

**VILLAGE OF PINCKNEY
ORDINANCE NO. _____**

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE XV, LAND USAGE; CHAPTER 152, ZONING; § 152.045, ZONING DISTRICTS AND MAP, TABLE OF USES; § 152.182; SECONDARY BUSINESS DISTRICT, SPECIAL LAND USES; § 152.202; RESEARCH-TECHNOLOGY-OFFICE DISTRICT, SPECIAL LAND USES; § 152.241, SPECIAL LAND USES, PERMIT APPLICATION AND PROCESS; AND ADDING § 152.243 (S), ADULT USE MARIJUANA ESTABLISHMENTS, SPECIFIC APPROVAL CRITERIA, SPECIAL LAND USES

THE VILLAGE OF PINCKNEY ORDAINS:

Text in red is text proposed to be added or modified in the Zoning Ordinance. Text in blue is the current Zoning Ordinance text that remains unchanged.

Section 1. Section 152.045, *Table of Uses, Zoning Districts and Map*; Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, is hereby amended by adding a rows to read as follows:

	SBD	RTO
Marijuana Designated Consumption Facility	S	
Marijuana Grower Facility - Class A or B	S	S
Marijuana Grower Facility - Class B	S	
Marijuana Grower Facility - Class C		S
Marijuana Microbusiness	S	S
Marijuana Processor Facility		S
Marijuana Retailer	S	
Marijuana Safety Compliance Facility	S	S
Marijuana Secure Transporter Facility	S	S

Section 2. Section 152.182, *Special Land Uses, Secondary Business District*; Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, is hereby amended by adding a new Subsection (Y) to read as follows:

(Y) Adult Use Marijuana Establishments including: ~~Marijuana Designated Consumption Facility~~, Marijuana Grower Facility - Class A or B, ~~Marijuana Grower Facility - Class B~~, Marijuana Microbusiness, Marijuana Retailer, Marijuana Safety Compliance Facility, and Marijuana Secure Transporter Facility, subject to the provision of Chapter 113, *Miscellaneous Businesses Requiring a License*; Title XI, *Business Regulations*, of the Village of Pinckney Code of Ordinances.

(where I assume the “amended” language from the ballot proposal and the general regulations pertaining to licenses from Village Council will be located)

Section 3. Section 152.202, *Special Land Uses, Research-Technology-Office District*; Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, is hereby amended by adding a new Subsection (M) to read as follows:

(M) Adult Use Marijuana Establishments including Marijuana Grower Class A, B or C, ~~Marijuana Grower Class B, Marijuana Grower Class C~~, Marijuana Microbusiness, Marijuana Processor Facility, Marijuana Safety Compliance Facility, and Marijuana Secure Transporter Facility, subject to the provision of Chapter 113, *Miscellaneous Businesses Requiring a License*; Title XI, *Business Regulations*, of the Village of Pinckney Code of Ordinances.

(where I assume the “amended” language from the ballot proposal and the general regulations pertaining to licenses from Village Council will be located)

Section 4. Section 152.241, *Permit Application and Process, Special Land Uses*; Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, Section (B) is hereby amended to read as follows:

(B) Process.

(2) Upon conclusion of the public hearing, the Planning Commission shall deny or approve, with or without conditions, or table for further consideration the special land use permit; or in the case of special land use permit applications for a **marijuana establishment**, residential open space development, condominium project, or other planned development, shall make a recommendation to the Village Council to deny or approve, with or without conditions, the special land use permit. If no decision or recommendation is made at the advertised hearing, disposition of the case must be set to a date certain at that time, and this date must be clearly stated in the meeting minutes. If no certain date is set and duly noted in the public record, notice of the next meeting at which the case will be considered shall be provided as required in division (B)(1) above. The Planning Commission shall make a decision or recommendation upon each case within 60 days of the public hearing, unless additional time is granted by the applicant.

(3) For special land use permit applications for a **marijuana establishment**, residential open space development, condominium project, or other planned development, a summary of the Planning Commission recommendation and comments submitted at the public hearing shall be transmitted with the special land use permit application and staff report to the Village Council. The Village Council may hold additional public hearings if it considers it necessary. The Village Council shall make a decision upon each case within 60 days of the Planning Commission's recommendation or refer the proposal back to the Planning Commission for further consideration, unless additional time is granted by the applicant.

Section 5. Section 152.243, *Specific Approval Criteria, Special Land Uses*; Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, is hereby amended by adding a new Subsection (S) *Adult Use Marijuana Establishments* to read as follows:

(S) *Adult Use Marijuana Establishments.* A marijuana establishment, in compliance with the Michigan Regulation and Taxation of Marijuana Act, P.A. 2018, Initiated Law, being M.C.L.A. § 333.27951 et. seq., Chapter 113, *Miscellaneous Businesses Requiring a License*; Title XI, *Business Regulations*, of the Village of Pinckney Code of Ordinances, and the provisions of this subsection, shall be permitted as a special land use, in the SBD and/or RTO Districts as specified in Sections 152.045, 152.182, and 152.202.

Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act. Also, since federal law is not affected by that Act, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The state Regulation and Taxation of Marijuana Act does not protect users, caregivers or the owners of properties on which the recreational or medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal Controlled Substances Act.

The following standards shall apply:

(1) *Intent.* The purpose of this subsection is to regulate marijuana establishments and enforce safety, security, health, and sanitation practices related to such establishments.

(2) *Prohibited uses.* Any marijuana establishment or marijuana event not specifically listed as a permitted business or event in Sections 152.045, 152.182, and 152.202 shall be prohibited within the Village of Pinckney.

(3) *State license.* An application for a marijuana establishment special use permit and site plan approval shall not be accepted by the Village unless the applicant has received pre-qualification approval from the Michigan Regulatory Agency. The appropriate State License to conduct the business shall be provided to the Village prior to a certificate of occupancy being issued.

(4) *Co-location and stacked licenses.* Co-location of marijuana establishments on one property is permitted subject to all applicable state laws, rules, and regulations concerning co-location and all uses are permitted within the property.

(5) *Hours of operations.* Business hours for marijuana retailers shall be from a minimum of 9:00 a.m. to a maximum of 9:00 p.m.

(6) *Security.* All marijuana shall be contained within an enclosed, secure area. The establishment shall be open to any representative of the Village to inspect and examine all premises of the establishment. A Security Plan shall be submitted to the Village for review.

(7) *Road frontage and access.* All vehicular access for marijuana establishments located in the SBD District shall be directly from M-36/Main Street or Kirkland Court.

(8) *Separation distances.* The following separation distances from sensitive land uses shall apply to properties where the proposed marijuana establishment is to be located. Distance measurements shall be made between the closest property lines.

(a) At least 1000 feet from a pre-existing public or private school, including preschools.

(b) At least 500 feet from a religious institution, licensed day-care facility, and local park.

Sensitive land uses that may be considered eligible for a separation distance waiver from Village Council are religious institutions, licensed day care facilities, and local parks. The application for a waiver shall provide evidence that all property owners of the sensitive land uses have been notified by the applicant of the intent to seek a waiver from the separation distance requirements.

(9) *Enclosure and screening.* All uses shall be completely enclosed within a building and comply with §§ 152.385 *et. seq.* for landscaping and screening.

(10) *Environmental performance.* No activities or uses shall result in the emission of glare, noise, vibration, odor, dust, pollution or any other negative impact, as regulated by §§ 152.370 *et. seq.* An Odor Control Plan shall be submitted to the Village for review.

(11) *Water supply and sanitary sewerage facilities.* Waste disposal and water supply and disposal for the facility shall not produce contamination or create other hazards that may negatively impact the structure and/or surrounding properties.

(12) *Signs.* Signs may not depict marijuana or marijuana-related paraphernalia and shall comply with the provisions of §§ 152.300 *et. seq.*

A licensed Marijuana Establishment in the Village shall not display any of the following on the exterior of a building, a public billboard, or any sign for the Marijuana Establishment:

1. A green cross;
2. Anything that resembles any part of a marijuana plant; or
3. The words or phrases "marihuana," "marijuana," "cannabis," "dank," "pot," "kush," "weed," "THC," or "Mary Jane."

(13) All other site development standards related to lot area, minimum lot width, yards and setbacks, lot coverage, and structure height shall comply with the zoning district in which the marijuana establishment is located.

Section 6. Section 152.267, *Definitions*, Chapter 152, *Zoning*; Title XV, *Land Usage*, of the Village of Pinckney Code of Ordinances, is hereby amended to add *Adult Use Marijuana Establishments* as follows:

ADULT USE MARIJUANA ESTABLISHMENTS.

MARIJUANA ESTABLISHMENT. A ~~marijuana-designated consumption facility~~, marijuana grower facility, marijuana microbusiness, marijuana processor facility, marijuana retailer, marijuana safety compliance facility, marijuana secure transporter facility, or any other type of marijuana-related business licensed by the Marijuana Regulatory Agency.

~~***MARIJUANA DESIGNATED CONSUMPTION FACILITY.*** A commercial space that is licensed by the Marijuana Regulatory Agency and authorized to permit adults 21 years of age and older to consume recreation marijuana products on the premises. A Designated Consumption Establishment license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license.~~

MARIJUANA GROWER. A person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments (Class A , maximum of 100 plants; Class B, maximum of 500 plants; Class C, maximum of 2000 plants).

MARIJUANA-INFUSED PRODUCT. A topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

MARIJUANA MICROBUSINESS. A person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

MARIJUANA PROCESSOR. A person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.

MARIJUANA RETAILER. A person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

MARIJUANA SECURE TRANSPORTER. A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

MARIJUANA SAFETY COMPLIANCE FACILITY. A person licensed to test marijuana, including certification for potency and the presence of contaminants.

(To be amended as needed)

Section 7. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

(May pertain to Chapter 113, Miscellaneous Businesses Requiring a License; Title XI, Business Regulations, of the Village of Pinckney Code of Ordinances)

Section 8. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 9. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Effective Date. This Ordinance shall be effective twenty (20) days from and after its publication.

Linda E. Lavey, Village President

Jill Chapman, Village Clerk

Village Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Linda E. Lavey, President	_____
Rebecca Foster, Pro Tem	_____
Erik Kauserud, Trustee	_____
Ted Kinczkowski, Trustee	_____
Brian Matson, Trustee	_____
Shawn Tibus, Trustee	_____
Robert Vedder, Trustee	_____

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this ____ day of _____, 2020.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. ____ adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on _____, 2020.

Jill Chapman, Village Clerk