

**CITY OF ALBION
ORDINANCE #2022-04**

AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24a, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24b, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS

Purpose and Finding:

This Ordinance modifies the existing overlay districts within the industrial park (M-1 and M-2 zoning districts). It essentially makes the entire industrial park a single overlay district. The ordinance still requires that all medical marihuana facilities and adult use marihuana establishments be located within a designated overlay district, effectively limiting those facilities solely to the industrial park. Each facility will need to obtain a special use permit prior to operations. Approval is recommended.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article II, by amending Section 2.2 to add and readopt the following definitions as follows:

Adult Use Marihuana. The following definitions A through U are related to adult use marihuana.

- A. *The Act* shall mean the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.
- B. *Department* means the Michigan Department of Licensing and Regulatory Affairs.
- C. 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.
- D. *Industrial hemp* means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

- E. *Marihuana* means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
- i. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - ii. Industrial hemp;
 - iii. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- F. *Marihuana concentrate* means the resin extracted from any part of the plant of the genus cannabis.
- G. *Marihuana establishment* means a marihuana grower or excess grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, designated consumption establishment or any other type of marihuana-related business licensed by the department.
- H. *Marihuana grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:
- i. Class A – not more than 100 marihuana plants;
 - ii. Class B – not more than 500 marihuana plants;
 - iii. Class C – not more than 2000 marihuana plants;
- I. *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.
- J. *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.

- K. *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.
- L. *Marihuana secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- M. *Marihuana safety compliance facility* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- N. *Municipal license* means a license issued pursuant to section 6 of the Act (MCL 333.27956) that allows a person to operate a marihuana establishment in the City of Albion.
- O. *Municipality* means the City of Albion.
- P. *Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- Q. *Process or Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- R. *Provisional License* means a certification provided by the City of Albion to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.
- S. *State rules* means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.
- T. *State license* means a license issued by the Department that allows a person to operate a marihuana establishment.
- U. *Temporary marihuana event* means an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the municipal license during the dates indicated on the municipal license.

Section 2. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article VII, by amending Section 7.24a as follows:

- a. *Applicability.* The Medical Marihuana Facilities overlay district shall apply to all lots within the areas Overlay #1 shown on Map 1 (the "Overlay Area"). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions imposed by the

zoning district where such lots may be located, any other applicable ordinance and the requirements of Section 22-201, et seq., of the City of Albion Code of Ordinances.

- b. Uses permitted by right. All uses permitted by right in the underlying zoning districts.
- c. Uses permitted by special use permit. All uses permitted by special use permit in the underlying zoning district(s) and all types of Medical Marihuana Facilities.
- d. Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Medical Marihuana Facilities overlay district(s).
- e. Permitted Location. Processors, Provisioning Centers, Safety Compliance Facilities, Grower Facilities, and Secure Transporters shall only be located within the Overlay Area.
- f. Application and departmental reviews:
 - i. Application. The application for a special use permit shall be submitted to the City of Albion in accordance with Section 6.2 of the City of Albion Zoning Ordinance.
 - ii. City review. The applicant's plan shall be reviewed by the City of Albion in accordance with Sections 6.2 and 6.3 of the City of Albion Zoning Ordinance. The City's Director of Planning and Building or other individual designated by the City shall review the application and make a recommendation to the City of Albion Planning Commission pursuant to Section 6.2 of the City of Albion Zoning Ordinance.
 - iii. The Planning Commission shall provide notice and hold a public hearing as required by Section 6.2 of the City of Albion Zoning Ordinance. The Planning Commission may deny, approve, or approve with conditions any application for special use. The Planning Commission shall incorporate their decision into a statement of conclusions relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Section 3. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article VII, by amending Section 7.24b as follows:

- a. Applicability. The Adult Use Marihuana Establishments overlay district shall apply to all lots within the areas labeled Overlay #1 shown on Map 1 (the "Overlay Area"). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions

imposed by the zoning district where such lots may be located, any other applicable ordinance and the requirements of Section 22-220, et seq., of the City of Albion Code of Ordinances.

- b. Uses permitted by right. All uses permitted by right in the underlying zoning districts.
- c. Uses permitted by special use permit. All uses permitted by special use permit in the underlying zoning district(s) and all types of Adult Use Marihuana Establishments, except for Marihuana Retailers, Marihuana Microbusinesses, Designated Consumption Establishments, and Marihuana Events. Marihuana Retailers, Marihuana Microbusinesses, Designated Consumption Establishments, and Marihuana Events shall not be permitted within the City of Albion.
- d. Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Adult Use Marihuana Establishment overlay district.
- e. Permitted Location. Marihuana Processors, Safety Compliance Facilities, Marihuana Growers, and Secure Transporters shall only be located within the Overlay Areas.
- f. Application and departmental reviews:
 - i. Application. The application for a special use permit shall be submitted to the City of Albion in accordance with Section 6.2 of the City of Albion Zoning Ordinance.
 - ii. City review. The applicant's plan shall be reviewed by the City of Albion in accordance with Sections 6.2 and 6.3 of the City of Albion Zoning Ordinance. The City's Director of Planning and Building or other individual designated by the City shall review the application and make a recommendation to the City of Albion Planning Commission pursuant to Section 6.2 of the City of Albion Zoning Ordinance.
 - iii. The Planning Commission shall provide notice and hold a public hearing as required by Section 6.2 of the City of Albion Zoning Ordinance. The Planning Commission may deny, approve, or approve with conditions any application for special use. The Planning Commission shall incorporate their decision into a statement of conclusions relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are

hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 5. Repeal. Any ordinance(s) inconsistent with this ordinance are hereby repealed.

This Ordinance shall take effect on August 5, 2022 after publication.

First Reading:

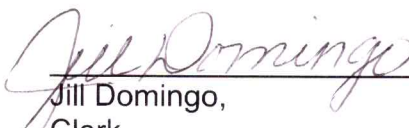
Second Reading & Adoption:

June 20, 2022

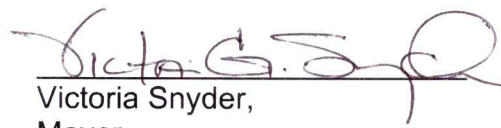
July 5, 2022

Ayes 5
Nays 1 (Jackson)
Absent 0

Ayes 6
Nays 0
Absent 1 (Cawler)



Jill Domingo,
Clerk



Victoria Snyder,
Mayor