

**Sherman Township
Ordinance No. 3 of 2022**

**An ordinance to amend the Sherman Township Zoning Ordinance Section 2.01 (Definitions)
and Section 2.14 (Special Uses).**

Sherman Township, Iosco County, Michigan ordains:

Section 1. Additions and deletions to the Sherman Township Zoning Ordinance Section 2.01 (Definitions) and Section 2.14 (Special Uses)

That the Sherman Township Zoning Ordinance, Section 2.01 (Definitions), is hereby amended to read as follows:

Section 2.0146: In addition to the following definitions, the Township adopts all definitions contained in any of the State rules, regulations, statutes, and administrative code enacted for the purpose of regulating marihuana facilities and establishments.

- A. **DEPARTMENT:** The Department of Licensing and Regulatory Affairs or any successor agency.
- B. **ADULT-USE MARIHUANA ESTABLISHMENT.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.**; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility herein referred to as "marihuana facility" or "marihuana facilities."
 - 1. **MARIHUANA GROWER.** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments/facilities.
 - a. **CLASS A GROWER** – maximum of one hundred (100) marihuana plants as defined in the MRTMA.
 - b. **CLASS B GROWER** – maximum of five hundred (500) marihuana plants as defined in the MRTMA.
 - c. **CLASS C GROWER** – maximum of two thousand (2,000) marihuana plants as defined in the MRTMA.
 - 2. **MARIHUANA MICROBUSINESS.** A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer 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.
 - 3. **MARIHUANA PROCESSOR.** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to

marihuana establishments.

4. **MARIHUANA RETAILER.** A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
 5. **MARIHUANA SECURE TRANSPORTER.** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
 6. **MARIHUANA SAFETY COMPLIANCE FACILITY.** A person licensed to test marihuana, including certification for potency and the presence of contaminants.
- C. **MEDICAL MARIHUANA FACILITY.** An enterprise at a specific location at which a licensee is licensed to operate under 2016 PA 281, **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility herein referred to as "marihuana facility" or "marihuana facilities." 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.
1. **MARIHUANA GROWER.** A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a marihuana establishment/facility.
 - a. **CLASS A GROWER** – maximum of five hundred (500) marihuana plants as defined in the MMFLA.
 - b. **CLASS B GROWER** – maximum of one thousand (1,000) marihuana plants as defined in the MMFLA.
 - c. **CLASS C GROWER** – maximum of fifteen hundred (1,500) marihuana plants as defined in the MMFLA.
 2. **MARIHUANA PROCESSOR.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
 3. **MARIHUANA PROVISIONING CENTER.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
 4. **MARIHUANA SAFETY COMPLIANCE FACILITY.** A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants

and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

5. **MARIHUANA SECURE TRANSPORTER.** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

D. **MARIHUANA:** That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

That the Sherman Township Zoning Ordinance, Section 2.14 (Special Uses), is hereby amended to read as follows:

Section 2.142 Permitted Uses

(add the following)

Section 2.1428 Marihuana Facilities

Section 2.14281

Marihuana Grower (Class A, Class B, or Class C) shall be allowed as a Special Use in the Agricultural/Residence District and the Industrial District.

Marihuana Processor shall be allowed as a Special Use in the Agricultural/Residence District and the Industrial District.

Marihuana Safety Compliance Facility shall be allowed as a Special Use in the Agricultural/Residence District and the Industrial District.

Marihuana Secure Transporter shall be allowed as a Special Use in the Agricultural/Residence District and the Industrial District.

Section 2.14282

1. **State License.** Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.
2. **Township License.** Marihuana facilities shall receive a marihuana facilities license from the Township prior to operating and shall continue to comply with Sherman Township Medical Marihuana Facility and Adult-Use Marihuana Establishment Licensing Ordinance No. 02-2022.
3. **Site Plan.** The following shall be submitted a site plan pursuant to Section 2.063 in conjunction with the licensing application.
4. **Location.** Each marihuana facility shall be operated only from the premises approved on the site plan. No marihuana facility shall be permitted to operate from a movable, mobile, or transitory location except for a permitted and licensed marihuana secure transporter when engaged in the lawful transport of marihuana.

5. **Co-Location.** More than one (1) marihuana facility may operate from within a single location operating pursuant to the **Michigan Regulation and Taxation of Marihuana Act** and may operate from a location shared with a marihuana facility(s) operating pursuant to the **Medical Marihuana Facilities Licensing Act** and the rules of the State. Co-location may only occur if all uses are allowed in the zoning district in which the property is located. No more than one (1) Special Use Permit for the same type of facility shall be issued per permitted location (based on address), however multiple marihuana facility licenses may be permitted at a single location. For example, no more than one (1) Grower Special Use Permit shall be issued at a single location (multiple Grower licenses may exist at the same location), but a Special Use Permit for one (1) Processor may also be issued at the same location.

6. **District Regulations.** Marihuana facilities shall adhere to the district regulations of the district they are located in.

In the Agricultural/Residence District, Section 2.113 (Height, Yard, and Building Floor Area Requirements) and Section 2.114 (Parking Regulations) shall apply. Section 2.115 (Fences) shall not apply. Section 2.133 (General Performance Standards) shall apply.

In the Industrial District, Section 2.131 (Height, Yard, and Area Regulations), Section 2.132 (Parking and Loading), Section 2.133 (General Performance Standards), and Section 2.134 (Fences) shall apply.

7. **Minimum Acres.** Marihuana growers shall be located on a minimum of fifteen (15) acres.

8. **Separation Distances.**

a. Marihuana facilities shall not be located within one thousand (1,000) feet of any building used for education, child care, park, or addiction treatment purposes (herein referred to as "eligible buildings") whether or not those eligible buildings are in Sherman Township. This measurement shall be the distance from any building in which the facility or establishment is operating and an eligible building on another lot or to the lot line of a park.

9. **Screening.** Screening shall be provided pursuant to Section 2.15 for all marihuana facilities along the side and rear lot lines. In addition, marihuana grower facilities shall be screened along the ALL lots lines using standards pursuant to Section 2.15. Marihuana facilities with outdoor storage shall provide screening of all storage areas pursuant to Section 2.15.

10. **Lighting.**

a. All outdoor lighting shall be shielded, shaded, designed, and/or directed away from all adjacent properties and uses and further shall not glare upon or interfere with adjacent properties and/or persons and vehicles using public streets.

b. All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.

That the Sherman Township Zoning Ordinance, Section 2.15 (Screening), is hereby added to read as follows:

(new section)

Section 2.15

2.151 Required Screening.

Whenever a nonresidential use abuts a residential use, there shall be provided and maintained, on each side lot line and the rear lot line of the property abutting or adjacent to a residential use of property, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6) feet in height. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

The plans for required protective screenings shall be submitted to the Zoning Administrator for approval or recommendations as to suitability and arrangement of screening structures and material. Any limbs, shrubs, or bushes which extend into the property of adjoining residential property owner may be trimmed back by the residential property owner.

1. **Screening Fences and Walls.** Solid fences, walls, or chain link or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
 - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
 - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

2.152 Installation and Maintenance.

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.

2. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

2.153 Waiver.

The Planning Commission may waive or modify or waive any requirements in this Section where cause can be shown that no good purpose would be served with conformance to this Section 2.15 and that:

1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.
3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

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

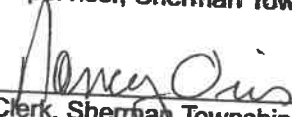
The Sherman Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or 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.



Supervisor, Sherman Township



Clerk, Sherman Township

I, Nancy, Clerk for Sherman Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 3 of 2022 of Sherman Township, adopted by at a meeting of the Township Board held on 10-3-2022.

A copy of the complete ordinance text may be inspected or purchased at Sherman Township Hall at
2510 Rhodes Rd, Michigan.
Turner

Adopted: 10-3-22 Published: 10-12-22 Effective: 10-20-22 subject to PA 110 of 2006 as amended