

**TOWNSHIP OF WEARE
COUNTY OF OCEANA, STATE OF MICHIGAN**

At a regular meeting of the Township Board of the Township of Weare, held at the Township Hall located at 6506 North Oceana Drive, Hart, Michigan, on the 11th day of April, 2022, at 6:00 p.m.

PRESENT: Doran, Hilbert, Dykema, Gustafson, and Patterson.

ABSENT: None

The following ordinance and preamble were offered by Township Board Member _____ and supported by Township Board Member _____:

ORDINANCE NO. 2022-3

AN ORDINANCE TO AMEND THE WEARE TOWNSHIP ZONING ORDINANCE

WHEREAS, on November 2, 2021, the electors of the Township of Weare approved the “Marijuana Establishments Ordinance” and repealed Township Ordinance 2019-1 “Prohibition of Recreational Marijuana Establishments Ordinance” pursuant to the Michigan Regulation and Taxation of Marihuana Act (the “MRTMA”), MCL 333.27956(1);

WHEREAS, the “Marijuana Establishments Ordinance” provided for a number of state licensed marijuana establishments under the MRTMA to be authorized and licensed within the Township;

WHEREAS, the “Marijuana Establishments Ordinance” provides the Weare Township Board with the authority to enact zoning regulations pertaining to the authorized and licensed marijuana establishments within the Township;

WHEREAS, the Weare Township Board finds that the adoption of the following amendments

to the Weare Township Zoning Ordinance would promote the health, safety, and welfare of the people and residents of Weare Township;

THE TOWNSHIP OF WEARE HEREBY ORDAINS:

Section 1. Amendment. Section 2.14 of the Weare Township Zoning Ordinance of March 25, 2004, as amended (hereinafter the “Ordinance), shall be amended to add the following definitions:

SECTION 2.14 DEFINITIONS - M

MARIJUANA or MARIHUANA: Means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

MARIJUANA ESTABLISHMENT: A location and/or establishment at which a person holding a state operating license under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq., as amended (the “MRTMA”), is allowed to operate, as defined within the MRTMA or within administrative rules adopted by the Michigan Department of Licensing and Regulatory Affairs, including, but not limited to the following:

- A. DESIGNATED CONSUMPTION ESTABLISHMENT: A commercial entity licensed under the MRTMA to permit adults 21 years of age and older to consume marijuana at the location indicated on the applicable license.

- B. GROWER: A commercial entity licensed under the MRTMA to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.

- C. MICROBUSINESS: A commercial entity licensed under the MRTMA 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 to a marijuana safety compliance facility, but not to other marijuana establishments.

- D. PROCESSOR: A commercial entity licensed under the MRTMA to obtain marijuana from marijuana establishments, process and package marijuana, and to sell or otherwise transfer marijuana to marijuana establishments.

- E. RETAILER: A commercial entity licensed under the MRTMA 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.

- F. SAFETY COMPLIANCE FACILITY: A commercial entity licensed under the MRTMA to test marijuana, including certification for potency and the presence of contaminants.
- G. SECURE TRANSPORTER: A commercial entity licensed under the MRTMA to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- H. TEMPORARY EVENT: A commercial entity licensed under the MRTMA where the on-site sale or consumption of marijuana, or both, are authorized at a location and during the dates indicated on the applicable license.

Section 2. Amendment. Section 5.03 of the Ordinance, shall be amended to add the following subsection (M):

**CHAPTER 5
AGRICULTURAL RURAL RESIDENTIAL DISTRICT - AR**

SECTION 5.03 SPECIAL LAND USES

M. Marijuana Growers, Processors, and Microbusinesses subject to the requirements set forth in the Marijuana Establishments and Licensing Ordinance.

Section 3. Amendment. Section 8.03 of the Ordinance, shall be amended to add the following subsection (G):

**CHAPTER 8
NEIGHBORHOOD COMMERCIAL DISTRICT - NC**

SECTION 8.03 SPECIAL LAND USES

G. Marijuana Growers, Processors, Retailers, Microbusinesses, Safety Compliance Facilities, and

Secure Transporters subject to the requirements set forth in the Marijuana Establishments and Licensing Ordinance.

Section 4. Amendment. Section 9.03 of the Ordinance, shall be amended to add the following subsection (D):

**CHAPTER 9
HIGHWAY SERVICE DISTRICT - HS**

SECTION 9.03 SPECIAL LAND USES

D. Marijuana Retailers, Microbusinesses, Safety Compliance Facilities and Secure Transporters, subject to the requirements set forth in the Marijuana Establishments and Licensing Ordinance.

Section 5. Amendment. Section 10.03 of the Ordinance, shall be amended to add the following subsection (F):

**CHAPTER 10
LIGHT INDUSTRIAL DISTRICT - LI**

SECTION 10.03 SPECIAL LAND USES

F. Marijuana Growers, Processors, Retailers, Microbusinesses, Safety Compliance Facilities, and Secure Transporters subject to the requirements set forth in the Marijuana Establishments and Licensing Ordinance.

Section 6. Amendment. Section 13.04(BB) of the Ordinance shall be amended in its entirety and shall hereinafter read as follows:

BB. MARIJUANA ESTABLISHMENTS.

1. No marijuana establishment shall be permitted within a 1,000 foot radius of any school, library, park or playground, licensed day-care facility, church or other religious institution,

or substance abuse treatment facility licensed by the State of Michigan. Measurements of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective marijuana establishments are or would be situated.

2. Drive through lanes and windows shall be prohibited.
3. Each marijuana establishment shall be permitted one wall sign, as defined in Section 12.09(L), with a maximum area not to exceed 10% of the building facade or 100 square feet, whichever is less. All other signs, including window signs and electronic message centers, shall be prohibited.
4. Applicable licenses and permits from the State of Michigan and the Township shall be maintained and conspicuously displayed at the establishment.
5. Grower, Processor, and Microbusiness. Grower, processor, and microbusiness establishments shall be subject to and meet the following standards and requirements:
 - a. Setbacks. Grower, processor, and microbusiness establishments located in the Agricultural Rural Residential District - AR shall have minimum front yard, side yard, and rear yard setbacks of 100 feet for any building or structure used in the operation of the marijuana establishment.
 - b. Odor. Grower, processor, and microbusiness establishments shall be equipped with activated, maintained, and functioning carbon filtration systems for odor control to ensure that any air leaving any building or structure utilized for marijuana growing and/or processing is filtered.
 - c. Lighting. Grower, processor, and microbusiness establishments shall install screening of all artificial lighting located inside buildings and/or structures such that it is not visible from outside the buildings and/or structures or from adjacent properties.
 - d. Landscaping, Greenbelts, and Buffering. Grower, processor, and microbusiness establishments shall install and maintain coniferous evergreen trees and/or shrubbery at least four (4) feet high at the time of planting and situated so as to provide an effective visual barrier from the adjacent properties. Such landscaping and greenbelts shall also otherwise comply with Section 3.12.
6. The Planning Commission may impose such reasonable conditions and safeguards it deems necessary to protect the public health, safety, and general welfare of the public from excessive noises, traffic, obnoxious odors, and any detrimental effects from the general operation of such marijuana establishment and to minimize any adverse effect on the character of the surrounding area.

Section 7. Conflicting Ordinances. All other ordinances and parts of ordinances, or amendments thereto, of Weare Township in conflict with the provisions of this ordinance are hereby repealed.

Section 8. Effective Date. This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Doran, Hilbert, Dykema, Gustafson, and Patterson.

NAYS: None.

ORDINANCE DECLARED ADOPTED.

Debra Gustafson, Township Clerk
Township of Weare

Larry Doran, Township Supervisor
Township of Weare

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Weare at a regular meeting held on the date first stated above, and I further certify that a public notice of such meeting was given as provided by law.

Debra Gustafson, Township Clerk
Township of Weare