

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

March 19, 2020

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

March 5, 2020

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Special Land Use Permit for Group Child Care Home (Edwards), 10145 Shuman Avenue
 - Communication from Ryan and Monica Johnson, 10145 Shuman, received March 17, 2020

OLD BUSINESS:

- * 1. FY2020-2030 Capital Improvement Program
 - Finalized FY2020-2030 CIP document attached with Final Agenda

NEW BUSINESS:

- * 1. Adult-Use Marihuana Ordinance Amendment - introduction

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

Ryan and Monica Johnson
2810 Brahms Ave.
Portage, MI 49024

To the City of Portage Planning Commission:

It is our understanding that our neighbors at 10145 Shuman Street have requested a special use permit for a group child care home for 7-12 children.


As conditions of the permit, we request a 6' height privacy fence be placed around the entire back yard of the property with the proper number of ingress/egress gates and locking mechanisms. Also, we request that parking for residents and pickup/ drop-off occur only in the driveway.

We are concerned about the increased vehicular traffic and speed of said vehicles during childcare drop-off and pick-up. Our neighborhood does not have sidewalks. For this reason, everyone walks/runs/rides bikes in the roadway. Specifically, the children who wait for the bus in the morning. When you are a resident in this neighborhood this is known and understood. We request our neighbors at 10145 make all parents of children they will be caring for aware of the designated traffic speeds throughout the neighborhood as well as mindful of people in the roadway. Especially during inclement weather and during times of the year when daylight is limited.

In the interest of public health, safety and welfare we would like assurances that the State of Michigan Licensing statutes, rules and regulations will be implemented.

Thank you for your consideration,
Ryan and Monica Johnson
Parents of 2 boys under the age of 3.

- DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, BUREAU OF COMMUNITY AND HEALTH SYSTEMS, LICENSING CHILD CARE CENTERS
(By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 400.226, and 400.227)

TO: Planning Commission **DATE:** March 19, 2020
FROM: Christopher , Interim Director of Community Development
SUBJECT: Ordinance Amendment #19/20-A, Adult-Use Marihuana

I. INTRODUCTION:

By way of background information, in November 2008, Michigan voters approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). At that time, the Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

In response to the MMMA, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment in July 2011 that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA.

The MMMA did not reference dispensaries or the commercial sale of medical marihuana to qualifying patients or caregivers. As a result, three bills were enacted into law in September 2016 addressing the commercialization of medical marihuana and “medibles” (edible marijuana-infused products). Taken together, the statutes outline a “seed-to-sale” regulatory scheme for the commercialization of medical marihuana and permits consumption of marihuana other than by smoke inhalation. Subsequent to the adoption of the rules for implementation of these acts by the Department of Licensing and Regulatory Affairs (LARA) in December 2017, the City of Portage adopted an ordinance in March 2018 allowing the five types of Medical Marihuana Facilities subject to conditions:

- Grower: Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
- Processor: Extracts resin from plant /creates marihuana-infused products.
- Secure Transporter: Transports marihuana & cash between facilities and may also store marihuana.
- Safety Compliance Facility: Tests samples of marihuana for contaminants and its active ingredients.
- Provisioning Center: Sells marihuana / marihuana-infused products only to registered patients and caregivers.

In November 2018, Michigan voters approved Proposal 1, creating the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which authorizes adult-use marihuana for recreational purposes. At that time, the City opted out so no adult use establishments were allowed in the City

until the business and zoning ordinances are amended to allow adult use marihuana businesses. Since that time, the City Administration together with the attorneys have been revising Chapter 14, Article 12, Medical Marihuana Facilities to include adult-use marihuana facilities. Following the Committee of the Whole meeting on February 25, 2020, City Council requested the City Administration to finalize the amendments to Chapter 14, Article 12, Medical Marihuana Facilities to permit adult-use marihuana. Additionally, Council also requested the City Administration to proceed with amendments to the Zoning Code.

II. PROPOSED ZONING CODE AMENDMENTS

Attached are draft highlight and strike copies of the proposed amendments to the B-3, general business, I-1, light industrial and I-2, heavy industrial zoning districts to allow for adult-use establishments under the Adult-use Act. All spacing requirements applicable to medical marihuana facilities are also applicable to adult-use facilities. Consistent with the MRTMA, provisioning centers and marihuana retailers are allowed at the same locations in a B-3 zone, and provisioning centers, retailers, growers and processors are allowed at the same location in the I-1 and I-2. However, each marihuana business located at the same location as another marihuana business is required to have a separate space.

In addition to retail establishments, the MRTMA also allows marihuana event organizers, designated consumption establishments, or temporary marihuana events. At this time, there are no provisions to permit these types of marihuana uses.

The Planning Commission is advised to review the Zoning Code Amendments that would allow adult-use marihuana facilities in advance of the public hearing scheduled for April 16, 2020.

Attachments: Proposed ordinance amendments (highlight & strike)

Sec. 42-262. - B-3 general business district.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

a. ~~The A~~ medical marihuana provisioning center or adult-use marihuana retailer shall not be located:

i. Adjacent to or abutting a residential zoning district; and

ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter, vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and

iii. Within 1,000 feet of any other medical marihuana provisioning center or adult-use marihuana retailer located within the city.

b. Determination of whether a proposed medical marihuana provisioning center or adult-use marihuana retailer will be located consistent with the provisions of subsection a. above will be made as follows:

ij. Whether a proposed medical marihuana provisioning center or adult-use marihuana retailer will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana provisioning center or adult-use marihuana retailer as those lines existed on ~~December 31, 2017~~ the effective date of this amendment as shown on the ~~assessment rolls~~ records ~~for~~ of the City of Portage in existence on that date.

iii. Measurements for purposes of subsections 42-262 (B)-(16)-(a)-(ii) and iii. above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana provisioning center or adult-use marihuana retailer to the nearest point of the zoning lot occupied by any of the uses listed in subsection 42-262 (B)-(16)-(a)-(ii), ~~or to the nearest point of the zoning lot occupied by another provisioning center~~ using an uninterrupted straight line without regard to intervening structures or objects, and using the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls~~ records ~~for~~ of the City of Portage city in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures for the distribution, and sale of ~~medical~~ marihuana and ~~medical~~ marihuana infused products by a medical marihuana provisioning center or an adult-use marihuana retailer shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy

classification, building design, construction and fire suppression. ~~Medical marijuana facilities shall not be located within greenhouses and similar buildings.~~

- d. ~~All medical marijuana provisioning centers and adult-use marijuana retailers must be at a fixed location. Mobile provisioning centers and drive through operations are prohibited. Sale or transfer of marijuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marijuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marijuana products as may be permitted by the Medical Facilities Act or the rules corresponding to that Act. No drive-through facilities are permitted for provisioning center facilities.~~
- e. No marijuana or marijuana-infused products may be used or consumed on the premises of a medical marijuana provisioning center or an adult-use marijuana retailer.
- f. The activities and operations of the medical marijuana provisioning center and adult-use marijuana retailer shall be indoors within a building and out of public view.
- g. ~~No more than one medical marijuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marijuana facility shall be allowed in a multi-tenant building. If a medical marijuana facility provisioning center or adult-use marijuana retailer is located in a multi-tenant building with any other activity or business, the medical marijuana provisioning center or adult-use marijuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marijuana facility business.~~
- h. An adult-use marijuana retailer and a medical marijuana provisioning center may be located in a B-3 zone at the same location consistent with the Adult-use Act and rules. The medical marijuana provisioning center or adult-use marijuana retailer located at the same location shall be partitioned from each other, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marijuana business.
- h.j. The business and operations of all ~~marijuana facilities~~ medical marijuana provisioning centers and adult-use marijuana retailers shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to ~~chapter 42 to add~~ section 42-262-(B)(-16) ~~to of chapter 42,~~ article 4, division 4, zoning districts and district regulations shall only take if chapter 14 ~~is amended to add~~ article 12 is amended allow marijuana establishments in the city pursuant to the Adult-use Act, "Medical Marijuana Facilities."

Sec. 42-280. - I-1 Light Industrial District.

B.

21. Medical marihuana class A, B, and C grower facilities, ~~and~~ medical marihuana processor facilities medical marihuana secure transporter facilities, medical marihuana safety compliance facilities, and medical marihuana provisioning centers (only when located at the same location with a grow facility or processor facility) as those facilities businesses are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, medical marihuana processor establishments, marihuana secure transporter establishments, marihuana safety compliance establishments, marihuana microbusinesses, and marihuana retailers (only when located at the same location as a marihuana grow establishment or marihuana processor establishment) as those businesses are authorized and defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act).
- a. ~~The grower or processing facility~~ All marihuana businesses allowed by this section shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public, charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 1,000 feet of any other ~~medical~~ marihuana ~~grower or processor facility~~ business allowed by this section located within the city.
- b. Determination of whether ~~a proposed grower or processor facility~~ a marihuana business allowed by this section will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed ~~grower or processor facility~~ marihuana business allowed by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical~~ marihuana ~~grower or processor facility~~ business as those lines existed on December 31, 2017 as shown on the ~~assessment rolls for the city~~ records of the city -in existence on that date.
 - ii. Measurements for purposes of subsections ~~42-280 (B), 22(21)-(a)-(ii)~~ and iii. above shall be made from the boundary of the zoning lot to be occupied by the ~~medical~~ marihuana ~~grower or processor facility~~ business to the nearest point of the zoning lot occupied by any of the uses listed in ~~42-280 (B), 22(21)-(a)-(ii)~~, or to the nearest point of the zoning lot occupied by another marihuana business allowed by this section ~~grower or processor~~ using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on ~~December 31, 2017~~ the effective date of this ordinance as shown on the ~~records of the city~~ assessment rolls for the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

- c. Buildings or structures for the ~~growing, production or processing of medical marihuana~~operation of a marihuana business shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
 - d. All marihuana businesses must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products by marihuana businesses as otherwise expressly authorized by the Medical Facilities Act and rules or the Adult-use Act and rules as applicable. No drive-through facilities are permitted for medical marihuana facilities.
 - e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical marihuana~~ business facility.
 - f. ~~Medical mA marihuana grow and processor facilities~~business shall conduct the activities of the ~~marihuana facility~~ business, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view, except marihuana grow businesses may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.
 - g. Medical and adult-use grow businesses, medical and adult-use processors, medical provisioning centers, and adult-use retailers may be located as separate businesses at the same location. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business.
 - h. If a ~~medical marihuana facility~~ business is located in a multi-tenant building with any other activity or business, the ~~medical marihuana facility~~ business, shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the ~~medical marihuana facility~~ business.
 - hi. The business and operations of all marihuana ~~facilities~~ businesses shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
 - ij. This amendment to ~~add section 42-280-(B)-(21) to of~~ chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 ~~is amended to add article 12, "Medical Marihuana Facilities."~~is amended to allow marihuana establishments under the Adult-use Act.
22. ~~Medical mA~~ Marihuana secure transporter and ~~medical marihuana~~ safety compliance facilities as those facilities are defined by the Medical ~~Marihuana Facilities Licensing Act, MGL 333.27101 et seq.~~ and the Adult-use Act.

- a. ~~The facility site~~ A marihuana secure transporter and marihuana safety compliance facility shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public, charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- b. Determination of whether a proposed marihuana secure transporter or marihuana safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed marihuana secure transporter or marihuana safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical~~-marihuana secure transporter or marihuana safety compliance facility as those lines existed on ~~December 31, 2017~~ the effective date of this ordinance as shown on the assessment rolls for the city in existence on that date.
 - ii. Measurements for purposes of subsections B. ~~2422~~.a.ii above shall be made from the boundary of the zoning lot to be occupied by the ~~medical~~-marihuana secure transporter or marihuana safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in B. ~~2422~~.a.ii using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the City of Portage in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures in connection with the transport and storage of ~~medical~~ marihuana and ~~medical~~-marihuana infused products or for marihuana safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. No drive-through facilities are permitted for ~~medical~~-marihuana ~~facilities~~ businesses.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical~~-marihuana ~~facility~~ business.
- f. No more than one ~~medical~~-marihuana ~~facility~~ secure transporter or marihuana safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one ~~medical~~-marihuana secure transporter or marihuana safety compliance facility shall be allowed in a multi-tenant building. If a marihuana secure transporter or marihuana safety compliance facility ~~medical~~-marihuana ~~facility~~ is located in a multi-tenant building with any other activity or business, the marihuana secure transporter or marihuana safety compliance facility ~~medical~~-marihuana ~~facility~~ shall be partitioned from any other activity or business, have a separate entrance,

and have a separate HVAC system for the portion of the building occupied by the marihuana secure transporter or marihuana safety compliance ~~medical marihuana~~ facility.

- g. The business and operations of all marihuana secure transporter or marihuana safety compliance facility~~medical marihuana facilities~~ shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to add section 42-280.B.22 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, ~~is amended to add~~ article 12, is amended to allow marihuana establishments in the city pursuant to the Adult-use Act. "Medical Marihuana Facilities."

Z:Jody/Portage/Ordinances/Marihuana Light Industrial H&S 02.27.20

DRAFT

Sec. 42-281. - I-2 heavy industrial district.

B. Principal permitted uses: In an I-2 heavy industrial district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

7. ~~Medical marihuana class A, B, and C growers facilities, and medical marihuana processors facilities, medical marihuana secure transporter facilities, medical marihuana safety compliance facilities, and medical marihuana provisioning centers (only when located at the same location with a grower facility or processor facility) as those facilities-marihuana businesses~~ are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (~~Medical Facilities Act~~), and ~~marihuana class A, B, and C grow establishments, medical marihuana processor establishments, marihuana secure transporter establishments, marihuana safety compliance establishments, marihuana microbusinesses, and marihuana retailers (only when located at the same location as a grower establishment or processor establishment) as those marihuana businesses are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).~~

a. ~~The facility~~All marihuana businesses allowed by this section shall not be located:

i. Adjacent to or abutting a residential zoning district; ~~and~~

ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public, charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and

iii. Within 1,000 feet of any other ~~medical-marihuana grower or processor facility~~marihuana business allowed by this section located within the city.

b. Determination of whether a proposed ~~medical-marihuana grower or processor facility~~marihuana business allowed by this section will be located consistent with the provisions of subsection a. above will be made as follows:

i. Whether a proposed ~~grower or processor facility~~marihuana business allowed by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical marihuana grower or processor facility~~marihuana business as those lines existed on December 31, 2017 as shown on the assessment rolls for the city in existence on that date.

ii. Measurements for purposes of subsections B.7.a.ii and iii. above shall be made from the boundary of the zoning lot to be occupied by the ~~medical-marihuana grower or processor facility~~marihuana business to the nearest point of the zoning lot occupied by any of the uses listed in B.7.a.ii, or to the nearest point of the zoning lot occupied by another ~~grower or processor marihuana business allowed by this section~~ using an uninterrupted straight line without regard to intervening structures or objects, and the boundaries of the zoning lots as they existed on ~~December 31, 2017~~the effective date

of this amendment as shown on the ~~assessment rolls for records of~~ the city in existence on that date.

- iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures ~~for the growing, production or processing of~~ used for or in connection with a medical marihuana business shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. No drive-through facilities are permitted for ~~medical marihuana facilities~~ businesses.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical marihuana facility~~ business.
- f. ~~Medical~~ A marihuana ~~grow and processing facilities~~ business shall conduct the activities of the business facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view; ~~except marihuana grow businesses may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.~~
- g. ~~Medical and adult-use grow businesses, medical and adult-use processors, medical provisioning centers, and adult-use retailers may be located as separate businesses at the same location. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility~~ Each marihuana business that is located in the same shall location shall be partitioned from any other ~~activity or marihuana business~~ at the same location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the ~~medical marihuana facility~~ business.
- h. ~~If a marihuana business is located in a multi-tenant building with any other activity or business, the marihuana business, shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business.~~
- i. The business and operations of all ~~medical marihuana facilities~~ businesses shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- ij. This amendment to add section 42-281.B.7 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, ~~is amended to add article 12, "Medical Marihuana Facilities."~~ is amended to allow marihuana businesses under the Adult-use Act.

8. ~~Medical m~~Marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical ~~Marihuana~~ Facilities Licensing Act, ~~MCL 333.27101 et seq. and the Adult-use Act.~~
- a. ~~The facility site~~ A marihuana secure transporter and marihuana safety compliance facility shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public, charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority;
- b. Determination of whether a proposed marihuana secure transporter or marihuana safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed marihuana secure transporter or marihuana safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical~~ marihuana secure transporter or marihuana safety compliance facility as those lines existed on December 31, 2017 as shown on the ~~assessment rolls for~~records of the city in existence on that date.
 - ii. Measurements for purposes of subsections B.228.a.ii above shall be made from the boundary of the zoning lot to be occupied by the ~~medical~~ marihuana secure transporter or marihuana safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in B.228.a.ii using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines for those zoning lots as they existed on ~~December 31, 2017~~the effective date of this amendment as shown on the ~~assessment rolls for~~records of the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures used for or in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. No drive-through facilities are permitted for ~~medical~~ marihuana ~~facilities~~businesses.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical~~ marihuana ~~facility~~business.

- f. No more than one ~~medical-marihuana facility-secure transporter or marihuana safety compliance facility~~ shall be allowed on a single zoning lot or at the same location, and no more than one ~~medical-marihuana facility-secure transporter of safety compliance facility~~ shall be allowed in a multi-tenant building. If a ~~medical-marihuana facility-secure transporter of safety compliance facility~~ is located in a multi-tenant building with any other activity or business, the ~~medical-marihuana facility-secure transporter or safety compliance facility~~ shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the ~~medical-marihuana secure transporter or safety compliance~~ facility.
- g. The business and operations of all ~~medical-marihuana facilities-secure transporters or safety compliance facilities~~ shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to ~~add~~ section 42-281.B.8 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, ~~is amended to add~~ article 12, "~~Medical Marihuana Facilities.~~" is amended to allow marihuana establishments under the Adult-use Act.

Z:Jody/Portage/Ordinances/~~Marihuana-Adult Use Ordinances/~~I-2 heavy industrial district
02.27.20