

I hereby certify that the attached is a true and complete copy of a Resolution adopted by the City Commission of the City of Sturgis, County of St. Joseph, State of Michigan, at a regular meeting held on December 12, 2018, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan 1976.



Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

Moved by Comm. Good and seconded by Comm. Mullins to consider this the second reading of and approve an amendment to the City Code of Ordinances, Chapter 38, Article IV, Section 38-92 as presented, to be effective January 4, 2019.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

AMENDMENTS TO CITY ORDINANCES  
PERTAINING TO THE AUTHORIZATION AND PERMITTING  
OF COMMERCIAL MEDICAL MARIHUANA FACILITIES

An ordinance to amend Chapter 38-Article IV Section 38-92 of the Ordinances of the City of Sturgis to provide for the modification of definitions and operational requirements of commercial medical marihuana facilities.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for the modification of definitions and operational requirements of commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 38-Article IV, Section 38-92 of the City Ordinances is hereby amended as follows effective as of January 4, 2019.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-92 MEDICAL MARIHUANA FACILITIES

....

(b) Definitions. The following words and phrases shall have the following definitions when used in this Ordinance:

....

(16) "Premises" means the particular building, buildings, section of land, or rental space within which a particular use is conducted.

(17) "Public Place" means any area in which the public is invited or generally permitted in the usual course of business.

(18) "School" means any property owned or leased by an elementary, parochial, private, or secondary school, including buildings, fields, or other property utilized by the school.

Elementary, parochial, private and secondary schools are defined as in the City of Sturgis Zoning Code.

...

(f) Operational Requirements – Commercial Medical Marihuana Facilities. A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the City shall at all times comply with the following operational requirements, which the City may review and amend from time to time as it determines reasonable.

...

(5) Required Spacing. The following spacing requirements for Medical Marihuana Facilities are present:

i. No Commercial Medical Marihuana Facility shall be located within one thousand (1,000) feet from any school.

ii. No Provisioning Center shall be located within two hundred and fifty (250) feet from any of the following:

- 1) Public Park.
- 2) Church or house of worship.
- 3) City of Sturgis property zoned R-1, R-2, R-3, R-4, or R-5.
- 4) Burr Oak Township property zoned R1, R2, or R3.
- 5) Fawn River Township property zoned R1, R2, RMH, or RL.
- 6) Sherman Township property zoned RR, RP, MDR, WR, or MHC.
- 7) Sturgis Township property zoned R1, R2, R3, or MHP.
- 8) City dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (5) ii. 3).
- 9) Township dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (5) ii. 4) through 7).

iii. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the Permitted Premises at which the proposed Medical Marihuana Facility is to be located to the nearest point of one of the following:

- 1) The lot line of the separated use, when:
  1. A school, public park, church, or house of worship is the only use on the parcel.
  2. A parcel is zoned in one of the districts listed in sections (5) ii. 3) through 7).
- 2) The premises of the separated use, when:
  1. A school, public park, church, or house of worship is one of multiple uses on the parcel.
  2. Measuring from (5) ii. 8) or 9)....