

CITY OF ALBION
ORDINANCE #2018-09

AN ORDINANCE TO AMEND CHAPTER 30 OF THE 1984 ZONING CODE OF THE CITY OF ALBION, BY AMENDING THE SECTION OF 30-04 DEFINITIONS, DIVISION 8 B-3 HIGHWAY SERVICE DISTRICT, DIVISION 9 SECTION 30-269.1 M-1-P LIGHT INDUSTRIAL PARKS, DIVISION 10 SECTION M-2 HEAVY INDUSTRIAL DISTRICT AND SECTION 30-285 HEAVY INDUSTRIAL PARKS M-2 (P).

Findings and Purpose:

The Mayor and Council of the City of Albion, based upon recommendation by the Planning Commission, find that there is a need to amend Section 30-04 Definitions, Commercial Zoned Highway Service District B-3, Industrial Zoned District M-1 (P), M-2 and M-2-P to better address the proposed location of State Licensed Medical Marihuana Provisioning Center, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

Section 1-Title. An ordinance to amend Chapter 30 of the 1984 Zoning Code of the City of Albion by amending Section 30-04 Definitions, amend Highway Service District B-3, Industrial District M-1 (P), M-2 and M-2-P to address State Licensed Medical Marihuana Provisioning Centers, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

Section 2. Amendment.

That Section 30-04. Definitions. Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to add new definition to read as follows:

Chapter 30, Section 30-04 Definitions.

Medical Marihuana Facilities: State Licensed Medical Marihuana Grower Facility, Processor Facility, Secure Transporter, Provisioning Center, or Safety Compliance Facility with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- a) *Grower Facility:* A commercial entity that cultivated, dries trims or cures and packages Marihuana for sale to Processor or Provisioning Center.
- b) *Processor Facility:* A commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.
- c) *Safety Compliance Facility:* A commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinols, returns the test results, and may return Marihuana to the Medical Marihuana Facility.
- d) *Secure Transporter:* A commercial entity that store Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.
- e) *Provisioning Centers:* A licensed commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

That Division 8. B-3 Highway service district. Section 30-243. Permitted uses, I., Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amend to read:

I. State Licensed Medical Safety Compliance Facility, Processor Facility, Secure Transporter, and Provisioning Center with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
3. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility, Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
4. No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

That Division 9, Section 30-269.1, Light industrial parks M-1 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to read:

Sec. 30-269.1 Permitted Uses. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter and Provisioning Center with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V or the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center located more than two hundred fifty (250) feet but less

comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility, Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

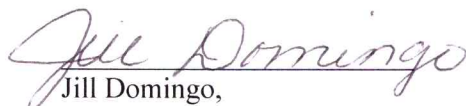
4. No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
5. Lot area, setback and structure height:
 - i. no minimum lot area required.
 - ii. Front yard setback shall be no less than thirty (30) feet.
 - iii. Side yard setback shall be no less than twenty (20) feet.
 - iv. Rear yard setback shall be no less than thirty (30) feet.
 - v. Structure height shall not exceed three (3) stories or fifty (50) feet.

Section 30-285. Heavy industrial parks – M-2 (P).

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section 30-269.2 of this Code.


First Reading:
October 1, 2018

Ayes 6
Nays 0
Absent 1 (French)


Jill Domingo,
City Clerk

Second Reading & Adoption:
October 15, 2018

Ayes 7
Nays 0
Absent 0


Garrett Brown,
Mayor