

CITY OF ALBION  
ORDINANCE #2018-04

AN ORDINANCE TO AMEND CHAPTER 30 OF THE 1984 ZONING CODE OF THE CITY OF ALBION, BY AMENDING THE SECTION 30-04 DEFINITIONS, DIVISION 8 B-3 HIGHWAY SERVICE DISTRICT, DIVISION 9 SECTION 30-269 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 the Commercial Zoned Highway Service District B-3, Industrial Zoned District M-2, M-2-P and M-1 (P) to better address the proposed location of State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved State Licensed Medical Marihuana Facilities, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the City Code of Ordinances and the Zoning Code of Ordinances, City of Albion, Michigan, and the Sections of this Ordinance may be renumbered to accomplish such intention.

*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-2, M-2-P and M-1 (P) to address State Licensed Medical Marihuana Facilities, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.*

Section 2. Amendment.

*That section 30-40. Definitions. Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to add new definition to read as follows:*

*Medical Marihuana Facilities:* State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter 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 a 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 tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the 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.

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

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

1. No Safety Compliance Facility, Processor Facility or Secure Transporter 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 or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Safety Compliance Facility, Processor Facility or Secure Transporter 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 purposes, including metal, vinyl or wood.
3. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place 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 purposes, including metal, vinyl or wood.

That Division 9. Section 30-269. Light industrial parks M-1 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to renumber and add:

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

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter 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 or Secure Transporter 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 or Secure Transporter 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 purposes, including metal, vinyl or wood.



3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place 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 purposes, including metal, vinyl or wood.

Renumber Sec. 30-269 to Sec. 30-269.2

That Division 10. M-2 Heavy industrial district. Section 30-283. Permitted uses. of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to change existing ff. to gg. and add:

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

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter 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 or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter 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 purposes, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place 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 purposes, including metal, vinyl or wood.
4. 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.

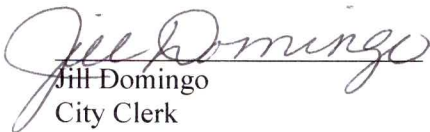
That Division 10. M-2 Heavy industrial district. Section 30-285. Heavy industrial parks M-2 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to read:

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.

This Ordinance shall take effect after publication on June 21, 2018.

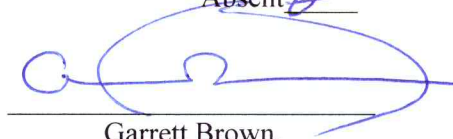
First Reading:  
May 7, 2018

Ayes 6  
Nays 0  
Absent 1 (French)

  
Jill Domingo  
City Clerk

Second Reading:  
May 21, 2018

Ayes 6  
Nays 1 (French)  
Absent 0

  
Garrett Brown,  
Mayor