

**PITTSFIELD CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ZONING ORDINANCE AMENDMENT  
ZOA #21-215**

**MEDICAL MARIHUANA AND ADULT USE/RECREATIONAL  
OVERLAY DISTRICT**

**SECOND READING**

**AMENDING CHAPTER Z ARTICLE XI**

**AN ORDINANCE TO AMEND CHAPTER Z ARTICLE XI OF THE TOWNSHIP  
ZONING ORDINANCE.**

**THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, HEREBY  
ORDAINS THAT CHAPTER Z ARTICLE XI, BE AMENDED TO READ AS  
FOLLOWS:**

**SECTION 11.48 MEDICAL MARIHUANA OVERLAY DISTRICT**

**A. Intent**

The purpose of this Article is to implement land use regulations consistent with the provisions of the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which medical marihuana facilities can be operated in the Township. Further, the purpose of this Article is to:

- (1) Provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes under, the Medical Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.).
- (2) Protect public health and safety through reasonable limitations on medical marihuana entities as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns.
- (3) Provide for the location/placement of marihuana facilities in locations determined suitable for lawful marihuana facilities and to minimize adverse impacts regulating the siting, design, placement, security, and removal.
- (4) Impose fees to defray and recover the cost to the Township of the administrative and law enforcement costs associated with medical marihuana facilities.
- (5) Coordinate with laws and regulations that may be enacted by the State addressing medical marihuana.

## **B. Definitions**

Except as expressly defined below, all words and phrases shall have the meaning given in the definitions section of the Medical Marihuana Facilities Licensing Act, as appropriate.

- (1) Co-location means multiple marihuana licenses operating at the same location as allowed by MMFLA.

## **C. Applicability**

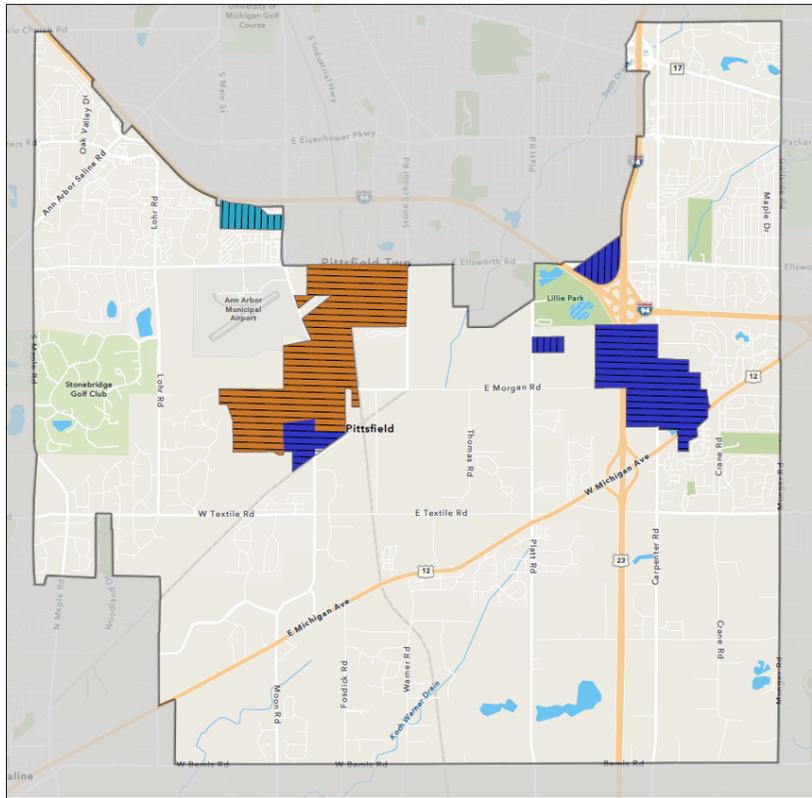
- (1) The overlay districts of this chapter apply in combination with the underlying base district to impose regulations and standards that address special geographic areas or land use issues.
- (2) In the event of conflict between overlay district regulations and the regulations of the underlying base district, the overlay district regulations govern. In all other cases, both the overlay district and base district regulations apply.

## **D. Medical Marihuana Facilities Authorized**

- (1) Pursuant to the MMFLA, Pittsfield Township authorizes the operation in the Township of the following marihuana facilities, provided they possess a state operating license issued under the MMFLA state license or licenses and they comply with the additional requirements of this chapter, and all other applicable laws and ordinances:
  - (a) Grower, including Class A grower; Class B grower
  - (b) Processor
  - (c) Provisioning Center
  - (d) Secure transporter
  - (e) Safety compliance facility
- (2) Uses by subdistrict are outlined in Section 11.48.E.2

## **E. Geography**

- (1) The boundaries of the overlay shall be set forth in the map below:



- Zoning Map
- BD Business
  - FB Form Based Mixed Use
  - I General Industrial
- Marihuana Overlay District
- Grower, Processor, Provisioning Center and Retailer Sub-District
  - Secure Transporter or Safety Compliance Facility Sub-District



Community Development: 4/13/2022

## (2) Sub-Districts

### (a) Provisioning Center, Processor and Grower Sub-District

1. Uses: Processor, Provisioning Center, or Grower as defined in the MMFLA are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana uses or operations not expressly permitted in this sub-district are prohibited.

### (b) Secure Transporter or Safety Compliance Facility Sub-District

1. Uses: Secure Transporter and Safety Compliance Facility, as defined in the MMFLA are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana uses or operations not expressly permitted in this sub-district are prohibited.

## F. Standards by Type

### (1) Grower. Applicable standards for grower facilities:

- (a) All grower facilities and operations must be within an enclosed building.
- (b) A grower may hold more than one class of grower license.
- (c) Class A grower and Class B grower only permitted.
- (d) No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by a marihuana business.

### (2) Processor. Applicable standards for processor facilities:

- (a) Only one marihuana processor facility license permitted per parcel or lot.

- (b) All processing operations must be conducted within an enclosed building.
- (3) Secure transporter. Applicable standards for secure transporter:
  - (a) A secure transporter license authorizes the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana facilities at the request of a person with legal custody of the marihuana, marihuana-infused products, or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver who is not a licensee.
- (4) Provisioning Center. Applicable standards for provisioning centers:
  - (a) Only one provisioning center license per parcel or lot.
  - (b) All provisioning center activities must be conducted within an enclosed building.
  - (c) A provisioning center license authorizes the provisioning center to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
  - (d) No live marihuana plants shall be located in a provisioning center.
  - (e) A provisioning center shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- (5) Safety compliance facility. Applicable standards for safety compliance:
  - (a) All testing must be conducted within an enclosed building.

#### **G. Regulations Applicable to All Districts**

- (1) All other applicable state laws, rules, and regulations.
- (2) No person shall establish or operate a medical marihuana entity in the Township without first having obtained from the State a license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Article subject to Section 3.07.
- (3) Applicant shall be fully licensed with the State of Michigan and any other required licensing body including compliance with all other applicable Township ordinances.
- (4) Standards
  - (a) It shall be unlawful to operate or cause to be operated a marihuana facility or establishment within:
    - 1. One thousand (1000) feet of any of the following:
      - i. A school, grades K-12.
    - 2. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1), (2), and (3) above. If the marihuana operation is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the marihuana operation to the closest point on a property boundary or Pittsfield Township Zoning Ordinance 11:28 right- of-way associated with any of the land use(s) identified in subsection (1) and (2) above.
    - 3. A marihuana facility or establishment lawfully operating is not rendered a nonconforming use by the subsequent location of another noted use listed above within the distances specified in this ordinance of the marihuana facility or establishment. However, if a marihuana facility or establishment ceases operation

for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.

- (b) Co-location shall be permitted in accordance with the Cannabis Regulatory Agency rules.
- (c) Visibility of activities.
  - 1. All activities of marihuana entities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view.
  - 2. No marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
- (d) Control of emissions
  - 1. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
  - 2. No person, tenant, occupant, or property owner shall permit the emission of any odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property or could be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.
  - 3. Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
  - 4. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- (e) Amount of marihuana. The amount of marihuana on the permitted property and under the control of the permit holder or owner or operator of the facility or establishment shall not exceed that amount permitted by the state license or applicable law.
- (f) Sale of marihuana. The marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
- (g) Use of marihuana. The sale, consumption or use of alcohol or tobacco products on the permitted premises is prohibited. Smoking or consumption of controlled substances, including marihuana, on the permitted premises is prohibited except as expressly allowed by state law.
- (h) Distribution. No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under state law.
- (i) Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, and harvesting of marihuana are

located.

- (j) Waste disposal. The permit holder, owner and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
- (k) An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Inspector for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by first class mail to the address of the premises 4 or more calendar days before the date of the inspection.

**H. Revocation.** Any approved registered marihuana facility or establishment that violates the terms of this ordinance is grounds for revocation of any or all approvals.

## **SECTION 11.49 ADULT-USE MARIHUANA OVERLAY DISTRICT**

### **A. Intent.**

The purpose of this Article is to implement land use regulations consistent with the provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA), so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which adult-use marihuana establishments can be operated in the Township. Further, the purpose of this Article is to:

- (1) Provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for adult purposes under, the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27001 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.).
- (2) Protect public health and safety through reasonable limitations on adult-use marihuana entities as they relate to noise, air and water quality, neighborhood safety, security for the facility and its personnel, and other health and safety concerns.
- (3) Provide for the location/placement of marihuana establishments in locations determined suitable for lawful marihuana establishments and to minimize adverse impacts regulating the siting, design, placement, security, and removal.
- (4) Impose fees to defray and recover the cost to the Township of the administrative and law enforcement costs associated with adult use marihuana establishments.
- (5) Coordinate with laws and regulations that may be enacted by the State addressing adult marihuana.

### **B. Definitions**

Except as expressly defined below, all words and phrases shall have the meaning given in the definitions section of the Michigan Regulation and Taxation of Marihuana Act, as appropriate.

- (1) Co-location means multiple marihuana licenses operating at the same location as allowed by MRTMA.

### **C. Applicability**

- (1) The overlay districts of this chapter apply in combination with the underlying base district to impose regulations and standards that address special geographic areas or land use issues.
- (2) In the event of conflict between overlay district regulations and the regulations of the underlying base district, the overlay district regulations govern. In all other cases, both the overlay district and base district regulations apply.

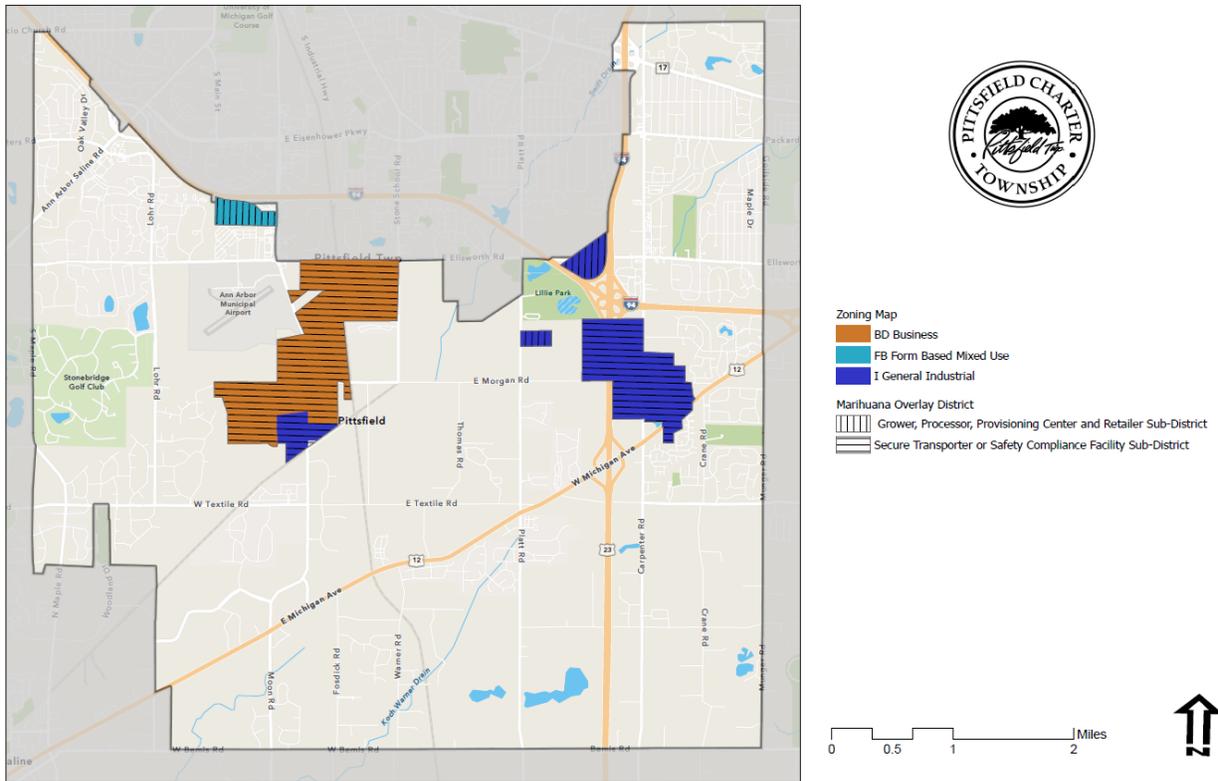
**D. Adult-use Marihuana Establishments Authorized**

- (1) Pursuant to the MRTMA, Pittsfield Township authorizes the operation in the Township of the following marihuana establishments, provided they possess a state operating license issued under the MRTMA state license or licenses and they comply with the additional requirements of this chapter, and all other applicable laws and ordinances:
  - (a) Grower, which includes only Class A grower and Class B grower
  - (b) Processor
  - (c) Retailer
  - (d) Secure transporter
  - (e) Safety compliance facility

(2) Uses by subdistrict are outlined in Section 11.49.E.2

**E. Geography**

(1) The boundaries of the overlay shall be set forth in the map below:



- (2) Sub-Districts
  - (a) Retailer, Processor and Grower Sub-District
    - 1. Uses: Retailer, Processor, or Grower as defined in the MRTMA are permitted as a Conditional Use subject to the provisions of Article 10.
    - 2. All other marihuana uses or operations not expressly permitted in this sub-district are prohibited.
  - (b) Secure Transporter or Safety Compliance Facility Sub-District
    - 1. Uses: Secure Transporter and Safety Compliance Facility as defined in the MRTMA are permitted as a Conditional Use subject to the provisions of Article 10.
    - 2. All other marihuana uses or operations not expressly permitted in this sub-district are prohibited.

## **F. Standards by Type**

- (1) Grower. Applicable standards for grower facilities:
  - (a) All grower facilities and operations must be within an enclosed building.
  - (b) A grower may hold more than one class of grower license.
  - (c) Class A grower and Class B grower only permitted.
  - (d) No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by an adult-use marihuana business.
- (2) Processor. Applicable standards for processor facilities:
  - (a) Only one processor facility license permitted per parcel or lot.
  - (b) All processing operations must be conducted within an enclosed building.
- (3) Secure transporter. Applicable standards for secure transporter:
  - (a) A secure transporter license authorizes the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana facilities at the request of a person with legal custody of the marihuana, marihuana-infused products, or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver who is not a licensee.
- (4) Retailer. Applicable standards for retailer:
  - (a) Only one retailer license per parcel or lot.
  - (b) All retailer activities must be conducted within an enclosed building.
  - (c) A retailer license authorizes the retailer to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
  - (d) No live marihuana plants shall be located in a retailer.
  - (e) A retailer shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- (5) Safety compliance facility. Applicable standards for safety compliance:
  - (a) All testing must be conducted within an enclosed building.

## **G. Regulations Applicable to All Districts**

- (1) All other applicable state laws, rules, and regulations.

- (2) No person shall establish or operate an adult-use marihuana commercial entity in the Township without first having obtained from the State a license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Article subject to Section 3.07.
- (3) Applicant shall be fully licensed with the State of Michigan and any other required licensing body including compliance with all other applicable Township ordinances.
- (4) Standards
  - (a) It shall be unlawful to operate or cause to be operated a marihuana facility or establishment within:
    1. One thousand (1000) feet of any of the following:
      - i. A school, grades K-12.
    2. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1), (2), and (3) above. If the marihuana operation is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the marihuana operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above.
    3. A marihuana facility or establishment lawfully operating is not rendered a nonconforming use by the subsequent location of another noted use listed above within the distances specified in this ordinance of the marihuana facility or establishment. However, if a marihuana facility or establishment ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.
  - (b) Co-location shall be permitted in accordance with the Cannabis Regulatory Agency rules.
  - (c) Visibility of activities.
    1. All activities of marihuana entities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view.
    2. No marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
  - (d) Control of emissions.
    1. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
    2. No person, tenant, occupant, or property owner shall permit the emission of any odor from any source to result in detectable odors that leave the premises upon which they originated

and interfere with the reasonable and comfortable use and enjoyment of another's property or could be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.

3. Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
  4. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- (e) Amount of marihuana. The amount of marihuana on the permitted property and under the control of the permit holder or owner or operator of the facility or establishment shall not exceed that amount permitted by the state license or applicable law.
  - (f) Sale of marihuana. The marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
  - (g) Use of marihuana. The sale, consumption or use of alcohol or tobacco products on the permitted premises is prohibited. Smoking or consumption of controlled substances, including marihuana, on the permitted premises is prohibited except as expressly allowed by state law.
  - (h) Distribution. No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under state law.
  - (i) Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, and harvesting of marihuana are located.
  - (j) Waste disposal. The permit holder, owner and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
  - (k) An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Inspector for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by first class mail to the address of the premises 4 or more calendar days before the date of the inspection.

**H. Revocation.** Any approved registered marihuana facility or establishment that violates the terms of this ordinance is grounds for revocation of any or all approvals.

**Publication and Effective Date**

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective thirty days following final publication of the Ordinance or at such later date after publication as may be specified by the township board.

This Ordinance was duly adopted by the Pittsfield Charter Township Board at its regular meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2022, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Michelle Anzaldi  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2022

Planning Commission Public Hearing:

First Reading:

Adoption:

Posted:

Final Publication:

Effective Date:

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2022

April 7, 2022

May 11, 2022

**CLERK’S CERTIFICATE**

I, Michelle Anzaldi, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Zoning Ordinance Amendment #21-215, Medical Marihuana And Adult Use/Recreational Overlay District, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2022, after said Ordinance had previously been introduced at a Regular Meeting of the Board held \_\_\_\_\_, 2022, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2022, in accordance with P.A. 359 of 1947, as amended, by Ann Arbor News.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Michelle Anzaldi  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2022

Planning Commission Public Hearing:      April 7, 2022  
First Reading:                                      May 11, 2022  
Adoption:  
Posted:  
Final Publication:  
Effective Date: