



Department of Planning and Community Development

Medical Cannabis Caregiver Cultivation Occupancy Checklist

Each caregiver seeking to operate a medical cannabis operation within the city shall provide the following information prior to receiving a certificate of occupancy from the Building Department:

- Each registered primary caregiver shall provide proof that they are a current registered caregiver under the Michigan Medical Marihuana Act (MMMA).
- Each registered primary caregiver shall provide proof of the number of qualifying medical marihuana patients under the MMMA to be assisted.
- A detailed floor plan for each building containing a registered medical cannabis caregiver cultivation use(s). Such floor plan(s) shall identify each individual enclosed locked facility to be used by a registered primary caregiver(s) within the building(s). *Not more than five (5) certificates of occupancy will be issued for individual caregivers on a single zoning lot.*
- Odor control methods as required by the use standards included in Section 34-4.57.1.D.xii.

In addition to providing the above information at the time of submission of an application for re-occupancy or for any necessary building permit applications for medical cannabis caregiver cultivation, the use shall be subject to, and be operated in compliance with the regulations of Section 34-4.57 "Marihuana Uses" and the Michigan Medical Marihuana Act (MMMA).

- 7. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed 75 square feet. For corner lots, one additional sign of up to 75 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Up to two temporary freestanding signs not greater than 32 inches in height and four square feet shall be permitted within ten (10) feet of a street-facing property line. Up to eight (8) additional square feet of temporary freestanding signage shall be permitted within the site's parking area; such signage shall not exceed 32 inches in height. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted .
- 8. Seasonal outdoor sales shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article III of the City Code.

34-4.57 MARIHUANA USES

- 1. Primary caregiver (medical cannabis) uses are regulated as follows:
 - A. Findings, purpose and intent. The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et. seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical cannabis (marihuana) and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the City, does not conflict with the MMMA's requirement that cannabis plants be kept in an enclosed, locked facility. The City finds that the average residence in the City is not aptly suited to the safe and favorable cultivation of 72 cannabis plants that a primary caregiver is permitted to grow under the MMMA. The City further finds that the cultivation of 72 cannabis plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical cannabis, in compliance with the MMMA and this Article and to protect the public health, safety and welfare by mitigating the potential adverse and detrimental effects of such cultivation on neighboring properties.
 - B. Ordinance has no effect on patient use. This ordinance does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA,



shall be permitted to cultivate, at the primary residence of the patient, who shall also be a fulltime resident of the dwelling, no more than the 12 allowed cannabis plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition. The possession, smoking or ingestion of medical cannabis by a qualifying patient who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act (being PA 2008, Initiated Law, at MCL 333.26421, et seq.) in any zoning district shall not be considered a use of land regulated under this Chapter.

- C. No defenses against criminal prosecution. Nothing in this ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or affirmative defenses against criminal or other prosecution under state laws or local ordinances, including without limitation this Ordinance, for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the MMMA and the Administrative Rules of the Michigan Marijuana Regulatory Agency (MRA). Also, since federal law is not affected by the MMMA or the MRA's Administrative Rules, nothing in this Ordinance is intended to grant, nor shall anything in this Ordinance be construed as granting, immunity from or an affirmative defense against criminal prosecution under federal law. Moreover, nothing in this Ordinance shall be construed or interpreted as endorsing, aiding, or abetting violations of federal or state laws. The MMMA and this zoning ordinance do not protect users, caregivers or the owners of properties on which the medical use, growing, possession or handling of cannabis occurs from federal prosecution, or from having property seized by federal or state authorities under the federal Controlled Substances Act or other federal laws. The use, possession and growing of cannabis remains illegal; however, consistent with the MMMA and rulings of the Michigan Supreme Court, this Section of the Ordinance designates the specific districts of the City in which medical cannabis primary caregivers may assist one or more medical cannabis patients in the specific and limited

circumstances and under the conditions set forth in this Section.

- D. Use standards. The following regulations shall apply to all primary caregivers:
- i. Primary caregivers shall only operate on a zoning lot located within the LI-1, Light Industrial District and, if so located, shall be a principal permitted use. Site plan approval by the Planning Commission is required prior to commencing any new primary caregiver use unless the primary caregiver use is locating in an existing building in the LI-1, Light Industrial District, in which case the Director of Planning and Community Development or his/her designee shall be the approving body;
 - ii. The medical use of cannabis and the amount of cannabis and cannabis plants in the possession of the primary caregiver on the premises shall comply at all times and in all circumstances with the MMMA and the Administrative Rules of the MRA, as they may be amended from time to time, and the requirements of this ordinance;
 - iii. A registered primary caregiver shall not be located on zoning lot that adjoins or is adjacent to any property used for a nursery school, day nursery, day care center, state licensed day care home, or a public, parochial or private elementary, intermediate, or secondary school offering courses in general education;
 - iv. Not more than five (5) qualifying patients shall be assisted per primary caregiver with the medical use of cannabis;
 - v. Not more than five (5) primary caregivers shall be permitted to service qualifying patients on a zoning lot or parcel;

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- vi. All medical cannabis shall be contained within the main building in an enclosed, locked facility inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver. Enclosed, locked facility includes a motor vehicle if the following condition is met: The vehicle is actively being used temporarily to transport cannabis from one location to another with the intent to permanently retain cannabis at the second location in compliance with the MMMA and this ordinance.
 - vii. If more than one primary caregiver is located within a single building, each enclosed locked facility for cannabis must be identified on a floor plan that is approved by the City as part of a site plan;
 - viii. Each individual enclosed locked facility shall receive a valid certificate of occupancy from the Building Department before the presence of cannabis is allowed;
 - ix. Each enclosed locked facility must be separate from any other enclosed locked facility and shall be maintained enclosed and locked;
 - x. All required building, electrical, plumbing and mechanical permits shall be obtained, inspected, and approved by the City for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of cannabis are located, and for any improvements to the structure relating to the use;
 - xi. The structure shall be designed and maintained in a manner consistent with other permitted uses in the zoning district within which it is located. Grow lights, plants, growing and processing areas and related products and operational areas shall not be visible from any property line. If exterior windows are located in these areas, they shall be frosted, screened or otherwise modified to the satisfaction of the approving body so that the use, as described above, is not visible from any property line;
 - xii. All primary caregivers shall include odor control methods that follow industry best practices for removal of odor so that odor from the operation is not discernable beyond the property line of the zoning lot. Such methods shall be subject to approval of the approving body, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be included as part the approval process. Ozone generators shall not be permitted as an odor neutralization method;
 - xiii. The on-site delivery or sale of cannabis from a primary caregiver to a qualified patient on the zoning lot upon which the primary caregiver is operating is prohibited;
 - xiv. Use or consumption in any manner of cannabis or any illegal controlled substance is not permitted by any person on the premises of any primary caregiver; and
 - xv. No alcoholic beverage shall be sold, conveyed or consumed on the premises of any primary caregiver, nor shall any person be present on the premises of a primary caregiver while intoxicated and/or under the influence of alcohol or any controlled substance.
2. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marihuana establishments are prohibited within the boundaries of the City of Farmington Hills.

