



INKSTER CITY COUNCIL SPECIAL MEETING

November 8, 2019
26215 Trowbridge, Inkster, MI 48141
(313) 563-4232 www.cityofinkster.com

Mayor – Byron Nolen
Mayor Pro Tem – Timothy Williams, District I

Council Members:

Clarence Oden, Jr., District II
Sandra K. Watley., District III
Steven Chisholm, District IV
Kim Howard, District V
Connie R. Mitchell, District VI

FELICIA RUTLEDGE
CITY CLERK

BYRON NOLEN
MAYOR

TREASURER
DARIN CARRINGTON

DAVID JONES
CITY ATTORNEY

Council may be addressed during the Regular Meeting by filling out the Public Participation Form. Address Council as a whole through the Mayor. Please state your name and your address for the record prior to providing your comments. Comments are limited to three (3) minutes.

November 8, 2019

Special Meeting City Council Agenda – 10:00AM

1. Call Meeting to Order

A. Roll Call

2. Approval of Agenda

3. Closed Session

Council may enter into Closed Session to discuss contract negotiations, purchase or lease of real property and/or pending litigation in accordance with MCL 15.268 (a), (c), (d), (e) and/or (f).

4. Ordinance(s)

A. First Reading(s)

B. Second Reading(s)

1. A **second** reading and **approval** of text amendments (TA 19-23) to the City's Zoning Ordinance pertaining to provisions for recreational (adult-use) marijuana facilities per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information". **Pg. 1**

5. New Business

A. Discussion/Action: (City Council) Consideration and approval to ratify the AFSCME Contract.

6. Public Participation (limit to 3 minutes)

7. Mayor and Council Communication

8. Adjournment

Felicia Rutledge
City Clerk

REQUEST FOR COUNCIL ACTION

To: Byron H. Nolen, Mayor

Date: November 7, 2019

From: Adrianna Jordan
City Planner

Date for Council Consideration: November 8, 2019

ACTION REQUESTED: Council to offer a second reading and consideration of approval of text amendments (TA 19-23) to the City's Zoning Ordinance pertaining to provisions for recreational (adult-use) marijuana facilities per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☐ Account # ☐ No ☐ N/A ☒

Mayor's Approval ☐

BACKGROUND INFORMATION

A public hearing was held by the Planning Commission for the proposed text amendments on Monday, October 28, 2019, and the amendments were also recommended for approval by the Planning Commission on Monday, October 28, 2019. Public comments were received on the amendments at the public hearing. Draft meeting minutes are attached. A first reading of the text amendments was held by City Council on Monday, October 28, 2019.

Proposed modifications include changes to §155.146 "Standards for All Medical Marijuana Facilities" to include Recreational Marijuana facilities, and establishing §155.155D "Recreational Marijuana Grower", §155.155E "Recreational Marijuana Retailer", §155.155F "Recreational Marijuana Processor", §155.155G "Recreational Marijuana Secure Transporter", and §155.155H "Recreational Marijuana Safety Compliance Facility".

SCOPE OF SERVICES

N/A

JUSTIFICATION

The proposed zoning text amendments are being initiated by the City of Inkster due to recent changes in state law in regards to recreational marijuana facilities and state license categories. On November 6, 2018 Michigan voters legalized adult-use (recreational) marijuana. The law related to this went into effect on December 6, 2018 and is known as the "Michigan Regulation and Taxation of Marijuana Act".

Currently, the City of Inkster zoning ordinance only recognizes medical marijuana land uses. The proposed zoning text amendments would follow the new state licensing categories for adult-use (or recreational) marijuana and consist of recreational "marijuana growers", "marijuana processors", "marijuana retailers", "marijuana secure transporters", and "marijuana safety compliance facilities". The new recreational (adult

use) land uses and standards mirror the same land uses and standards used for medical marijuana in the zoning ordinance.

The text amendment language is attached for review.

PROJECT OR IMPROVEMENT TASKS

1. Develop a plan to diversify the tax base to ensure a sustainable budget for Inkster.

COSTS

There are no associated costs.

PROJECT TIME TABLE

If the request is approved by Council, the amendment will be published and posted and become effective after 30 days.

RESOLUTION

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

- In § 155.021 "Conflict Of Laws and Prohibited Land Uses", include Recreational Marijuana facilities.
- In § 155.029 "Definitions", include definitions for various Recreational Marijuana facilities.
- In § 155.036 "Schedule Of Land Uses", include Recreational Marijuana facilities in appropriate places.
- In § 155.045 (D) "B-1 Local Business District, Special Land Uses", establish appropriate Recreational Marijuana facilities as a special land use.
- In § 155.046 (D) "B-2 Thoroughfare Mixed Use District, Special Land Uses", establish appropriate Recreational Marijuana facilities as a special land use.
- In § 155.047 (D) "B-3 General Business District, Special Land Uses", establish appropriate Recreational Marijuana facilities as a special land use.
- In § 155.048 (C) "M-1 Light Industrial District, Special Land Uses", establish appropriate Recreational Marijuana facilities as a special land use.
- In § 155.146 "Standards for All Medical Marijuana Facilities" include Recreational Marijuana facilities.
- In § 155.148(B) "Medical Marijuana Provisioning Centers" modify radius language.
- Establish new zoning ordinance section and special land use standards for § 155.155D "Recreational Marijuana Grower".
- Establish new zoning ordinance section and special land use standards for § 155.155E "Recreational Marijuana Retailer".
- Establish new zoning ordinance section and special land use standards for § 155.155F "Recreational Marijuana Processor".
- Establish new zoning ordinance section and special land use standards for § 155.155G "Recreational Marijuana Secure Transporter".
- Establish new zoning ordinance section and special land use standards for § 155.155H "Recreational Marijuana Safety Compliance Facility".

All edits are **highlighted in red** with new text underlined and deleted text marked with a ~~strikethrough~~.

General Provisions

- 155.011 Title
- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of interpretation and application
- 155.016 Conflicting provisions
- 155.017 Transitional provisions
- 155.018 Construction of language
- 155.019 Reconstruction of damaged properties
- 155.020 Vested rights prohibited

- 155.021 Conflict of laws and prohibited land uses
- 155.022 Reserved through § 155.028
- 155.029 Definitions

Districts and Boundaries; Maps; Schedule of Land Uses

- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
- 155.034 Zoning of vacated areas
- 155.035 Zoning of annexed areas
- 155.036 Schedule of land uses
- 155.037 Reserved through § 155.039

Zoning District Regulations

- 155.041 R-1A through R-1C One-Family Residential Districts
- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
- 155.044 O-1 Office Building District
- 155.045 B-1 Local Business District
- 155.046 B-2 Thoroughfare Mixed-Use District
- 155.047 B-3 General Business District
- 155.048 M-1 Light Industrial District
- 155.049 TCD Town Center District
- 155.050 Reserved through § 155.059

Schedule of Regulations

- 155.061 Schedule of regulations
- 155.062 Reserved through § 155.069

General Development Standards

- 155.071 Intent
- 155.072 Architectural features
- 155.073 Site design features
- 155.074 Walls
- 155.075 Waste receptacle (dumpster), storage screening, or collection bins
- 155.076 Exterior lighting and security cameras
- 155.077 Off-street parking
- 155.078 Accessible parking for physically disabled persons
- 155.079 Off-street loading and unloading
- 155.080 Parking lot landscaping
- 155.081 Use restriction
- 155.082 Height, area and use exceptions
- 155.083 Required site development

Special Land Use Standards

- 155.111 Intent
- 155.112 Child and adult foster care facilities
- 155.113 Nursery schools, day nurseries and child care centers (not

including dormitories)

155.114 Nursing and convalescent homes

155.115 Religious institutions

155.116 Senior housing, assisted living facility and similar types of housing for the elderly

155.117 Private noncommercial recreation area; institutional or community recreation centers

155.118 Golf courses

155.119 Colleges, universities and other institutions of higher learning

155.120 Business, trade, vocational and similar learning institutions

155.121 Townhomes and duplexes

155.122 Multiple-family dwellings (three stories or less)

155.123 Multiple-family dwellings (four stories or greater)

155.124 Mixed-use business and residential buildings

155.125 General hospitals

155.126 Automobile service stations

155.127 Vehicle washing facilities

155.128 Minor vehicle repair facilities

155.129 Major vehicle repair facilities

155.130 Carry-out, fast food, drive-through or drive-in restaurants

155.131 Motels or hotels

155.132 Self-storage facilities

155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers

155.134 Outdoor sales of automobiles and other vehicles

155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials

155.136 Open air business

155.137 Research and development facilities

155.138 Junk yards

155.139 Contractors' offices and yards

155.140 Manufactured housing communities

155.141 Outdoor theaters

155.142 Floodplain zones; National Flood Insurance Program

155.143 Standards for processing bio-diesel fuels

155.144 Tattoo establishments

155.145 Charitable gaming room

155.146 Standards for all medical marijuana facilities and recreational marijuana establishments

155.147 Commercial warehouse and wholesale operations

155.148 Medical marijuana provisioning centers

155.149 Temporary pop-up commercial use

155.149A Mobile food vending

155.149B Mobile food court or park

- 155.150 Medical marijuana processing facilities
- 155.150A Medical marijuana testing facilities
- 155.150B Medical marijuana transportation facilities
- 155.150C Medical marijuana cultivation facilities
- 155.150D Recreational marijuana grower establishment
- 155.150E Recreational marijuana retailer establishment
- 155.150F Recreational marijuana processing establishment
- 155.150G Recreational marijuana secure transporter
- 155.150H Recreational marijuana safety compliance establishment

Alternative Development Options

- 155.151 Condominium development
- 155.152 Planned unit development
- 155.153 Lot averaging for one-family developments
- 155.154 Reserved through § 155.159

Performance Standards

- 155.161 Intent
- 155.162 Scope of application
- 155.163 Submission of additional data
- 155.164 Performance standards
- 155.165 Procedures for determining compliance
- 155.166 Continued violation
- 155.167 Appeals
- 155.168 Reserved through § 155.179

Nonconforming Uses and Structures

- 155.181 Intent
- 155.182 Nonconforming lots
- 155.183 Nonconforming uses of land
- 155.184 Nonconforming structures
- 155.185 Nonconforming uses of structures
- 155.186 Repairs and maintenance
- 155.186A Preferred class designations
- 155.187 Change of tenancy or ownership
- 155.188 Reserved through § 155.199

Regulated Uses

- 155.201 Intent
- 155.202 Establishment
- 155.203 Review and action procedures
- 155.204 Invalidation of regulated use permits
- 155.205 Massage establishments
- 155.206 Reserved
- 155.207 Appeals procedure
- 155.208 Reserved
- 155.209 Reserved

Wireless Communications Towers and Antennas

- 155.211 Intent
- 155.212 Definitions
- 155.213 Applicability
- 155.214 General requirements
- 155.215 Permitted uses
- 155.216 Special land use permits
- 155.217 Insurance obligation

Location Restrictions

155.218 Theaters, assembly halls, concert halls, clubs and similar organizations

155.219 Reserved through § 155.229

Signs

- 155.231 Intent
- 155.232 Scope of requirements
- 155.233 Definitions
- 155.234 Review, action and inspection
- 155.235 Obsolete signs
- 155.236 Nonconforming signs
- 155.237 Alteration of signs
- 155.238 Compliance with the zoning code
- 155.239 Appeal to the Zoning Board of Appeals
- 155.240 Registration of sign contractors; licensing and bonding
- 155.241 General limitations and provisions
- 155.242 Structural requirements and mounting
- 155.243 Motorist visibility
- 155.244 Illumination
- 155.245 Measurement
- 155.246 Reserved
- 155.247 Reserved
- 155.248 Reserved
- 155.249 Reserved
- 155.250 Residential district signs
- 155.251 Business and office district signs
- 155.252 Industrial district signs
- 155.253 Tables and figures
- 155.254 Reserved
- 155.255 Severability clause
- 155.256 Waiver process
- 155.257 Reserved through § 155.259

Public Art

- 155.261 Murals
- 155.262 Mural regulations
- 155.263 Reserved through § 155.269

Powers and Duties of Boards and Departments

- 155.271 City Council
- 155.272 City Planning Commission
- 155.273 Community Development Department
- 155.274 Building Department
- 155.275 Zoning Board of Appeals
- 155.276 Reserved through § 155.279

Administration, Enforcement and Penalties

- 155.281 Enforcement authority
 - 155.282 Duties of the Building Official or other official responsible for code enforcement
 - 155.283 Plot plan
 - 155.284 Permit requirements
 - 155.285 Certificate of occupancy and re-occupancy
 - 155.286 Site plan review (all districts)
 - 155.287 Standards for site plan approval
 - 155.288 Procedures for special land use review
 - 155.289 Standards for special land use approval
 - 155.290 Special meetings
 - 155.291 Public hearing notification requirements
 - 155.292 Fee structure
 - 155.293 Performance guarantee
 - 155.294 Changes and amendments
 - 155.295 Final inspection
 - 155.296 Public nuisance and abatement
 - 155.297 Owner's liability to punishment
 - 155.298 Rights and remedies are cumulative
 - 155.299 (Reserved)
 - 155.300 Imposition of penalty does not exempt compliance with requirements
 - 155.301 Severability
 - 155.302 Savings
 - 155.303 Validity
 - 155.304 Time limitations on orders
 - 155.305 Reserved through § 155.319
- Repeal and Effective Date**
- 155.321 Repeal
 - 155.322 Effective date

- 155.999 Penalty

§ 155.021. CONFLICT OF LAWS AND PROHIBITED LAND USES.

(A) Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

(B) This prohibition shall not apply to the following:

(1) A qualifying patient engaged in the medical use of marijuana in his or her own residence in accordance with the Michigan Medical Marihuana Act.

(2) A primary caregiver assisting a qualifying patient with whom he or she is connected through the Michigan Department of Community Health's registration process with the medical use of marijuana in accordance with the Michigan Medical Marihuana Act.

(3) A facility licensed by the city and the State of Michigan in compliance with Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act, as amended.

(4) A recreational marijuana establishment licensed by the city and the State of Michigan in compliance with Initiated Law 1 of 2018, MCL 333.27951, et seq., the Michigan Regulation and Taxation of Marihuana Act.

§ 155.029. DEFINITIONS. (Add the following definitions)

"Recreational Marijuana Establishment" means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the department.

"Recreational Marijuana Grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Recreational Marijuana Processor" means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Recreational Marijuana Retailer" means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Recreational Marijuana Secure Transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Recreational Marijuana Safety Compliance Facility" means a person licensed to test marijuana, including certification for potency and the presence of contaminants, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

§ 155.036. SCHEDULE OF LAND USES

Table 2-1. Schedule of Land Uses displays specific land uses in reference to their respective zoning districts. The schedule is general and intended to provide initial guidance for users. A complete list with land use conditions is set forth in §§ 155.041 through 155.049. Regulations in §§ 155.041 through 155.049 take precedent over Table 2-1 below.

Table 2-1 Schedule of Land Uses by Zoning District

	Zoning Districts								
	R-1	RM	RM-1	O-1	B-1	B-2	B-3	M-1	TCD
	A, B, C								
Residential Land Use Types									
One-Family Detached Dwelling	P	P	P						P
Two-Family Dwellings/Duplexes		P	P						
Townhomes (2 story max.)		P	P			P			
Townhomes (3 story max.)		SLU							
Multiple-Family Dwellings (2 story max.)		P	P						P
Multiple-Family Dwellings (3 story max.)		SLU	P			P			P
Multiple-Family Dwellings (4+ stories)			SLU						P
Mixed-Use Residential and Business (Lofts)					SLU	SLU			SLU
Manufactured Housing Community							SLU	SLU	
Public/Quasi-Public Land Use Types									
Charitable Gaming Room						SLU	SLU	SLU	P
Child/Adult Foster Care (6 or less persons)	P	P	P						P
Child/Adult Foster Care (7, but fewer than twelve persons)	SLU	SLU	SLU						

Assisted Living Facilities/Elderly Housing		SLU	SLU			SLU	SLU		
Nursing and Convalescent Homes		SLU	SLU	SLU		SLU			
Transient Residential and Rooming Houses						SLU	SLU		
Publicly Owned Libraries	P	P	P	P					P
Publicly Owned Parks and Parkways	P	P	P	P					P
Publicly Owned Recreation Facilities	P	P	P	P					P
Post Offices and Similar Government Offices				P		P	P		P
Utility and Public Owned Buildings w/o storage yards	SLU	SLU	SLU	SLU	SLU	P/SLU	P	P	P
General Hospitals			SLU				SLU		
Religious institutions and Incidental Facilities	SLU	SLU	SLU		SLU	SLU	SLU		SLU
Cemeteries	P	P	P						
Private Noncommercial Recreational Areas	SLU	SLU	SLU						
Institutional or Community Recreation Centers	SLU	SLU	SLU						P
Golf Courses	SLU								
Non-Profit Public, Parochial and Private Elementary, Intermediate or High Schools	SLU	SLU	SLU			SLU	SLU		

Colleges, Universities and Institutions of Higher Learning, Public and Private	SLU	SLU	SLU				SLU		
Business Schools and Colleges							SLU		
Vocational Training Centers and Schools						SLU	SLU		
Private For-Profit Schools, Business Schools and Colleges						SLU	SLU		
Theaters						SLU	SLU		P
Assembly Halls						SLU	SLU		P
Concert Halls						SLU	SLU		P
Private Clubs						P	P	P/SLU	
Fraternal Organizations						P	P	P/SLU	
Lodge Halls						P	P	P/SLU	
Business and Office Land Use Types									
Adult Businesses and Uses							SLU		
Arcades							SLU		
Art, Photographic and Design Studios						P	P		P
Automobile Repair (Minor)							SLU	SLU	
Automobile Service Centers (as part of planned shopping center)						SLU	SLU		
Automobile Service Stations							SLU	SLU	
Banks and Similar Financial Institutions						P	P		P

Bar or Lounge						SLU	SLU		SLU
Bus Passenger Stations						P	P	P	P
Cabaret							SLU		
Carry-out Restaurants						SLU	SLU		P
Crafts and Fine Arts (Instruction in)	P	P	P			P	P		P
Computer Centers							P	P	
Dance, Music and Voice Schools						P	P		
Drive-in Restaurants						SLU	SLU		
Drive-Through Facilities						SLU	SLU		
Drive-Through Restaurants						SLU	SLU		
Dry Cleaners					P	P	P		P
Electronic Data Processing Centers							P	P	
Fast Food Restaurants w/o drive- through						SLU	SLU	SLU	
Firearms sales establishments							SLU		
Hotels (Full Service)							SLU		P
Indoor Commercial Recreation						SLU	SLU/P		P
Kennel, Commercial							SLU		P
Liquor, Beer and Wine Sales							SLU		
Massage Businesses							SLU/P		
Medical and Dental Laboratories						P	P		
Medical and Dental Offices and Clinics				P	P	P	P		

Mortuaries						P	P		
Motels							SLU		
New and Used Vehicle Sales (Indoor)							SLU		
New and Used Vehicle Sales (Outdoor)							SLU		
Nursery Schools, Day Nurseries and Child/Adult Care Centers	SLU	SLU	SLU	SLU	SLU	SLU	P		P
Office Equipment - Sales and Service						P	P		
Open Air Businesses						SLU	SLU		
Pawnshops							SLU		
Personal Service Establishments					P	P	P		P
Professional and Financial Services						P	P		P
Professional Offices				P		P	P		P
Public Utility Offices w/o storage yards				P		P	P	P	
Retail Reproduction Services						P	P	P	P
Retail Businesses (Convenience)					P	P	P	SLU	P
Retail (within enclosed building)						P	P		P
Secondhand Stores						SLU	SLU		
Showrooms and Workshops						P	P	P	
Specially designated distributor (SDD)							SLU		

Specially designated merchant (SDM).							SLU		
Standard Restaurants						P	P	SLU	P
Substance Abuse Rehabilitation Clinics							SLU		
Tattoo Establishments						SLU	SLU		
Temporary Pop-Up Retail Commercial Use						P	P		P
Vehicle Wash Establishments							SLU		
Veterinary Hospitals and Clinics						P	P		
Industrial Land Use Types									
Automobile or other machinery assembly plants								SLU	
Automobile and Vehicle Repair (Major), including Collision, Transmission and Undercoating Shops								SLU	
Canning Factories								SLU	
Central Dry Cleaning Plants (no retail permitted)								P	
Greenhouse and Similar Uses								SLU	
Laboratories								P	
Lumber and Planing Mills								SLU	
Manufacturing and Assembly Operations (enclosed; not including large stampings)								P	

Metal Plating and Similar Uses								SLU	
Metal Stamping and Similar Uses								SLU	
Painting and Varnishing Shops								SLU	
Reproduction Plants								P	
Research and Development Facilities							SLU	P	
Self-Service Storage Facilities							SLU	P	
Sign Repair/Manufacturing								P	
Storage Yards for Public Utilities								P	
Storage Facilities for Building Materials, Contractor's Equipment, Open Storage and Junk Yards								SLU	
Trade or Industrial Schools								P	
Truck and Terminal Facilities								P	
Utility and Public Service Buildings w/o storage yards		SLU	SLU	P	SLU	P	P	P	
Vehicle and Machinery Assembly Plants								SLU	
Warehouse and Wholesale Businesses								P	
Miscellaneous Land Use Types									
Accessory Buildings and Structures	P	P	P	P	P	P	P	P	

Accessory Businesses				P	P	P	P	P	P
Accessory Uses				P	P	P	P	P	
Agricultural (5+ acres)	P	P	P						
Amateur Radio Antenna	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Automobile Parking	P	P	P	P	P	P	P	P	P
Electric Transformer Stations w/o storage yards						SLU	P	P	
Gas Regulator Stations w/o storage yards						SLU	P	P	
Medical Marijuana Cultivation Facility								SLU	
Medical Marijuana Provisioning Center					SLU	SLU	SLU		SLU
Medical Marijuana Processing Facility								SLU	
Medical Marijuana Testing Facility								SLU	
Medical Marijuana Transportation Facility								SLU	
<u>Recreational Marijuana Grower</u>								<u>SLU</u>	
<u>Recreational Marijuana Processing</u>								<u>SLU</u>	
<u>Recreational Marijuana Retailer</u>					<u>SLU</u>	<u>SLU</u>	<u>SLU</u>		<u>SLU</u>
<u>Recreational Marijuana Safety Compliance</u>								<u>SLU</u>	
<u>Recreational Marijuana Transporter</u>								<u>SLU</u>	
Telephone Exchanges w/o storage yards						SLU	P	P	

Temporary Buildings for Construction	P	P	P						
Water and Sewage Pumping Stations w/o storage yards						SLU	P	P	
Wireless Towers and Antennas							SLU	SLU	
Notes: P = Permitted Use, SLU = Special Land Use									

§ 155.045 (D). B-1 LOCAL BUSINESS DISTRICT, Special Land Uses

(D) Special land uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Mixed-use business and residential buildings.
- (2) Nursery schools, day nurseries and child care centers (not including dormitories).
- (3) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (4) Utility and public service buildings without storage yards.
- (5) Publicly owned buildings without storage yards.
- (6) Medical marijuana provisioning centers subject to the regulations of § 155.148.
- (7) Religious institutions.

(8) Recreational Marijuana Retailer subject to the regulations of § 155.150E

§ 155.046 (D). B-2 THOROUGHFARE MIXED USE DISTRICT, Special Land Uses

(D) Special land use. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Open air business uses when developed in planned relationship with permitted uses within the B-2 District.
- (2) Bowling alley, billiard hall, indoor archery range, or indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district. Firearm ranges are expressly prohibited.
- (3) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, water and sewage pumping stations.
- (4) Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center; and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-2 District.

- (5) Nursing and convalescent homes.
- (6) Senior housing, assisted living and similar types of housing for the elderly not to exceed a height of three stories.
- (7) Carry-out, fast food, drive-thru or drive-in restaurants.
- (8) Mixed-use business and residential buildings.
- (9) Business schools and colleges, or vocational training centers, such as trade schools.
- (10) Nursery schools, day nurseries and child care centers.
- (11) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (12) Private schools operated for profit.
- (13) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (14) Utility and public service buildings without storage yards.
- (15) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (16) Tattoo parlors.
- (17) Charitable gaming room subject to the regulations of § 155.145.
- (18) Medical marijuana provisioning centers subject to the regulations of § 155.148.
- (19) Second hand stores.
- (20) Religious institutions.
- (21) Bar or lounge.
- (22) Recreational Marijuana Retailer subject to the regulations of § 155.150E

§ 155.048 (C). M-1 LIGHT INDUSTRIAL DISTRICT, Special Land Uses

(C) Special land uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) Convenience services which in the opinion of the Planning Commission intend to serve the daily needs of persons working in the M-1 District. Such uses include restaurants or other places serving food or beverage, except those having the character of drive-ins, automobile service stations, newsstands and tobacco shops.
- (2) Major and minor vehicle repair centers, painting and varnishing shops, undercoating shops.
- (3) Lumber and planing mills.
- (4) Automobile or other machinery assembly plants.
- (5) Canning factories (but not including slaughtering or rendering).
- (6) Storage facilities for building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall on those sides abutting R-1A through R-1 C, R-2, RM, RM-1, O-1, B-1, B-2, or B-3 Districts and on any front yard abutting public land or thoroughfare. In M-1 Districts the extent of such wall may be determined by the Planning Commission on the basis of usage. Such wall shall be not less than four and one-half feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of §§ 155.071 through 155.082. Junk yards, when permitted, shall be entirely enclosed within an obscuring masonry wall six feet in height on all sides of sufficient strength to serve as a retaining wall. All applications for junk yards must receive the approval of the Mayor and the City Council as prescribed in §§ 155.271 through 155.275, Powers and Duties of Boards, Commissions and Departments.

(7) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(8) Metal working, stamping, punching or pressing machines, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(9) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.

(10) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(11) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(12) Wireless towers and antennas, subject to the requirements of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(13) Greenhouses.

(14) Manufactured housing communities, subject to requirements of § 155.140.

(15) Charitable gaming room customarily accessory to a use permitted (principal or subject to special land use) in the M-1 District such as a fraternal organization or lodge hall subject to the regulations of § 155.145.

(16) Medical marijuana cultivation facilities subject to the regulations of § 155.021 (Conflict of laws and prohibited land uses).

(17) Medical marijuana processing facilities subject to the regulations of § 155.021 (Conflict of laws and prohibited land uses).

(18) Medical marijuana testing facilities subject to the regulations of § 155.021 (Conflict of laws and prohibited land uses).

(19) Medical marijuana transportation facilities subject to the regulations of § 155.021 (Conflict of laws and prohibited land uses).

(20) Recreational Marijuana Grower establishments subject to the regulations of §155.021 and §155.150D

(21) Recreational Marijuana Processing establishments subject to the regulations of §155.021 and §155.150F

(22) Recreational Marijuana Safety Compliance establishments subject to the regulations of §155.021 and §155.150H.

(23) Recreational Marijuana Secure Transporter establishments subject to the regulations of §155.021 and §155.150G.

§ 155.146 STANDARDS FOR ALL MEDICAL MARIJUANA FACILITIES and RECREATIONAL MARIJUANA ESTABLISHMENTS.

(A) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Medical Marihuana Facilities Licensing Act, State of Michigan regulations for the transfer of medical marijuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time. The recreational use of marijuana shall comply at all times and in all circumstances with the Michigan Regulation and Taxation of Marihuana Act, the rules and regulations established by the Marijuana Regulatory Agency, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

(B) A state license and local business license is required for all medical marijuana facilities and recreational marijuana establishments.

(C) Smoking and/or use of ~~medical~~ any marijuana products shall be prohibited at all medical marijuana facilities and recreational marijuana establishments.

(D) Security cameras shall be installed and maintained; and are subject to approval by the City Police Chief. All security cameras shall have a minimum resolution of 1080p, and at least 14 concurrent days of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 14 days of continuous operation. An alarm system is required that is operated and monitored by a recognized security company.

(E) Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.

(F) The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

(G) Quarterly inspections may be made by the City Official's designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, state law and city ordinances.

(H) Any All medical marijuana facilities or recreational marijuana establishments shall not have exterior signage using the word "marihuana" and/or "marijuana" or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that "No loitering is permitted" on such property.

(I) If the medical marijuana facility or recreational marijuana establishment ceases operation for a length of time of six months or greater, the special land use shall expire.

§ 155.148 MEDICAL MARIJUANA PROVISIONING CENTERS

(A) A provisioning center shall not be located within a 500 foot radius of a school, measured as the shortest distance from front door to front door.

(B) A provisioning center shall not be located within a 1,000 foot radius, measured as the shortest distance from front door to front door, of a lawfully existing medical marijuana provisioning center or recreational marijuana retailer unless the recreational retailer is operated by the same owner and within the same building as the medical marijuana provisioning center.

(C) A provisioning center shall not share office space with a physician.

(D) Growing, cultivating, manufacturing, or processing of medical marijuana is prohibited.

(E) All activity related to the provisioning center shall be done indoors.

(F) Any medical marijuana provisioning center shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marijuana provisioning center does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended, and applicable State of Michigan rules and regulations.

(G) Provisioning center drive-through facilities shall be prohibited.

(H) All medical marijuana shall be contained within the main building in an enclosed, locked facility.

(I) Application for a Medical Marijuana Provisioning Center License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Provisioning Center License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

(J) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited

at the provisioning center.

~~(K) Provisioning centers may have more than one caregiver.~~

§ 155.150D. RECREATIONAL MARIJUANA GROWER ESTABLISHMENT

(A) Recreational marijuana grower establishments shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 500 foot radius, measured as the shortest distance from front door to front door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, or like facility.

(B) All activity related to recreational marijuana grower establishments shall be done indoors.

(C) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(D) Application for a recreational marijuana grower establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana grower establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150E. RECREATIONAL MARIJUANA RETAILER ESTABLISHMENT

(A) A recreational marijuana retailer establishment shall not be located within a 500 foot radius of a school, measured as the shortest distance from front door to front door.

(B) Recreational marijuana retailer establishment shall not be located within a 1,000 foot radius, measured as the shortest distance from front door to front door, of a lawfully existing medical marijuana provisioning center or recreational marijuana retailer establishment, unless the medical marijuana provisioning center is operated by the same owner and within the same building as the recreational marijuana retailer.

(C) Growing, cultivating, manufacturing, or processing of marijuana is prohibited.

(D) All activity related to the recreational marijuana retailer establishment shall be done indoors.

(E) All recreational marijuana retailer establishment shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(F) Recreational marijuana retailer establishment drive-through facilities shall be prohibited.

(G) All marijuana shall be contained within the main building in an enclosed, locked facility.

(H) Application for a recreational marijuana retailer establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana retailer establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

(I) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the provisioning center.

§ 155.150F RECREATIONAL MARIJUANA PROCESSING ESTABLISHMENT.

(A) Recreational marijuana processing establishments shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 500 foot radius, measured as the shortest distance from front door to front

door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, or like facility.

(B) All marijuana shall be contained indoors within the main building in an enclosed, locked facility.

(C) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(D) Application for a recreational marijuana processing establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana processing establishments license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150G RECREATIONAL MARIJUANA SECURE TRANSPORTER.

(A) All marijuana shall be stored indoors within the main building in an enclosed, locked facility when not actively in transit.

(B) Application for a recreational marijuana secure transporter license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana secure transporter license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150H RECREATIONAL MARIJUANA SAFETY COMPLIANCE ESTABLISHMENT.

(A) Recreational marijuana safety compliance establishments shall have a minimum 500 foot radius, measured as the shortest distance from front door to front door to any child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, or like facility.

(B) All recreational marijuana safety compliance establishments shall have a secured laboratory space that cannot be accessed by the general public.

(C) All marijuana shall be contained indoors within the main building in an enclosed, locked facility.

(D) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(E) Application for a recreational marijuana safety compliance establishment license shall be made to the City Clerk upon application forms provided by the Clerk for a recreational marijuana safety compliance establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.