

**CITY OF STANTON
MONTCALM COUNTY, MICHIGAN
Ordinance No. 2021- 246**

At a regular meeting of the City Council for the City of Stanton held at 7:00 P.M. on August 24, 2021, the following Ordinance was offered for adoption by City Council Member Miel and was seconded by City Council Member Corwin:

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.13 ENTITLED “DEFINITIONS- M;” AMEND CHAPTER 2, SECTION 2.16 ENTITLED “DEFINITIONS – P;” AMEND CHAPTER 2, SECTION 2.18 ENTITLED “DEFINITIONS – R;” ENACT CHAPTER 3, SECTION 3.40 ENTITLED “MARIHUANA;” AMENDED CHAPTER 8, SECTION 8.03 ENTITLED “SPECIAL LAND USES” FOR THE C-1 CENTRAL BUSINESS DISTRICT; AMENDED CHAPTER 9, SECTION 9.03 ENTITLED “SPECIAL LAND USES” FOR THE C-2 GENERAL COMMERCIAL DISTRICT; AMEND CHAPTER 11, SECTION 11.03 OF THE ZONING ORDINANCE FOR THE CITY OF STANTON ENTITLED “SPECIAL LAND USES” FOR THE I INDUSTRIAL DISTRICT; AND TO AMEND CHAPTER 14, SECTION 14.11 ENTITLED “STANDARDS FOR SPECIFIC SPECIAL LAND USES” OF THE ZONING ORDINANCE FOR THE CITY OF STANTON.

THE CITY OF STANTON (the “City”) ORDAINS:

Section 1. Amendment of Section 2.13. Chapter 2, Section 2.13 of the Zoning Ordinance for the City of Stanton entitled “Definitions – M” is hereby amended as follows:

- The term “Marijuana, also known as Marihuana, also known as Cannabis” is deleted in its entirety.
- The term “Medical (use of) Marijuana” is deleted in its entirety.
- The term “Medical Marijuana Dispensary” is deleted in its entirety.
- The term “Marihuana Establishment” is added and reads in its entirety as follows:

Marihuana Establishment: A marihuana establishment as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

- The term Marihuana Facility is added and reads in its entirety as follows:

Marihuana Facility: A marihuana facility as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana” is added and reads in its entirety as follows:

Medical Marihuana: Marihuana as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana Grower” is added and reads in its entirety as follows:

Medical Marihuana Grower: A grower as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana Processor” is added and reads in its entirety as follows:

Medical Marihuana Processor: A processor as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana Provisioning Center” is added and reads in its entirety as follows:

Medical Marihuana Provisioning Center: A provisioning center as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana Safety Compliance Facility” is added and reads in its entirety as follows:

Medical Marihuana Safety Compliance Facility: A safety compliance facility as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

- The term “Medical Marihuana Secure Transporter” is added and reads in its entirety as follows:

Medical Marihuana Secure Transporter: A secure transporter as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

[The remainder of Section 2.13 Definitions – M is unchanged]

Section 2. Amendment of Section 2.16. Chapter 2, Section 2.16 of the Zoning Ordinance for the City of Stanton entitled “Definitions – P” is hereby amended as follows:

- The term “Patient Qualifying (Qualified Patient) ” is deleted in its entirety.

[The remainder of Section 2.16 Definitions – P is unchanged]

Section 3. Amendment of Section 2.18. Chapter 2, Section 2.18 of the Zoning Ordinance for the City of Stanton entitled “ Definitions – R” is hereby amended as follows:

- The term “Recreational Marihuana” is added and reads in its entirety as follows:

Recreational Marihuana: Marihuana as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

- The term “Recreational Marihuana Grower” is added and reads in its entirety as follows:

Recreational Marihuana Grower: A marihuana grower as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

- The term “Recreational Marihuana Processor” is added and reads in its entirety as follows:

Recreational Marihuana Processor: A marihuana processor as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

- The term “Recreational Marihuana Retailer” is added and reads in its entirety as follows:

Recreational Marihuana Retailer: A marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

- The term “Recreational Marihuana Safety Compliance Facility” is added and reads in its entirety as follows:

Recreational Marihuana Safety Compliance Facility: A marihuana safety compliance facility as defined in the defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended

- The term “Recreational Marihuana Secure Transporter” is added and reads in its entirety as follows:

Recreational Marihuana Secure Transporter: A marihuana secure transporter as defined in the defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended

[The remainder of Section 2.18 Definitions – R is unchanged]

Section 4. Enaction of Section 3.40. Chapter 3, Section 3.40 of the Zoning Ordinance for the City of Stanton is hereby enacted and reads in its entirety as follows:

Section 3.40 Marihuana.

- a) Marihuana Establishments are prohibited unless specifically authorized by and operated in compliance with this Zoning Ordinance.
- b) Marihuana Facilities are prohibited unless specifically authorized by and operated in compliance with this Zoning Ordinance.

Section 5. Amendment of Section 8.03. Chapter 8, Section 8.03 of the Zoning Ordinance for the City of Stanton entitled “Special Land Uses” for the C-1 Central Business District is hereby amended and reads in its entirety as follows:

- a) Automobile service repair facilities which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services but not including body shops.
- b) Bed and Breakfasts.
- c) Daycare facility/child care centers.
- d) Drive-in businesses including banks, drive-in restaurants and other retail food establishments, dry cleaning pickup stations, pharmacies, or similar personal services.
- e) Essential Public Service Structures and Buildings per Section 3.17.
- f) Fraternal or social clubs or lodges.
- g) Gas station/convenience stores with or without restaurants.
- h) Hotels and motels
- i) Indoor commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, tennis and handball courts, but excluding firearm and archery ranges.
- j) Medical Marihuana Provisioning Centers.
- k) Mortuaries and funeral homes
- l) Recreational Marihuana Retailers.
- m) Repair and service establishments including but not limited to lawn mower repair, snowmobile repair, boat repair or air conditioner repair shops that are operated in conjunction with a retail business.
- n) Restaurants and other retail food establishments which permit the consumption of alcoholic beverages on the premises, or which permit dancing or live entertainment. The production of alcoholic beverages on the premises for consumption on the premises is permitted provided this is accessory to the restaurant use.
- o) Wind Energy Systems over 35 feet in height per Section 3.39.
- p) Wireless Communication Towers and Antennas Section 3.32.

Section 6. Amendment of Section 9.03. Chapter 9, Section 9.03 of the Zoning Ordinance for the City of Stanton entitled “Special Land Uses” for the C-2 General Commercial District is hereby amended and reads in its entirety as follows:

- a) Auto detailing which involves the indoor washing of vehicles, including interior cleaning, application of graphics and pin striping of the exterior and minor touch-up painting.
- b) Automatic and self-serve vehicle wash facilities.
- c) Banquet halls, reception centers, performing arts auditoriums or similar places of assembly.
- d) Body shops, wrecker services, vehicle repair facilities.

- e) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- f) Commercial kennels.
- g) Essential Public Service Structures and Buildings per Section 3.17.
- h) Housing for the elderly including retirement housing, assisted living and nursing facilities.
- i) Indoor gun and archery ranges.
- j) Machine shops.
- k) Medical Marihuana Provisioning Centers.
- l) Medical Marihuana Safety Compliance Facilities.
- m) Medical Marihuana Secure Transporters.
- n) Mini-warehouse and self-storage facilities.
- o) Open air businesses, including building materials, supplies, and similar uses. Open air businesses including, but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or modular homes, including building materials, supplies, and similar uses.
- p) Outdoor commercial recreation establishments such as miniature golf, go cart tracks, golf driving ranges, batting cages and athletic fields.
- q) Park and ride lots operated by a public agency.
- r) Recreational Marihuana Retailers.
- s) Recreational Marihuana Safety Compliance Facilities.
- t) Recreational Marihuana Secure Transporters.
- u) Tool and die establishments.
- v) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- w) Wind Energy Systems over 35 feet in height per Section 3.39.
- x) Wireless Communication Towers and Antennas Section 3.32.

Section 7. Amendment of Section 11.03. Chapter 11, Section 11.03 of the Zoning Ordinance for the City of Stanton entitled “Special Land Uses” for the I Industrial District is hereby amended and reads in its entirety as follows:

- (a) Adult uses.
- (b) Airports and landing fields.
- (c) Crematoriums.
- (d) Establishments which produce alcoholic beverages primarily for distribution off site and which also engage in one or more of the following as a small percentage of the overall sales of the business and which devote a small portion of the square footage of the building to the following:
 - 1) The retail sale of alcoholic beverages produced on site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, pre-packaged foods, and non-alcoholic beverages.
 - 2) Conducting tours for the general public of the facility.

- 3) The retail sale of items related to the company and its products such as glasses, posters, and clothing.
- (e) Heating and electric power generating plants.
 - (f) Lumberyards.
 - (g) Manufacturing, compounding, processing, packaging, treating, assembling and bulk storage of
 - 1) Chemical products such as paint enamels, wood chemicals agricultural and allied chemicals.
 - 2) Rubber manufacturing or reclaiming, such as tires, tubes, footwear.
 - 3) Stone, clay, glass, cement, brick, pottery, abrasive, tile and related products.
 - 4) Primary metal industries, including blast furnaces, steel works, foundries, smelting or refining of nonferrous metals or alloys rolling and extruding.
 - 5) Fabricated metal manufacturing, including ordnance, engines, machinery, electrical equipment, metal stamping, wire products and structural metal products.
 - (h) Medical Marihuana Growers (any class).
 - (i) Medical Marihuana Processors.
 - (j) Medical Marihuana Provisioning Centers.
 - (k) Medical Marihuana Safety Compliance Facilities.
 - (l) Medical Marihuana Secure Transporter.
 - (m) Mining, processing, and transporting of stone, sand, or gravel aggregate.
 - (n) Petroleum refining, paving materials, roofing materials and other related industries.
 - (o) Pulp and paper manufacturing.
 - (p) Recreational Marihuana Growers (any class).
 - (q) Recreational marihuana Retailers.
 - (r) Recreational Marihuana Safety Compliance Facilities.
 - (s) Recreational Marihuana Secure Transporters.
 - (t) Refuse and garbage incinerators.
 - (u) Sale/rental and display of the following: temporary mobile storage units (pods) and temporary refuse collection units; farm and garden products including fencing and equipment; pre-cast concrete products; utility trailers, animal trailers, and similar trailers; and granite or marble or similar products or raw materials.
 - (v) Salvage yards and recycling facilities.
 - (w) Slaughter house, rendering plant.
 - (x) Solid waste processing facility, including composting as an incidental use.
 - (y) Waste treatment facilities.
 - (z) Water supply and treatment facilities.

Section 8. Amendment of Section 14.11. Chapter 14, Section 14.11 of the Zoning Ordinance for the City of Stanton entitled “Standards for Specific Special Land Uses” is hereby amended by the addition of the following:

- j) Medical Marihuana Grower.
 - 1) Light used for the cultivation or processing of medical marihuana cannot be visible from outside the marihuana grow facility.
 - 2) All cultivation must take place inside of permanent building.

- 3) Odor Emissions.
 - i. The marihuana grow facility must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the marihuana facility (including but not limited to the cultivation and processing of medical marihuana) from being detectable outside of the marihuana facility. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana grow facility will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana grow facility.
- 4) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
- 5) The exterior appearance of a marihuana grow facility must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.

k) Medical Marihuana Processor.

- 1) Odor Emissions.
 - i. The marihuana processor facility must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the marihuana facility (including but not limited to the processing of medical marihuana) from being detectable outside of the marihuana facility. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana processor facility will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana processor facility.
- 2) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
- 3) The exterior appearance of a marihuana processor facility must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.

l) Medical Marihuana Provisioning Center.

- 1) Odor Emissions.
 - i. The marihuana provisioning center must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor,

debris, dust, fluids, and other substances relating to the operation of the provisioning center from being detectable outside of the provisioning center. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana provisioning center will be that of a reasonable person with normal sensory sensitivities.

- ii. Negative air pressure must be maintained inside the marihuana provisioning center.
 - 2) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
 - 3) The exterior appearance of the marihuana provisioning center must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
 - 4) The marihuana provisioning center may only be open to the public from the hours of 7:00 am – 10:00 pm.
 - 5) The marihuana provisioning center cannot have a walk-up window, or drive-thru service, or drive-in service.
- m) Medical Marihuana Safety Compliance Facility.
- 1) Odor Emissions.
 - i. The marihuana safety compliance facility must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the marihuana facility from being detectable outside of the marihuana facility. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana safety compliance facility will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana safety compliance facility.
 - 2) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
 - 3) The exterior appearance of the marihuana safety compliance facility must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- n) Medical Marihuana Secure Transporter.
- 1) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational

school; or trade school. Distance is measured as the shortest straight-line distance between lots.

- 2) The exterior appearance of the marihuana secure transporter facility must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- o) Recreational Marihuana Grower
- 1) Light used for the cultivation or processing of recreational marihuana cannot be visible from outside the marihuana grow establishment.
 - 2) All cultivation and processing must take place inside of a permanent building.
 - 3) Odor Emissions.
 - i. The marihuana grow establishment must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the marihuana facility (including but not limited to the cultivation and processing of medical marihuana) from being detectable outside of the marihuana establishment. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana grow establishment will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana grow establishment.
 - 4) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
 - 5) The exterior appearance of a marihuana grow establishment must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- p) Recreational Marihuana Retailer
- 1) Odor Emissions.
 - i. The marihuana retailer establishment must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the provisioning center from being detectable outside of the marihuana retailer. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana retailer establishment will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana retailer.
 - 2) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational

school; or trade school. Distance is measured as the shortest straight-line distance between lots.

- 3) The exterior appearance of the marihuana retailer establishment must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- 4) The marihuana retailer establishment may only be open to the public from the hours of 7:00 am – 10:00 pm.
- 5) The marihuana retailer establishment cannot have a walk-up window, drive-thru service, or drive-in service.

q) Recreational Marihuana Safety Compliance Facility.

1) Odor Emissions.

- i. The marihuana safety compliance facility must be equipped with an activated carbon filtration system or other similar filtration system that prevents smoke, odor, debris, dust, fluids, and other substances relating to the operation of the marihuana facility from being detectable outside of the marihuana facility. The standard for the detection of smoke, odor, debris, dust, fluids, or other substances relating to the operation of the marihuana safety compliance facility will be that of a reasonable person with normal sensory sensitivities.
 - ii. Negative air pressure must be maintained inside the marihuana safety compliance facility.
- 2) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
 - 3) The exterior appearance of the marihuana safety compliance facility must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.

r) Recreational Marihuana Secure Transporter

- 1) Cannot be located within 1000 feet of an educational institution to include but not limited to: preschool; primary, or secondary school; college or university; vocational school; or trade school. Distance is measured as the shortest straight-line distance between lots.
- 2) The exterior appearance of the marihuana secure transporter establishment must at all times remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and must at all times be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.

Section 9. Conflict.

- A. Nothing in this Ordinance is to be construed to conflict with existing City ordinances except as otherwise stated herein.
- B. Nothing in this Ordinance is to be construed to conflict with the law of the State of Michigan.

Section 10. Repealer.

- A. All zoning ordinances or parts of zoning ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.
- B. Chapter 15A of the Zoning Ordinance for the City of Stanton is repealed in its entirety.
- C. Chapter 15B of the Zoning Ordinance for the City of Stanton is repealed in its entirety.

Section 11. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Section 12. Effective Date. This Ordinance shall become effective 10 days following its publication in the manner required by law.

YEAS: Corwin, Kuhn, Basom, Mazzola, Miel.

NAYS: Holloway.

ABSENT/ABSTAIN: None.

ORDINANCE DECLARED ADOPTED.

Lori Williams
City of Stanton Mayor

Rachael Coffey
City Clerk

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the City Council for the City of Stanton, Montcalm County, Michigan, at a meeting of the City Council duly called and held on August 24, 2021

Public Hearing:

First Reading:

Adopted: August 24, 2021

Published: September 3, 2021

Effective: September 13, 2021

By:

Rachael Coffey
City Clerk