

Rule 27. Marihuana microbusiness license.

- (1) A marihuana microbusiness license authorizes the following:
 - (b) The cultivation of not more than 150 plants.
 - (c) The processing and packaging of marihuana.
 - (d) The retail sale or transfer of marihuana to only an individual 21 years of age or older, but not to other marihuana establishments.
 - (e) The transfer of marihuana to a marihuana safety compliance facility for testing.
- (2) Except as otherwise provided in Rule 42, this rule, and the act, a marihuana microbusiness license authorizes a marihuana microbusiness to transfer marihuana from the marihuana grower area to the marihuana processor and marihuana retailer areas of the marihuana microbusiness and from the marihuana processor area to marihuana grower and marihuana retailer areas of the marihuana microbusiness without using a marihuana secure transporter if all areas of the marihuana microbusiness enter each transfer between different areas of the marihuana microbusiness into the statewide monitoring system.
- (3) A marihuana microbusiness shall not operate at multiple locations.
- (4) A marihuana microbusiness must enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
- (5) A marihuana microbusiness may accept the transfer of marihuana seeds, tissue cultures, and clones that do not meet the definition of marihuana plant in these rules at any time from another grower licensed under the act, these rules, the MMFLA, and its associated rules, or both. A marihuana microbusiness shall not sell or transfer marihuana seeds, tissue cultures, or clones received under this subrule.
- (6) A marihuana microbusiness may accept the transfer of marihuana plants only once upon licensure from a registered primary caregiver so long as that registered primary caregiver was an applicant for that marihuana microbusiness license.
- (7) A marihuana microbusiness license is subject to all applicable provisions in the act and these rules related to a marihuana grower, marihuana retailer, and marihuana processor license.

Excerpt from the Emergency Rules - Part 4. Operations

Rule 33. Marihuana establishments; general requirements.

- (1) A marihuana grower shall operate a marihuana establishment under either of the following conditions:
 - (a) The marihuana grower operations are within a building that meets the security requirements and passes the inspections in these rules and has a building permit pursuant to Rule 34 and these rules.
 - (b) The marihuana grower operations are within a building, except that cultivation may occur in an outdoor area, if all of the following conditions are met:
 - (i) The outdoor area containing the cultivation of marihuana plants is contiguous with the building, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and the fences are secured and comply with the applicable security measures in these rules, including, but not limited to, locked entries only accessible to authorized persons or emergency personnel.
 - (ii) After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana occurs inside the building meeting all the requirements under these rules.
 - (iii) The building meets the security requirements and passes the inspections in these rules and has a building permit pursuant to Rule 34 and these rules.
- (2) The agency shall publish a list of approved chemical residue active ingredients for marihuana growers to use in the cultivation and production of marihuana plants and marihuana products to be sold or transferred in accordance with the act or these rules.
- (3) The agency shall publish a list of banned chemical residue active ingredients which are prohibited from use in the cultivation and production of marihuana plants and marihuana products to be sold or transferred in accordance with the act or these rules.
- (6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.
- (8) A marihuana grower or a marihuana processor shall make reasonable efforts to sell or transfer marihuana products to a marihuana retailer not under common ownership or whose majority of ownership is not in common with either the marihuana grower or the marihuana processor to ensure that all marihuana establishments are properly serviced, to efficiently meet the demand for marihuana, and to provide for reasonable access to marihuana in rural areas. The agency may:
 - (a) Issue an order to place a limitation on a marihuana grower or a marihuana processor specifically limiting the amount of marihuana product that may be sold to marihuana processors and marihuana retailers under common ownership or whose majority of ownership is in common with the marihuana grower or the marihuana processor.
 - (b) Subject a licensee to sanctions or fines prescribed by Rule 20 for a violation of an order placing a limitation on a state license.

Rule 39. Marihuana microbusiness operation.

As applicable, a marihuana microbusiness licensee shall operate the corresponding areas of a marihuana microbusiness in compliance with the operation requirements of a marihuana retailer, a marihuana grower, and a marihuana processor as provided for in the act and these rules.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-15 – Minimal Operation Standards for Marihuana Microbusiness

The following minimum standards shall apply for marihuana microbusinesses:

1. No microbusiness establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
2. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness establishment indicating that consumption is prohibited on the premises.
3. The public or common areas of the microbusiness must be separated from restricted or non-public areas of the establishment.
4. A drive-through window on the premises of a microbusiness shall not be permitted.
5. A microbusiness shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
6. No microbusiness shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
7. No marihuana microbusiness may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

MARIHUANA DESIGNATED CONSUMPTION ESTABLISHMENT

“Designated consumption establishment” means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

Discussion of Proposed Zoning Districts

11-12-19 Work session – PC did not discuss zoning districts for this use.

Excerpt from the Emergency Rules - Part 9. Special Licenses

Rule 59. Designated consumption establishment license.

- (1) An applicant for a designated consumption establishment license is subject to and shall meet the requirements of the act and these rules.
- (2) A person may apply for a designated consumption establishment license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for a designated consumption establishment license shall be made under oath on a form provided by the agency. A complete application for a designated consumption establishment license shall contain the information required in Rule 7 of these rules and the following, including, but not limited to:
 - (a) A designated consumption establishment plan for the proposed consumption establishment. Upon the request of the agency, an applicant or licensee may be required to submit a revised designated consumption establishment plan. The plan must include, a diagram of the designated consumption establishment including, but not limited to, all of the following:
 - (i) The proposed establishment’s size and dimensions.
 - (ii) Specifications of the designated consumption establishment.
 - (iii) Physical address.
 - (iv) Location of common entryways, doorways, or passageways.
 - (v) Means of public entry or exit.
 - (vi) An indication of the distinct areas or structures for separate marihuana establishments at the same location as provided in Rule 31.
 - (b) A detailed floor plan and layout that includes all of the following:
 - (i) Dimensions of the consumption establishment including interior and exterior rooms.
 - (ii) Number of rooms.
 - (iii) Dividing structures.
 - (iv) Fire walls.
 - (v) Entrances and exits.
 - (vi) Locations of hazardous material storage, if applicable.
 - (vii) Means of egress.
 - (c) Construction details for structures and fire-rated construction for required walls.
 - (d) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
 - (e) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
 - (f) Zoning classification and zoning information.
 - (g) If the proposed designated consumption establishment is in a location that contains multiple tenants and any applicable occupancy restrictions.
 - (h) Any other information required by the agency if not inconsistent with the act and these rules.
 - (i) A business plan, which includes a description of the proposed hours of operation.
 - (j) Proof of possession of the premises where the proposed designated consumption establishment will be located that encompasses all dates of the consumption establishment’s operations and, if the premises

- are leased, written permission from the owner of the premises approving the applicant's use of designated consumption establishment for marihuana consumption.
- (k) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the designated consumption establishment, the illegal sale or distribution of marihuana or marihuana products within the consumption establishment, and any other potential criminal activity on the premises.
 - (l) A documented employee training that addresses all components of the responsible operations plan.
 - (m) A marihuana product destruction and waste management plan that meets the requirements of Rule 37, as applicable, for destroying and disposing of waste left at the marihuana establishment.
- (3) The agency may provide a copy of the marihuana establishment plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.
 - (4) An applicant shall pay the fees required under Rule 10 of these rules.
 - (5) An applicant is subject to the preclosure investigation and proposed establishment inspection required under Rule 12 of these rules.
 - (6) An applicant is subject to the proof of financial responsibility and insurance requirements under Rule 13 of these rules.
 - (7) A designated consumption establishment shall have the following characteristics:
 - (a) A smoke-free area for employees to monitor the marihuana consumption area.
 - (b) A ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted.
 - (c) A location physically separated from areas where smoking is prohibited and where smoke does not infiltrate into nonsmoking areas or buildings.
 - (8) The agency may determine an applicant is ineligible or deny an application for the reasons specified in these rules, as applicable.

Excerpt from the City of Marquette City Code - Chapter 5 Marihuana

Sec. 5-16 – Minimal Operation Standards for Marihuana Consumption Establishment

The following minimum standards shall apply for marihuana consumption establishments:

1. No consumption establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
2. The public or common areas of the consumption establishment must be separated from restricted or non-public areas of the establishment, including from areas where consumption of marihuana will take place.
3. A consumption establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
4. No consumption establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
5. No marihuana consumption establishment may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

Article 6 Standards Applicable to Specific Land Uses

Section 54.628 Marihuana Establishments

- (A) A marihuana grower, marihuana processor, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, marihuana microbusiness, and marihuana designated consumption establishment may be permitted through the issuance of a special land use permit in certain districts pursuant to Article 14, Section 54.1403 Special Land Use Review of the Code provide that:
- (1) In the such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions found herein.
 - (2) At the time of application for a special use permit the marihuana establishment **must have a provisional license** by the State of Michigan 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 all other applicable rules promulgated by the State of Michigan.
 - (3) The use or establishment must be at all times in compliance with Chapter 5 Marihuana and all other applicable laws and ordinances of the City of Marquette.
 - (4) A marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- (B) **Marihuana Growers and Marihuana Processors.** Marihuana growers and marihuana processors shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 - (a) 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.
 - (b) 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.

- (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
- (d) Negative air pressure shall be maintained inside the building.
- (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- (f) An alternative odor control system is permitted if the special use permit 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 to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) All off-street parking shall be in compliance with [Article 9](#) of this Code.
- (4) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
- (5) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (7) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with **Section ???** hereof.
- (8) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (9) No trucks, trailers or other equipment shall be stored in the front yard or closer than feet to any side or rear lot line.
- (C) **Marihuana Retailer.** Marihuana Retailers shall be subject to the following standards:
 - (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana retailer.
 - (a) 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.
 - (b) 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.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.

- (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit 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 to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (2) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - (3) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
 - (4) Marihuana and marihuana products may only be sold within the establishment/building.
 - (5) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
 - (6) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (7) Parking: All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
 - (8) Landscaping: Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
 - (9) Exterior Lighting: All exterior lighting shall be in accordance with [Section 54.802](#) of this Ordinance.
 - (10) **ADD standards here related to outdoor storage/display/truck parking?**
- (D) **Marihuana Safety Compliance Facility.** A marihuana safety compliance facility subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Safety Compliance Facility.
 - (a) 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.
 - (b) 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.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.

- (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- (f) An alternative odor control system is permitted if the special use permit 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 to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (2) All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the building and out of public view.
- (3) All off-street parking shall be in compliance with [Article 9](#) of this Code.
- (4) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
- (5) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (E) **Marihuana Secure Transporter.** A marihuana secure transporter shall be subject to the following standards:
 - (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Secure Transporter.
 - (a) 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.
 - (b) 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.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit 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 to

review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

- (3) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
 - (4) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with **Section ???** hereof.
 - (5) No processing or manufacturing shall take place within any structure/building related to the operation.
 - (6) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (7) No trucks, trailers or other equipment shall be stored in the front yard or closer than feet to any side or rear lot line.
 - (8) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (9) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
 - (10) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (F) **Marihuana Microbusiness.** Marihuana microbusinesses shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 - (g) 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.
 - (h) 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.
 - (i) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (j) Negative air pressure shall be maintained inside the building.
 - (k) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (l) An alternative odor control system is permitted if the special use permit 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 to

review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

- (3) All off-street parking shall be in compliance with [Article 9](#) of this Code.
 - (4) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
 - (5) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
 - (7) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with **Section ???** hereof.
 - (8) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (9) No trucks, trailers or other equipment shall be stored in the front yard or closer than feet to any side or rear lot line.
 - (9) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - (10) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
 - (11) Marihuana and marihuana products may only be sold within the establishment/building.
 - (12) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- (G) **Marihuana Designated Consumption Establishment.** Marihuana Designated Consumption Establishments shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 - (a) 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.
 - (b) 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.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- (f) An alternative odor control system is permitted if the special use permit 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 to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) All off-street parking shall be in compliance with [Article 9](#) of this Code.
- (4) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
- (5) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8) No trucks, trailers or other equipment shall be stored in the front yard or closer than feet to any side or rear lot line.
- (9) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)

Section 54.628 Reserved

Section 54.629 Mobile Home Parks (This and the rest of the uses following will need to have their section numbers changed)

Parking Standards will need to be revised to add these uses under, “Section 54.903 Minimum Number of Parking Spaces Required”. These will be discussed at the first meeting in December.