

Medical Marihuana – Industrial Districts

Section 17.02 (aa) – Uses Permitted.

Medical Marihuana facility as defined by Section 2.93 of this Zoning Ordinance

A medical marihuana facility is exclusively permitted in M-1, M-2 and M-3 zones, if the facility, the owner, and any occupants meet all of the following requirements:

1. Compliance with all applicable laws, including but not limited to:
 - (a) The requirements stated in Section 4 of the Michigan Medical Marihuana Act, MCL 333.26421, et seq., as amended, including the requirement that the marihuana be contained in an enclosed, locked facility or other closed area equipped with locks or other security devices that permit access only by the registered primary caregiver or his or her qualifying patient, and such facility must be separately used and maintained by each occupying caregiver or patient; and
 - (b) All local ordinances and regulations, including the Fire Protection Code and Article VI of Chapter 22 of the Code of Ordinances.
2. With the exception of growing marihuana plants outdoors as permitted by MCL 333.26423(d), all activity related to the marihuana is conducted inside the facility.
3. No open storage is permitted on the property.
4. The facility is registered with the division of building inspection, and as part of its certificate of compliance, is inspected by zoning, electrical, building, mechanical, and plumbing inspectors, and the fire and police departments for compliance with applicable laws, local ordinances and codes, including this ordinance. The facility must pass annual safety inspections for compliance with the requirements of this ordinance.
5. The facility maintains:
 - (a) Copies of a MDCH issued registry identification card for:
 - (i) Each registered primary caregiver or registered qualifying patient storing, growing, transferring, cultivating, or processing marihuana at the facility; and
 - (ii) Each registered qualifying patient legally registered to a registered primary caregiver who is storing, cultivating, growing, processing, or transferring marihuana at the facility.
 - (b) A daily log of the amount and location of the marihuana on the premises for each registered primary caregiver and each patient;
 - (c) A daily log of all transfers; and
 - (d) Any other written records necessary to show compliance with applicable state and local laws.
6. The facility possesses and regularly uses an effective filtration system which:
 - (a) Effectively contains the odors associated with storing, transferring, cultivating, growth, or processing marihuana, within the facility; and
 - (b) Is approved by the building division.
7. No one processes or transfers marihuana on the property between the hours of 11:00 p.m. and 8:00 a.m.
8. The facility is not occupied or used by more than a combination of seven (7) registered primary caregivers or qualifying patients for the growth, cultivation, processing or manufacturing of medical marihuana, and no more than twelve thousand (12,000) square feet of the facility shall be occupied by the total combined aggregate of such caregivers and patients.

9. No one under the age of eighteen (18) is permitted on the premises, except for persons under the age of eighteen (18) who are registered qualifying patients and are accompanied by a parent or legal guardian.

10. The facility is not located in the Downtown District, DDA District as described in the Code of Ordinances Chapter 2.5, Section 2-112, or the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.

11. The facility is located at least five hundred (500) feet from the nearest lot line of any of the following:

- (a) Residential zoning districts, R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5 and any mixed residential zones including but not limited to a Planned Unit Development and the Downtown Center.
- (b) School;
- (c) Child care center or day care center;
- (d) Recreational facility;
- (e) Public library;
- (f) Public park.

12. Measurement: For purposes of subsection (11), measurements shall be made in accordance with the standard method set forth in section 4.43 of the zoning ordinance.

13. The medical marijuana uses permitted on the property are the growth, storage, cultivation, processing, or transfer of medical marijuana in accordance with this ordinance. No other sales, service, commodities, uses, or products relating to medical marijuana are permitted on the premises. The facility may not be used as a medical marijuana dispensary.

14. The owner of the facility must have:

- (a) A license under Chapter 18 of the Code of Ordinances; and
- (b) Certificate of compliance.

15. Each owner-occupant, or tenant in the facility must have all of the following:

- (a) A valid State of Michigan registry caregiver identification card or a State of Michigan registry patient identification card authorizing the patient to grow marijuana plants;
- (b) A license under Chapter 18 of the Code of Ordinances; and
- (c) A Certificate of compliance.

16. In addition to the requirements of Chapter 18, Certificate of Compliance application must include: A waste disposal plan detailing plans for chemical disposal and plant waste and water disposal, subject to review and approval by the city engineer, and in compliance with regulations of the MDEQ and codes and ordinances of the City of Warren including codes and ordinances pertaining to the discharge of water and by-products into the city sewer system;

17. A floor plan identifying the number of plants, chemical storage space, and other relevant aspects of the layout, subject to review and approval by the building inspection division. To the extent permitted by law, floor plans will be kept confidential.

18. A heating system that is approved by the building division.

19. The area where a registered primary caregiver stores, cultivates, processes, or transfers marihuana is not used by any other registered primary caregivers for any purpose.
20. There is no storage of toxic, flammable, or hazardous materials on the premises.
21. There is no discharge of toxic, flammable, or hazardous materials into city sewer system.
22. No one uses or consumes marihuana on the property.
23. The marihuana is not visible to the public, and the plant materials are disposed of in secured areas and containers not accessible by the public.
24. The owner of the property must conspicuously post all required valid city-issued licenses, and any State of Michigan permit or certification inside the premises.
25. Any violation of these provisions will result in revocation of the license and other legal remedies and penalties.
26. If the growth, cultivation, or processing of marihuana leads to an event causing damage or injury to property or persons, including but not limited to an explosion, fire, or release of harmful substances, or violation of a state or local law, code or regulation, the owner and tenants are each responsible for reimbursing any costs associated with the emergency response, property repair, remediation and medical expenses caused by the event, and/ or prosecution.

Section 4.43 - Standard method of measurement.

To determine compliance with the locational criteria referred to in this ordinance, the following standardized method for measurement shall apply:

- a) All measurements shall be based on the connection of two (2) reference points by a horizontal straight line on the site plan prepared pursuant to the "Definitions and Specifications for Required Plans" that are part of the "City of Warren Planning Commission Rules of Procedure Standards and Policies" as amended.
- b) The first reference point shall be found in the following manner:
- c) If the proposed use is to be located within a building containing no other use(s), then the measurement shall be taken from a point on an outside wall of the building.
- d) If the proposed use is to be located within a building that contains other use(s), then the measurement shall be taken from a point on the outer perimeter of a wall or area defined for the proposed use within the building.
- e) The second reference point shall be found by locating the point nearest to the first reference point containing any of the following:
 - 1) When the measurement involves the distance to a given zoning district, the point is found on the given zoning district line.
 - 2) When the measurement involves the distance to an existing use as described herein, the second reference point is established in the following manner:
 - I. If the existing use is located within a building containing no other use(s), then the measurement shall be taken from a point on an outside wall of the building.
 - II. If the existing use is to be located within a building that contains other use(s) than the proposed uses as described herein then the second reference point shall be found on the outer perimeter of a wall or area defined for the existing use within the building.
 - 3) When the measurement involves the distance to an existing school then the second reference point is the property line of the school site closest to the first reference point.