

**CHARTER TOWNSHIP OF OXFORD
COUNTY OF OAKLAND
STATE OF MICHIGAN**

ORDINANCE NO. 67A.028

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF OXFORD ZONING ORDINANCE, ORDINANCE NO. 67A, AS AMENDED, BY AMENDING THE TEXT OF SECTIONS 2.2, 3.1, 3.4, 3.5, 5.35, 6.26, AND 8.6 AND BY AMENDING THE ZONING MAP.

THE CHARTER TOWNSHIP OF OXFORD ORDAINS:

Section 1. Amendment of text provisions of the Charter Township of Oxford Zoning Ordinance, Ordinance No. 67A, as amended.

A. Article 2, Section 2.2, Marihuana Definitions, of the Charter Township of Oxford Zoning Ordinance, is hereby amended to read as follows:

Marihuana Definitions. Some of the words and phrases defined below are also defined in the Michigan Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq.; the Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq.; and the Michigan Regulation of Taxation of Marihuana Act (“MRTMA”), MCL 333.27951 et seq. If a term is not defined below but is defined in the MMMA, MMFLA or MRTMA, then the definition in the MMMA, MMFLA, or MRTMA shall apply. The words and phrases below are defined as follows:

1. *Marihuana.* Means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
2. *Marihuana Cultivation Building.* Means a permanent freestanding building on one lot of record where more than twelve (12) marihuana plants are being grown in compliance with the MMMA or MMFLA.
3. *Marihuana Dispensary.* Means a building or part of a building where there is a transfer of marihuana between primary caregivers or between qualifying patients. This definition does not include a building in which the transfer of marihuana occurs between a primary caregiver and his or her qualifying patient.
4. *Medical Marihuana Facility.* Means a location at which a license holder is licensed to operate under the Medical Marihuana Facilities Licensing Act (“MMFLA”) and the Township Code of Ordinances.
5. *Marihuana Grower or Grower.* Means a state operating license holder that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

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6. *Marihuana Operation Building.* Includes marihuana cultivation buildings and medical marihuana facilities.
 7. *Marihuana Provisioning Center or Provisioning Center.* Means a state operating license holder that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to qualifying patients, directly or through the registered primary caregivers of patients. Provisioning center includes any commercial property where marihuana is sold at retail to qualifying patients or primary caregivers. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the state's marihuana registration process in accordance with the Michigan Medical Marihuana Act, being MCL 333.26421 *et seq.*, is not a provisioning center for purposes of this Ordinance.
 8. *Marihuana Secure Transporter or Secure Transporter.* Means a state operating license holder that is a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.
 9. *Medical Use.* Means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
 10. *Plant.* Means any marihuana plant with not more than one readily observable root formation.
 11. *Primary Caregiver.* Means the term as defined by the Michigan Medical Marihuana Act ("MMMA"), being MCL 333.26421 *et seq.*
 12. *Qualifying Patient.* Means the term as defined by the Michigan Medical Marihuana Act ("MMMA"), being MCL 333.26421 *et seq.*
 13. *Registry Identification Card.* Means a document issued by the Michigan Marihuana Regulatory Agency that identifies a person as a registered qualifying patient or registered primary caregiver.

B. Article 3, Section 3.1 of the Charter Township of Oxford Zoning Ordinance, is hereby amended to read as follows:

3.1 Establishment of Zoning Districts. For the purposes of this Ordinance, Oxford Charter Township is hereby divided into the following districts:

AG	Agriculture (20 acres)
SF-3	Suburban Farms (10 acres)
SF-2	Suburban Farms (5 acres)
SF-1	Suburban Farms (2.5 acres)
R-3	Single-Family Residential (1 acre)
R-2	Single-Family Residential (25,000 sq. ft.)
R-1	Single-Family Residential (12,000 sq. ft.)
R-1A	Single-Family Residential (6,000 sq. ft.)
RM	Multi-Family Residential
MHC	Manufactured Housing Community
C-1	Local Commercial
C-2	General Commercial
O	Office
RO	Research-Office
I-1	Light Industrial
I-2	General Industrial
R	Recreation
G	Gravel and Sand Overlay
MP	Marihuana Provisioning Overlay

C. Article 3, Section 3.4 of the Charter Township of Oxford Zoning Ordinance, is hereby amended to add the following text:

N. MP, Marihuana Provisioning Overlay. The Marihuana Provisioning Overlay Districts are intended to allow, with reasonable regulations, the distribution of marihuana allowed by the Michigan Medical Marihuana Act (Initiated Law of 2008), the Michigan Medical Marihuana Facilities Act (PA 281 of 2016), and the Charter Township of Oxford Code of Ordinances. Confining provisioning centers to these overlay districts is intended to protect the health, safety, and general welfare of persons and property by limiting land uses related to distribution to those areas most compatible with the uses. By limiting provisioning centers to the overlay districts and maintaining distance between them, the Township intends to balance any adverse effect of such facilities by enabling the development and revitalization of underutilized and economically distressed areas of commercially zoned property within the Township. The overlay districts are intended to ensure that neighborhood character is preserved, and commercial retail viability and variety is enhanced by separating and spacing the geographic locations of the provisioning centers. Further, the location of these districts in high-visibility areas along M-24 is intended to reduce the risk of criminal activity, particularly theft.

D. Article 3, Section 3.5(H), of the Charter Township of Oxford Zoning Ordinance, is hereby amended to read as follows:

H. Industrial and Manufacturing Uses	AG	SF-3	SF-2	SF-1	R-3	R-2	R-1	R-1A	RM	MHC	C-1	C-2	O	RO	I-1	I-2	G	R	SS*
1. Any use whose principal function is technical training	-	-	-	-	-	-	-	-	-	-	S	P	S	P	P	P	-	-	
2. Agricultural wholesale or retail facility, including bulk storage of commodities in elevators or other transfer structures	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
3. Bulk propane sales and dispensing stations, subject to state licensing regulations	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	-	-	
4. Bulk storage of refined petroleum products above or below ground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	
5. Cartage, trucking, or distribution center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	
6. Central dry cleaning or laundry processing plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	
7. Commercial composting	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	
8. Commercial outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	10.5
9. Concrete or asphalt mixing plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	5.8
10. Contractor establishment, equipment and material storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	10.5
11. Heavy vehicle repair establishment, including trucks, farm and construction equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	5.18
12. Industrial, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
13. Industrial, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
14. Junk yard or salvage operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	5.21
15. Lumber or saw mill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	
16. Laboratory and office for industrial or scientific research, development and testing, including limited manufacturing operations	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	-	

E. Article 3, Section 3.5, of the Charter Township of Oxford Zoning Ordinance, is hereby amended to add the following table:

J. Marihuana Uses	AG	SF-3	SF-2	SF-1	R-3	R-2	R-1	R-1A	RM	MHC	C-1	C-2	O	RO	I-1	I-2	R	G	MP	\$\$*
1. Marihuana cultivation building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	5.35, 6.26
2. Marihuana provisioning center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	5.35, 6.26
3. Marihuana secure transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	5.35, 6.26

F. Article 5, Section 5.35, Marihuana Cultivation Buildings, of the Charter Township of Oxford Zoning Ordinance, is hereby amended as follows:

5.35 Marihuana Uses.

A. Purpose and Intent.

It is the intent of this section to provide reasonable conditions for the cultivation and distribution of marihuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* and the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning. Although some specific uses of marihuana may not be prosecuted according to the Michigan Medical Marihuana Act, Michigan Medical Marihuana Facilities Licensing Act, or the Michigan Regulation of Taxation of Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana. By seeking local approval of a medical marihuana facility under this Ordinance, applicants acknowledge and accept that local approval, licensure, and regulation of marihuana facilities represents a new and evolving area of law that presents entrepreneurial risks and uncertainties, risks that the applicant fully acknowledges, accepts, and assumes.

It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation and distribution to those districts that are most compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within the districts so that the uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.

B. Prohibited. The following marihuana uses are prohibited:

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1. Marihuana dispensaries;
 2. Marihuana facilities, as defined in the Michigan Medical Marihuana Facilities Licensing Act, except for growers, provisioning centers, and secured transporters licensed pursuant to the Township's Code of Ordinances and provided such uses are consistent with this Ordinance;
 3. Marihuana establishments, as defined by the Michigan Regulation and Taxation of Marihuana Act; and
 4. Other marihuana uses not expressly permitted by this Ordinance.
 5. The colocation of any medical marihuana facility.

C. Marihuana Growing.

1. The growing of more than twelve (12) marihuana plants shall only occur in a marihuana cultivation building.
2. Marihuana cultivation buildings shall have designated loading areas in which a secure transporter can make or receive deliveries.

D. Provisioning Centers.

1. Location and Access. Marihuana provisioning centers shall be located on property adjacent to, and with immediate access upon, M-24.
2. Spacing. There shall be a minimum distance of one thousand two hundred fifty (1,250) feet between marihuana provisioning centers located within the Township's zoning jurisdiction.
3. Freestanding. Marihuana provisioning centers shall exclusively occupy a freestanding structure, which, for purposes of this section, means a single use, single occupant, commercial stand-alone structure. By way of example, and not by limitation, duplexes, multi-tenant spaces, strip malls, and similar structures are not freestanding structures for purposes of this section.
4. Overlay. There shall be no more than one (1) marihuana provisioning center in any marihuana provisioning overlay district.

E. Special Site Design Standards.

1. Visibility.

(a) Marihuana Cultivation Building. Growing operations shall not be visible from any point outside a marihuana cultivation building.

(b) Provisioning Center. No product offered for sale by a provisioning center shall be visible from outside the building nor shall any signs occupy any exterior windows of a provisioning center. Provisioning centers may have exterior windows for the purpose of providing natural light.

2. Drive-through. Drive-throughs shall be prohibited.

3. Rooftops. Rooftop screening shall be complementary to the exterior of the marihuana cultivation building and all rooftop mechanical devices shall be screened from view.

F. Performance Guarantee. The Township shall require the posting of a performance guarantee with respect to any improvements required to be completed as a condition of approval under this section.

G. Access & Identification. A primary caregiver operating a marihuana cultivation building under the Michigan Medical Marihuana Act shall assign an identifying number to every person for whom the primary caregiver intends to grow and cultivate medical marihuana at the marihuana cultivation building including the primary caregiver if the primary caregiver is also a qualifying patient. The primary caregiver shall keep a list identifying the registry identification card of the persons to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

1. Separate Grow Areas. The primary caregiver shall keep the marihuana plants grown for a qualifying patient of the primary caregiver separate from the marihuana plants grown by the primary caregiver for other qualifying patients. Each qualifying patient's plants shall be kept in an enclosed locked facility to which only the primary caregiver has access. Upon each enclosed locked facility shall be prominently and permanently displayed the identifying number of the person for whom the medical marihuana is grown and cultivated.

2. Access Log. The primary caregiver shall keep a written log including the identifying number, date and time of every person entering the marihuana cultivation building, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. The primary caregiver shall also keep a written log including the date and time marihuana was removed from the enclosed locked facility and the amount of marihuana removed.

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3. The primary caregiver shall certify under oath that the written records kept are correct and accurate.
 4. A primary caregiver operating a marihuana cultivation building shall secure every entrance to the building.

H. Inspections. A marihuana operation building shall be subject to the following inspections:

1. Initial Inspection. The marihuana operation building shall be subject to the same inspections as all other buildings as required by this Ordinance and the Charter Township of Oxford Code of Ordinances.
2. Annual Inspections. The marihuana operation building may be inspected annually by the Township Zoning Official to confirm that it is being operated in compliance with this Zoning Ordinance. The Township Zoning Official shall limit his inspection to only those issues associated with compliance with this Zoning Ordinance and shall not make inquiry into the identity of any qualifying patient. Marihuana cultivation buildings shall be available for inspection by the Township between the hours of 9:00 a.m. and 9:00 p.m. Eastern Time upon two (2) hours' notice.

I. General. The following provisions apply to marihuana operation buildings.

1. Marihuana operation buildings shall comply with all applicable state and local licensing regulations. Annual proof of such compliance shall be a condition of special land use approval.
2. No smoking, inhalation, or consumption of marihuana shall take place on the premises, or inside, of a marihuana operation building.
3. Retail sales of products customarily incidental and accessory to the use of marihuana is prohibited at marihuana operation buildings, except that products customarily incidental and accessory to the use of medical marihuana and which are allowed to be sold at retail under state law may be offered for retail sale at licensed provisioning centers.
4. All activities associated with marihuana operation shall be conducted indoors including, but not limited to, the growing of all plants. This provision shall not apply to a secure transporter actively providing transport services.
5. Outdoor storage is prohibited at marihuana operation buildings. The foregoing notwithstanding, a secure transporter may store vehicles used in the transport of medical marihuana outside as permitted by

this Ordinance, state law, and consistent with any approved site plan.

6. Marihuana operation buildings shall comply with all applicable provisions of this Ordinance, the Township Code of Ordinances, the Michigan Medical Marihuana Act, and the Medical Marihuana Facilities Licensing Act. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.
7. Marihuana Plant Limits.
 - (a) Plants grown pursuant to the Michigan Medical Marihuana Act. No more than seventy-two (72) plants shall be grown in any marihuana cultivation building unless the operator is a licensed grower under the Medical Marihuana Facilities License Act and the Township Code of Ordinances.
 - (b) Plants grown pursuant to the Medical Marihuana Facilities Licensing Act. The maximum number of plants shall be limited to the maximum permitted by a grower's license issued pursuant to the Township Code of Ordinances, and otherwise compliant with this Ordinance.
8. A security system shall be installed in each marihuana operation building which shall include monitoring cameras with audio capability. Recordings and data from the security system shall be kept a minimum of three hundred and sixty-five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
9. Odors generated by marihuana cultivation in any marihuana operation building shall be contained within the marihuana operation building, or the portion of the building used for marihuana cultivation.
10. Marihuana operation buildings shall not be open to anyone besides the applicable primary caregiver or licensed grower, provisioning center operator, or secure transporter, between the hours of 9:00 p.m. to 9:00 a.m. Eastern Time.
11. No marihuana operation building may dispense, sell, or otherwise transfer tobacco or alcohol for consumption on or off the premises.
12. Exterior signage or advertising is prohibited for all marihuana operation buildings except that provisioning centers may have wall

signs and monument signs which satisfy the requirements of this Ordinance.

J. **Application Requirements and Review:** The application for, and review of, a special land use permit for a marihuana operation building shall be made in accordance with Article 4 except that the following shall also be required:

1. A security plan and floor plan shall be submitted with the special land use application and site plan application for a marihuana operation building. The security plan shall:
 - (a) Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.
 - (b) The security plan shall, when applicable, identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of Information Act.
2. A waste disposal plan shall be included with all applications for a marihuana cultivation building which shall detail plans for the disposal of chemicals and fertilizers and plans for plant waste disposal including the disposal of any excess marihuana grown at the marihuana cultivation building. The Township Building Official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.
3. Proof of an ownership or leasehold interest in the marihuana operation building by the applicant.
4. Plans showing any building to house a provisioning center is either new construction or the redevelopment and rehabilitation of an existing freestanding building (as defined by this section). Any existing freestanding building to be redeveloped and revitalized must have been vacant for more than twelve (12) months prior to the date the application is made to meet the goal of revitalizing the underutilized and economically distressed overlay areas.

G. **Article 6, Section 6.26, of the Charter Township of Oxford Zoning Ordinance, is hereby amended as follows:**

6.26 Marihuana Regulations.

- A. **Medical Marihuana Act.** This Ordinance shall not limit an individual's rights under the Michigan Medical Marihuana Act. The Michigan Medical Marihuana Act supersedes this Ordinance where there is a conflict between them.
- B. **Medical Marihuana Registered Qualifying Patient.** A qualified patient with a registry identification card may grow and use medical marihuana for his or her own use in any zoning district consistent with the Michigan Medical Marihuana Act.
- C. **Medical Marihuana Registered Primary Caregiver.** A primary caregiver with a registry identification card may grow up to twelve (12) medical marihuana plants in any zoning district.
- D. **Medical Marihuana Facilities.** Marihuana Facilities, as defined by the Michigan Medical Marihuana Facilities Licensing Act are regulated as follows:
 - 1. **Permitted.** Class A growers, Class B growers, provisioning centers, and secure transporters are permitted when licensed under the Michigan Medical Marihuana Facilities Licensing Act, the Township Code of Ordinances, and when compliant with this Ordinance.
 - 2. **Prohibited.** Class C growers, processors, and safety compliance facilities are prohibited in all zoning districts as are all other marihuana facilities that do not meet the requirements of the Township Code of Ordinances and this Ordinance.
- E. **Marihuana Establishments.** Marihuana establishments, as defined by the Michigan Regulation and Taxation of Marihuana Act, are prohibited in all zoning districts.

H. Article 8, Section 8.6(C)(1), of the Charter Township of Oxford Zoning Ordinance, is hereby amended as follows:

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| 1. Retail Stores, including Pharmacies, Convenience Stores, Video Rental Establishments, Discount Stores, Marihuana Provisioning Centers, and other similar uses, except as otherwise specified herein | 1 | Per each 200 sq ft of GFA |
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I. Article 8, Section 8.6(D)(2), of the Charter Township of Oxford Zoning Ordinance, is hereby amended as follows:

2. Warehouses and storage buildings and Marihuana cultivation buildings	1	Per each two (2) employees computed on the basis of the greatest number of persons employed at any one time, <u>or</u>
	1	Per each 2,000 sq ft of GFA (whichever is greater)

Section 2. Amendment of the Zoning Map of the Charter Township of Oxford.

A. The Zoning Map of the Charter Township of Oxford, is hereby amended to add the following Marihuana Provisioning Overlays:

Section 3. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 4. Validity and Severability.

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court of competent jurisdiction for any reason, such judgment shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building or structure be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect the application of said provision to any other property, building or structure in the Township, unless otherwise stated in the judgment.

Section 5. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Effective Date.

The effective date of this Ordinance shall depend on whether a request is made in accordance with state law to have the Ordinance submitted to the Township electors for approval. A notice of intent to make such a request must be filed with the Township Clerk within 7 days after publication of this Ordinance by a registered elector residing in the Township. If such a notice has not been timely submitted, this Ordinance shall take effect on the eighth day following publication. If a notice of intent is timely filed, a petition requesting the submission of this Ordinance to the Township electors for their approval must be filed with the Township Clerk within 30 days after the publication. A petition requesting submission of this Ordinance to a vote of the electors must be signed by a number of registered Township electors that is not less than 15% of the total vote cast in the Township for all candidates for governor at the last preceding general election at which a governor was elected. Upon the filing of a notice of intent, the Ordinance herein shall not take effect until one of the following occurs: (a) the expiration of 30 days after publication, if a petition is not filed within that time; (b) if a petition is filed within 30 days after publication and the Township Clerk determines that the petition is inadequate; (c) if a petition is filed within 30 days after publication, the Township Clerk determines that the petition is adequate, and the Ordinance is approved by a majority of the registered electors residing in the Township at the next regular election or a special election called for that purpose.

MOVED BY: Trustee Payne

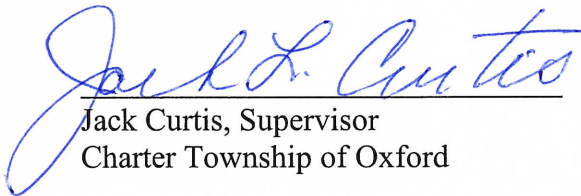
SECONDED BY: Trustee Colvin

AYES: Colvin, Charles, Nold, Payne, Wright, Curtis

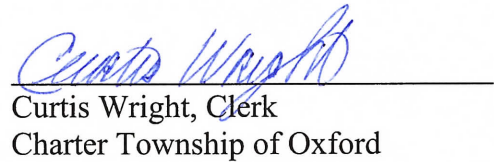
NAYS: Ferrari

ABSENT: None

Adopted at a meeting of the Charter Township of Oxford Board of Trustees held on the 8th day of June, 2022.



Jack Curtis, Supervisor
Charter Township of Oxford



Curtis Wright, Clerk
Charter Township of Oxford

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, Curtis Wright, duly elected Clerk of the Charter Township of Oxford, do hereby certify that the foregoing is a complete and true copy of Ordinance No. 67A.028 adopted by the Charter Township of Oxford at a meeting of the Board of Trustees held on the 8th day of June, 2022.



Curtis Wright, Clerk

PUBLISHED: June 15, 2022

EFFECTIVE: *Eight (8) days after publication*