

**PINCONNING TOWNSHIP
BAY COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 17-02**

At a regular meeting of the Township Board of Pinconning Township, Bay County, Michigan, held at the Pinconning Township Hall on Feb 14, 2017, at 7 p.m., Township Board Member Debra Ambrose moved to adopt the following ordinance, which motion was seconded by Township Board Member Deek:

An Ordinance to amend the Pinconning Township Zoning Ordinance, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Primary Caregiver Operations; and designate such Facilities and Operations as special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Pinconning Township.

THE TOWNSHIP OF PINCONNING ORDAINS:

Section 1. Amendment of Article II, Definitions: The Pinconning Township Zoning Ordinance, Article II, Definitions, shall be amended to add the following definitions:

1. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
 - a. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
 - b. “*Processor*,” as that term is defined in the MMFLA;
 - c. “*Secure Transporter*,” as that term in the MMFLA;
 - d. “*Grower*,” as that term is defined in the MMFLA;
 - e. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
2. “*Permit*” means a current and valid permit for a Commercial Medical Marihuana Facility issued under the Pinconning Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities, Pinconning Township Ordinance No. 17-01, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
3. “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
4. “*Medical Marihuana*” means that term as defined in MCL 333.26423.
5. “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.

6. “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
7. “*Primary Caregiver Operation*” means a location where a Primary Caregiver can lawfully operate as permitted by the MMMA and this Ordinance. A Primary Caregiver Operation is not a Commercial Medical Marihuana Facility.

Section 2. Amendment of Article VI, to add Section 6.10, CMM, Commercial Medical Marihuana Overlay District: The Pinconning Township Zoning Ordinance, Article VI, shall be amended to add Section 6.10, CMM, Commercial Medical Marihuana Overlay District, providing as follows:

Section 6.10 – CMM – Commercial Medical Marihuana Overlay District.

Section 6.10.1 Statement of Intent.

The Commercial Medical Marihuana Overlay District (“CMM Overlay District”) is intended to provide opportunities for the development of certain Commercial Medical Marihuana Facilities permitted under the MMFLA. This Section proposes to accomplish this through the implementation of regulations that promote the use of land within the CMM Overlay District for certain Commercial Medical Marihuana Facilities.

Section 6.10.2 CMM Overlay District Boundary.

The CMM Overlay District is established as an overlay zoning district. The CMM Overlay District exists as an overlay district on top of certain portions of the AG Agricultural District, the PUD District and C-2 General Commercial District in Sections 19, 20, 21, 28, 29 and 30 of Pinconning Township as designated on the Pinconning Township Zoning Map. Land located within such overlay district may be developed according to the provisions of the underlying zoning district or according to the provisions of this Section.

Section 6.10.3 Uses Permitted by Special Permit.

The following uses are permitted in the CMM Overlay District with a Special Use Permit granted by the Township Board, after review and recommendation by the Planning Commission, in accordance with the provisions of Article V - Special Use Permits:

- a. Primary Caregiver Operation
- b. Provisioning Center
- c. Grower Facility, Class A
- d. Safety Compliance Facility
- e. Processor Facility
- f. Secure Transporter Facility

Section 3. Amendment of Article VI, Section 6.7.3, Uses Permitted by Special Use Permit: The Pinconning Township Zoning Ordinance, Article VI, Section 6.7.3, Uses Permitted by Special Use Permit, shall be amended to add the following special land uses in addition to those presently listed in the C-1 General Commercial District:

- a. – f. See present Ordinance.
- g. Primary Caregiver Operation
- h. Provisioning Center
- i. Processor Facility
- j. Safety Compliance Facility

Section 4. Amendment of Article VI, Section 6.8.5, Uses Permitted by Special Permit: The Pinconning Township Zoning Ordinance, Article VI, Section 6.8.5, Uses Permitted by Special Use Permit, shall be added to the Ordinance, providing as follows:

Section 6.8.5 Uses Permitted by Special Permit.

The following uses are permitted in the LI District with a Special Use Permit granted by the Township Board, after review and recommendation by the Planning Commission, in accordance with the provisions of Article V - Special Use Permits:

- a. Primary Caregiver Operation
- b. Grower Facility, Class A
- c. Processor Facility

Section 5. Amendment of Article VI, Section 6.9.5, Uses Permitted by Special Permit: The Pinconning Township Zoning Ordinance, Article VI, Section 6.9.5, Uses Permitted by Special Use Permit, shall be amended to add the following special land uses in addition to those presently listed in the PUD District:

- a. Primary Caregiver Operation
- b. Provisioning Center
- c. Processor Facility
- d. Safety Compliance Facility

Section 6. Severability: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 7. Effective Date: This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: 5

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

Sharon Stalsberg
Sharon Stalsberg, Pinconning Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Pinconning Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Pinconning Journal newspaper, a newspaper that circulates within Pinconning Township, on 2-21, 2017.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Bay County Clerk on _____, 2017.

ATTESTED:

Beverlene Hribek
Beverlene Hribek, Pinconning Township Clerk