

CITY OF PERRY  
SHIAWASSEE COUNTY  
STATE OF MICHIGAN

ORDINANCE NO. 365

**THE CITY OF PERRY ORDAINS:**

The City of Perry Zoning Ordinance is amended by deleting Sections 3.31 and 3.32 in their entirety and replacing the same with the following Section 3.31 and Section 3.32 inserted in their stead and by amending Table 8.02, Section 2.14, and Section 15.07 as follows:

**A. Section 3.31 MARIHUANA PROVISIONING CENTER / RETAILER**

This Section shall apply to all Medical Marihuana Provisioning Centers / Adult-Use (Recreational) Marihuana Retailers proposed to be established after the effective date of this ordinance.

- A. Medical Marihuana Provisioning Centers / Adult-Use (Recreational) Marihuana Retailers shall be commenced, conducted operated and utilized in accordance with the established City of Perry zoning and codified ordinances, and in compliance with the MMFLA, MMMA, MRTMA, MTA and applicable State and Federal laws.
- B. Proof of a surety bond in the amount of \$50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this chapter in a manner and surety approved by the City Attorney; or, in the creation of an escrow account as follows:
  - 1. The account must be provided by a State or federally regulated financial institution or other financial institution;
  - 2. And the account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and
  - 3. The account must be in the amount of \$20,000.00 and in a form prescribed by the City Attorney.
- C. Consumption of marihuana in any public place within the City of Perry is prohibited except as provided by State law.
- D. No Medical Marihuana Provisioning Center / Adult-Use (Recreational) Marihuana Retailer shall permit the sale, consumption, or serving of alcohol.

**B. Section 3.32 MARIHUANA ESTABLISHMENT**

No marihuana establishments shall be commenced, operated or utilized in any zoning district, on or from any property within the City of Perry, except for medical marihuana provisioning centers/ Adult-Use (Recreational) Marihuana Retailers as designated in SECTION 3.31.

**C. Perry City Zoning Ordinance Chapter 8 Section 8.02 Table of Uses be amended to repeal the use of Medical Marijuana Dispensary and replace the following:**

TABLE 8.02: TABLE OF USES FOR COMMERCIAL DISTRICTS

USE	CBD	B-1	MXD
Medical Marihuana Provisioning Center / Adult-Use (Recreational) Marihuana Retailers (Note: A single location will serve as both a medical marihuana provisioning center and a marihuana retailer)	NP	SLU	SLU

- D. Perry City Zoning Ordinance Section 2.14 – Definitions – M shall be amended to insert the following definition after “Manufactured Home Space” and before “Master Plan”**

**MARIHUANA ADULT-USE (RECREATIONAL) RETAILER**

“Marihuana Adult-Use (Recreational) Retailer” means a licensee that is a commercial entity located in the state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to a qualifying adult as defined in the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. 333.27951 et seq

- E. Perry City Zoning Ordinance Section 2.14 – Definitions – M shall be amended to insert the following definition after “Marihuana Adult-Use (Recreational) Retailer” and before “Marina”**

**MARIHUANA ESTABLISHMENT**

“Marihuana establishment” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana provisioning center, or any other type of marihuana - related business licensed by the State of Michigan.

- F. Perry City Zoning Ordinance Section 2.14 – Definitions – M shall be amended to insert the following definition after “Master Plan” and before “Migrant Agricultural Labor Housing”**

**MEDICAL MARIHUANA PROVISIONING CENTER**

Medical Marihuana Provisioning Center means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by State law. Medical Marihuana Provisioning Center, as defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with State law and regulation. A non-commercial or non-business location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the State's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a Medical Marihuana Provisioning Center for purposes of this chapter.

MMFLA means the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. as amended from time to time.

MMMA means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

MRTMA means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended from time to time.

MTA means the Marihuana Tracking Act, MCL 333.27901 et seq., as amended from time to time.

**G. Perry City Zoning Ordinance Section 15.07 – Specific Standards shall be amended to insert the following definition after EE. Wireless communications towers:**

**FF. Medical Marihuana Provisioning Centers / Marihuana Adult-Use (Recreational) Retailers**


1. Medical marihuana provisioning centers / marihuana adult-use (recreational) retailers shall be located within a permanent building, as defined by Section 2.03.
2. No medical marihuana provisioning center / marihuana adult-use (recreational) retailer shall be located within one thousand (1000) feet of a public school or library. This distance shall be measured in a straight line from the nearest property line to the parcel of land upon which the proposed marihuana facility is to be located to the nearest boundary of public-school property or public library.
3. Medical marihuana provisioning centers / marihuana adult-use (recreational) retailers shall not be expanded or improved in any manner requiring a building permit without first applying for and receiving the approval of the City of Perry Zoning Administrator, Planning Commission, and the City of Perry Council.
4. Medical marihuana provisioning centers / marihuana adult-use (recreational) retailers are not permitted in A-1, R-1A, R-1B, R-T, R-M, PUD, NFO, MHP, CBD, I-1 or I-2. Medical marihuana provisioning centers / marihuana adult-use (recreational) retailers are permitted in B-1 and MXD.
5. Parking requirements of one (1) parking space per 300 sq ft of usable retail floor area and in conformance with Section 13.05
6. Buildings must be constructed in a manner that provides unobstructed visibility to all areas of the building and parking lots.
7. If the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials and sight-obscuring fences or walls of an appropriate type approved by the Planning Commission and in accordance with Section 13.03 shall be placed within the buffer strip.
8. Any sign or signs shall comply with the requirements of this Ordinance and be approved at the discretion of the Planning Commission.
9. Hours of operation are limited to Monday through Sunday 8am to 10pm.

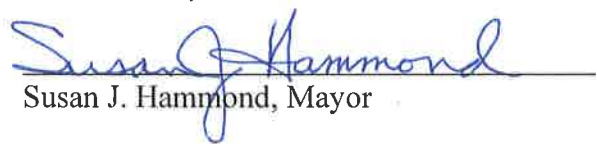
10. Outdoor lighting shall be dark-sky compliant and sufficient to illuminate all sides of the building without creating a nuisance to surrounding properties or roadways.

This Ordinance shall take effect 30 days from date of publication.

Adopted this 1<sup>st</sup> day of September, 2022.

Published: September 8, 2022

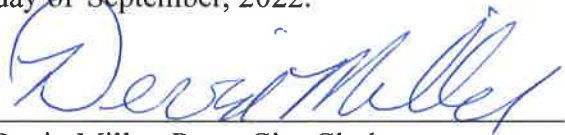
  
Devin Miller, Clerk

  
Susan J. Hammond, Mayor

**CERTIFICATION**

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF SHIAWASSEE)

I, the undersigned, and duly qualified and acting City Clerk of the City of Perry, Shiawassee County, Michigan, DO HEREBY CERTIFY that the foregoing was introduced at a regular meeting of the Perry City Council on the 18<sup>th</sup> day of August, 2022, and was duly adopted at a regular meeting of the Perry City Council on the 1<sup>st</sup> day of September, 2022.

  
Devin Miller, Perry City Clerk