

**WINDSOR CHARTER TOWNSHIP  
EATON COUNTY, MICHIGAN  
ZONING ORDINANCE AMENDMENT  
ORDINANCE NO. 25**

At a regular meeting of the Township Board of Windsor Charter Township, Eaton County, Michigan, held at the Windsor Charter Township Hall on June 27, 2017, at 7:30 p.m., Township Board Member Pray moved to adopt the following ordinance, which motion was seconded by Township Board Member Myers:

*An Ordinance to amend the Windsor Charter Township Zoning Ordinance, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Primary Caregiver Operations; and designate such Facilities and Operations as special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Windsor Charter Township.*

THE CHARTER TOWNSHIP OF WINDSOR ORDAINS:

**Section 1. Amendment of Article X, Section 10.2, Definitions:** The Windsor Charter Township Zoning Ordinance, Article X, Section 10.2, Definitions, shall be amended to add the following definitions:

1. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
  - a. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
  - b. “*Processor*,” as that term is defined in the MMFLA;
  - c. “*Secure Transporter*,” as that term in the MMFLA;
  - d. “*Grower*,” as that term is defined in the MMFLA;
  - e. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
2. “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
3. “*Medical Marihuana*” means that term as defined in MCL 333.26423.
4. “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
5. “*Permit*” means a current and valid permit for a Commercial Medical Marihuana Facility issued under the Windsor Charter Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities, Windsor Charter Township Ordinance No. 42, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.

6. “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
7. “*Primary Caregiver*” means a Person qualified under MCL 333.26423(g), and the rules promulgated thereunder by the Department of Community Health, R 333.101, et seq., including, but not limited to possession of a valid, unexpired registry identification card, to assist with a Patient's medical use of Marihuana, and authorized under the Michigan Medical Marihuana Act (“*MMMA*”) to operate as a Primary Caregiver.
8. “*Primary Caregiver Operation*” means a location where a Primary Caregiver can lawfully operate as permitted by the *MMMA* and this Ordinance. A Primary Caregiver Operation is not a Commercial Medical Marihuana Facility.

**Section 2. Amendment of Article V, Section 5.8-A.3, Uses permitted by special use permit:** The Windsor Charter Township Zoning Ordinance, Article V, Section 5.8-A.3, Uses permitted by special use permit, shall be amended to add the following special land uses in addition to those presently listed in the B-2 Business District:

- (1) – (17) See current zoning ordinance.
18. Primary Caregiver Operations.
19. Growers Facilities, Class A.
20. Growers Facilities, Class B.
21. Growers Facilities, Class C.
20. Processor Facilities.
21. Safety Compliance Facilities.
23. Secure Transporter Facilities.

**Section 3. Amendment of Article V, Section 5.9.3, Principal Permitted Uses:** The Windsor Charter Township Zoning Ordinance, Article V, Section 5.9.3, Principal Permitted Uses, shall be amended to add the following principal land uses in addition to those presently listed in the M-1 Light Industrial District:

- (a) – (j) See current zoning ordinance.
- (k) Primary Caregiver Operations;
- (l) Any other use which, by the decision of the Planning Commission, is similar to the uses described in this section. Intensity of use as described in Section 5.8-A.3 of this ordinance will be the initial criteria used to measure and make a decision.

**Section 4. Amendment of Article V, Section 5.9-A.3, Principal Permitted Uses:** The Windsor Charter Township Zoning Ordinance, Article V, Section 5.9-A.3, Principal Permitted Uses, shall be amended to add the following principal land use in addition to those presently listed in the M-2 Heavy Industrial District:

- (a) – (b) See current zoning ordinance.

- (c) Primary Caregiver Operations;
- (d) Any other use which, by the decision of the Planning Commission, is similar to the uses described in this section. Intensity of use as described in Section 5.8-A.3 of this ordinance will be the initial criteria used to measure and make a decision.

**Section 5. Severability:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**Section 6. Effective Date:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.