

**CLEMENT TOWNSHIP  
COUNTY OF GLADWIN, STATE OF MICHIGAN  
ORDINANCE NO. 2023-02  
Marihuana Amendment to Zoning Ordinance**

**An ordinance to amend the Clement Township Zoning Ordinance Section 2.2 (Definitions), Section 4.6 (C-1 Commercial District), Section 4.7 (Full Table of Permitted and Special Land Uses) and Section 7.27 (Marihuana Facilities and Establishments).**

Clement Township, Gladwin County, Michigan ordains:

**Section 1: Amendment to the Clement Township Zoning Ordinance**

*That the Clement Township Zoning Ordinance, Section 2.2 (Definitions) is hereby amended to read as follows:*

*Amend the following definitions:*

**MARIJUANA.** The following definitions are related to marijuana. If any of the following definitions are amended by the State of Michigan in any state law related to marihuana facilities or marihuana establishments, the amended definition(s) adopted by the State of Michigan shall supersede the following definitions.

- A. **CULTIVATE.** Cultivate is defined in **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- B. **ENCLOSED, LOCKED FACILITY.** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423).
- C. **LICENSEE.** A person holding a state operating license issued by the Department of Licensing and Regulatory Affairs (LARA), or any subsequent agency with the authority to issue licenses, under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq. or the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- D. **MARIJUANA.** That term as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.; the **Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq.; the **Marijuana Tracking Act**, MCL 333.27901 et seq; and the **Michigan Regulations and Taxation of Marihuana Act**, Initiated Law of 2018, MCL 333.27951 et seq., as amended.
- E. **MARIHUANA FACILITIES.**
  - 1. **ADULT-USE MARIHUANA ESTABLISHMENT.** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the state to operate

under the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended and permitted by the Township pursuant to Township ordinances. Herein referred to as Marihuana Facility(ies).

2. **MEDICAL MARIHUANA FACILITY**. A location at which a person is licensed to operate under the **Michigan Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., and is permitted by the Township pursuant to Township ordinance and operates as a medical marihuana grower, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or a medical marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq. Herein referred to as Marihuana Facility(ies).

F. **MARIHUANA GROWER or MEDICAL MARIHUANA GROWER**. A use where a person holding a state operating license under the MMFLA or MRTMA, and a marihuana permit under Township ordinances cultivates, dries, trims, or cures and packages marihuana for sale to the extent permitted by State law and rules.

Medical Marihuana Facilities Licensing Act:

- (1) Class A – Up to 500 marihuana plants.
- (2) Class B – Up to 1,000 marihuana plants.
- (3) Class C – Up 1,500 marihuana plants

Michigan Regulation and Taxation of Marihuana Act (Initiated Law of 2018):

- (1) Class A – Up to 100 marihuana plants.
- (2) Class B – Up to 500 marihuana plants.
- (3) Class C – Up to 2,000 marihuana plants.

G. **MARIHUANA-INFUSED PRODUCT**. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

H. **MARIHUANA MICROBUSINESS**. A use where a person holding a state operating license under the MRTMA and a permit under Township ordinances cultivates not more than three hundred (300) marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments, to the extent permitted by State law and rules.

I. **MARIHUANA PLANT**. Any plant of the species Cannabis sativa L.

J. **MARIHUANA PROCESSOR OR MEDICAL MARIHUANA PROCESSOR**. A use where a person holding a state license under the MMFLA or MRTMA, and a marihuana license under Township ordinances purchases marihuana from a marihuana grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to the extent permitted by State law and rules.

K. **MARIHUANA RETAILER**. A use where a person holding a state operating license under the MRTMA and a license under Township ordinances obtains marihuana from marihuana establishments and sells

or otherwise transfers marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older to the extent permitted by State law and rules.

- L. **MARIHUANA SAFETY COMPLIANCE FACILITY or MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.** A use where a person holding a state operating license under the MMFLA or MRTMA., and a marihuana license under Township ordinances tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids to the extent permitted by State law and rules.
- M. **MARIHUANA SECURE TRANSPORTER or MEDICAL MARIHUANA SECURE TRANSPORTER.** A use where a person holding a state license under the MMFLA or MRTMA, and a marihuana license under Township ordinances stores medical marihuana and transports marihuana for a fee to the extent permitted by State law and rules.
- N. **MEDICAL MARIHUANA PROVISIONING CENTER.** A use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a permit pursuant to Township ordinances purchases medical marihuana from a medical marihuana grower or medical marihuana processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the Michigan Medical Marihuana Act, MCL 333.26241 et seq., directly or through the registered qualifying patients' registered primary caregiver. Medical marihuana provisioning center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Medical Marihuana Act, MCL 333.26241 et seq., is not a medical marihuana provisioning center.
- O. **MMFLA.** The Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. as amended.
- P. **MMMA.** The Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended.
- Q. **MRTMA.** The Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended.
- R. **MTA.** The Marihuana Tracking Act, MCL 333.27901 et seq., as amended.
- S. **PERMITTED PROPERTY OR PERMITTED LOCATION.** The property comprised of a lot, parcel, or other designated unit of real property upon which the Medical Marihuana Facility or Adult Use Marihuana Establishment is located. A permitted property or permitted location is identified based on address.
- T. **PRIMARY CAREGIVER.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients' use of medical marijuana.
- U. **PRIMARY CAREGIVER FACILITY.** A building in which the activities of a Primary Caregiver are conducted.

V. **QUALIFYING PATIENT.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

**That the Clement Township Zoning Ordinance, Section 4.7 (Full Table of Permitted & Special Land Uses) is hereby amended to read as follows:**

*Add the following to the Full Table of Permitted and Special Uses:*

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Marihuana Retailer or Provisioning Center (Medical Marihuana Provisioning Centers are only allowed if established in conjunction with an Adult Use Marihuana Retailer)			<b>S*</b>

**That the Clement Township Zoning Ordinance, Section 4.6 (C-1 Commercial District) is hereby amended to read as follows:**

**B. Uses Permitted by Right and Special Uses.**

*Add the following to the Table of Permitted and Special Uses:*

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Marihuana Retailer or Provisioning Center (Medical Marihuana Provisioning Centers are only allowed if established in conjunction with an Adult Use Marihuana Retailer)	<b>S*</b>

**That the Clement Township Zoning Ordinance, Section 7.27 (Marihuana Facilities) is hereby added to read as follows:**

**A. General Standards and Submission Requirements.**

1. Marihuana facilities shall receive a license from the Township prior to operating and shall continue to comply with the Clement Township Marihuana Licensing Ordinance.
2. Only the entity named on the license may operate at a facility or establishment.
3. Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.

4. A site plan, pursuant to **Article 5** and **Article 6**, shall be submitted in conjunction with a licensing application. The site plan should show public, private, and secured areas. In addition, the applicant shall submit elevation drawings which show the front façade of the building including any planned design treatments. Building plans and a description of building improvements may be required.
5. The permit holder, owner, and operator of the permitted premises shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
6. **Uses Not Permitted.** The following marihuana facilities are NOT permitted in Clement Township (both Adult-Use and Medical): Marihuana Microbusinesses, Marihuana Growers, Marihuana Processors, Marihuana Safety Compliance Facility, and Marihuana Secure Transporters.

#### B. **Specific Standards.**

In addition to the site plan review standards in **Section 5.5** and the Special Use standards in **Section 6.4**, the following standards shall apply:

1. The types of marihuana facilities permitted by Special Use in the Township are listed in **Table 4.7** and in the individual district tables.
2. **Location.** Each marihuana facility shall be operated only from the premises approved on the site plan.
3. **Indoor Operation Required.** All activities of marihuana facilities or establishments permitted under the permit holder’s license or permit must occur indoors. The establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
4. **Isolation Distance.**

Marihuana facilities shall not be located within three hundred (300) feet of any building used for residential, education, child care, or addiction treatment purposes (herein referred to as “eligible buildings”) or within three hundred (300) feet of the lot line of a park whether or not those eligible buildings or parks are in Clement Township. This measurement shall be measured from building to building except for the case of a park where the measurement shall be from the marihuana facility building to the lot line of a park. This measurement shall be measured at the time the application was filed and will not apply to such eligible buildings or parks not in existence at the time the application was filed. These required separation distances cannot be waived except as allowed below:

- a. The application shall provide evidence that all eligible buildings within the separation distance area have been notified by the applicant of the intent to seek a waiver from the separation distance requirements. Failure to satisfy this requirement may be grounds to deny a proposed separation distance waiver.

- b. If an objection is not filed by the owners or tenants of an eligible building, the Planning Commission may waive the required separation distance, at the public hearing, in accordance with the standards provided in subsection (c).
  - c. The Planning Commission may grant a reduction in the separation distances upon finding that granting the reduced separation distance:
    - (1) will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties or impair quality of life.
    - (2) will not otherwise impair the public health, safety, and general welfare of the residents.
    - (3) Will not damage the neighborhood character.
  - d. Prior to granting the waiver, signed statements shall be required from each impacted property owner (whose property contains an eligible building within three hundred (300) feet of the proposed facility) which indicate that each owner of the property is aware of and in agreement with the waiver. All owners listed in the Township tax records shall sign the statement.
5. **Screening.** Screening along the side and rear lot lines shall be provided adjacent to residential districts or residential uses.
  6. **Security.** Marihuana facilities shall keep all marihuana products in a secured location pursuant to the State of Michigan rules and regulations.
  7. **Impact to Adjacent Premises.** The operation and design of the permitted premises shall minimize any impact to adjacent uses including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
  8. Clement Township may impose such reasonable terms and conditions on a Marihuana Facility Special Use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

## Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

## Section 3: Saving Clause

The Clement Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or

done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4: Effective Date**

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

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Karon Hoffman  
Clement Township Supervisor

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Eric House  
Clement Township Clerk

I, Eric House, Clerk for Clement Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-02 of 2023 of Clement Township, adopted by at a meeting of the Township Board of Trustees held on April 12, 2023.

A copy of the complete ordinance text may be inspected or purchased at the Clement Township Offices at 1497 E. M-30, Alger, MI 48610.

Adopted: 4-12-23      Published: 4-19-23      Effective: 4-27-23, subject to PA 110 of 2006 as amended.