

Section 719.118 – Medical Marijuana Uses

A. Intent

1. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for specific medical conditions.
2. The referendum intended to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/ grow, use, and distribute marijuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law. The legalization of obtaining, possession, cultivation/growth, use, and distribution in specific circumstances has a potential for abuse that should be closely monitored and regulated by local authorities to the extent permissible.
4. If not closely monitored or regulated, the presence of marijuana, even for the purposes legally permitted by the legislation, can present an increase in illegal conduct and/or activity, and this threat affects the health, safety, and welfare of residents of Lenox Township.
5. Lenox Township intends that nothing in this Chapter be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, to allow the use, possession, or control of marijuana for non-medical purposes, or to allow activity relating to cultivation /growing, distribution, or consumption of marijuana that is otherwise illegal.

B. All types of medical marijuana facilities shall be subject to the following minimum conditions:

1. All operations must be completely enclosed within a building.
2. Issuance of a license for the medical marijuana facility by the State of Michigan.
3. Issuance of a license for the medical marijuana facility by the Township.

4. Compliance with all provisions of the Medical Marijuana Facilities Licensing Act 281 of 2016, as it may be amended.
5. Compliance with all provisions of the Lenox Township Medical Marijuana Facilities Licensing Ordinance Chapter 802 as amended.
6. Compliance with all other relevant provisions of the Lenox Township Zoning Ordinance, as it may be amended.
7. No marijuana facility operating or purporting to operate before the effective date of the amendment to the Township Zoning Ordinance shall be deemed to have been a legally existing use, nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this Zoning Ordinance.
8. The discontinuation of a State-issued or Township-issued medical marijuana facility license shall constitute *prima facie* evidence that an otherwise lawful nonconforming medical marijuana facility use, structure, or condition on the premises has been discontinued.
9. All medical marijuana facilities require Special Land Use Approval.

C. Medical marijuana provisioning centers shall also be subject to the following minimum conditions:

1. Medical marijuana provisioning centers must be located on property zoned GB, General Business, LI, Light Industrial, or HI, Heavy Industrial.
2. Medical marijuana provisioning centers shall not operate between 9:00 PM and 9:00 AM.
3. Outdoor seating is not allowed.
4. The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads.
5. The medical marijuana provisioning center must be connected to municipal water and sewer.

6. The medical marijuana provisioning center shall be no closer than 1000 feet* to any school and 500 feet* to any place of worship, park, playground, public library, or residentially zoned and occupied property.
7. The medical marijuana provisioning center shall be no closer than 500 feet* to any other medical marijuana provisioning center.

*The distances outlined in subsections 5 and 6 above shall be measured as the shortest straight-line distance between the property line of the parcel on which the marijuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.

D. Medical marijuana grow facilities and medical marijuana processing facilities shall also be subject to all the following minimum conditions:

1. Medical marijuana grow and processing facilities must be located on property zoned LI, Light Industrial, or HI, Heavy Industrial.
2. The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads.
3. The facility must be connected to municipal water and sewer.
4. The facility shall be located no closer than 1000 feet* to any school and no closer than 500 feet* to any place of worship, park, playground, public library, or residentially zoned and occupied property.
5. The distances set forth in subsection 2 above shall be measured as the shortest straightline distance between the property line of the parcel on which the marijuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.