



INKSTER CITY COUNCIL

REVISED

November 16, 2020

(Virtual Meeting)

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

Mayor – Patrick Wimberly
Mayor Pro Tem – Kim Howard, District V

Council Members:

George Williams, District I
La’Gina Washington, District II
Sandra K. Watley., District III
Steven Chisholm, District IV
Dennard Shaw, District VI

FELICIA RUTLEDGE
CITY CLERK

PATRICK WIMBERLY
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. Email your comment to be read for one (1) minute into the record. frutledge@cityofinkster.com (for virtual meeting)

November 16, 2020

Orientation 6:00 PM (Virtual)

Regular City Council Agenda – 7:00 PM (Virtual Meeting)

1. Call Meeting to Order

- A. Pledge of Allegiance
- B. Roll Call
- C. 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).

2. Approval of Agenda

3. Presentations/Discussion

- A. Retail Housing – Kirk Edwards & Kino Smith
- B. Rhythm and Blues Hall of Fame – Lamont Robinson

4. Public Hearing

5. Consent Agenda

- A. November 2, 2020 Regular (Virtual) City Council Meeting Minutes.
- B. November 5, 2020 Special (Virtual) City Council Meeting Minutes.
- C. Allen Brother's and Attorney's PLLC Invoice \$26,429.49

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6. Boards and Commissions

- A. Update of current list of appointments to Boards & Commissions.

7. Previous Business

- A. A ***second reading*** and ***approval*** to consider Amendments to amend the City of Inkster Code of Ordinance, Section 124 Marijuana Business License. **(Remove from the Table)**

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8. Ordinance(s)

A. First Reading(s)

- 1. Council to offer a first reading of text amendments (TA 20-26) to the City's Zoning Ordinance pertaining to provisions for medical marijuana caregiver facilities and drug free zones per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

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- 2. Council to offer a first reading of text amendments (TA 20-20) to the City's Zoning Ordinance pertaining to provisions for Microbusiness facilities per the recommendations of the Planning Commission. For a list of affected ordinance sections please see "background information".

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B. Second Reading(s)

9. New Business

- A. Discussion/Action: (Jerome Bivins) Consideration and approval authorizing DPS to purchase and have telemetry installed to monitor the sewer levels at outfall 010 and 011 that discharge to the lower Rouge River. HESCO will provide and install the equipment at a cost of \$41,443.00. We have requested the City of Dearborn Heights to share the cost for outfall 011 which is used by both communities, their shared cost is \$8,450.00 the total cost for the City of Inkster is \$32,993.00 The funding source is the water fund account# 592-564-801-000.

10. Public Participation (limit to 1 minutes)

11. City Clerk

12. City Treasurer

13. Mayor and Council Communication

14. 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).

15. Adjournment

November 2, 2020
Regular (Virtual) City Council Meeting – 7:00 PM

The regular meeting of the Council of the City of Inkster, Wayne County, Michigan was a virtual meeting held on the Zoom platform in compliance with the State of Michigan Open Meetings Act and Governor Gretchen Whitmer's Executive Order on Monday, November 2, 2020

Prior to the Regular Council Meeting: City Council members discussed:

Call Meeting to Order

Mayor Pro-Tem Howard called the meeting to order at 7:00 p.m.

Pledge of Allegiance

City Council and the public in attendance pledged allegiance to the flag of the United States of America.

Prayer

Prayer was led by Pastor John Hearn

Roll Call

Mayor Wimberly	Present (Inkster, MI)
Councilwoman Howard	Present (Inkster, MI.)
Councilwoman Watley	Present (Inkster, MI.)
Councilman Williams	Present (Inkster, MI.)
Councilwoman Washington	Present (Inkster, MI.)
Councilman Chisholm	Present (Inkster, MI.)
Councilman Shaw	Present (Inkster, MI.)

Closed Session

Moved by Councilmember Washington, Seconded by Councilmember Chisholm to go into closed session 6:32 p.m. to discuss pending litigation. (Blackwell, Satlmarsh, Suite B, Crowder and McGill)

ROLL CALL VOTE:

Councilmember Shaw	Yea	Councilmember Washington	Yea
Councilmember Williams	Yea	Councilmember Watley	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea

Moved by Councilmember Williams, Seconded by Councilmember Watley to adjourn closed session at 7:00 p.m.

Approval of Agenda

Moved by Councilmember Williams, Seconded by Councilmember Washington to approve the agenda.
Resolution 11-20-175COV - Motion carried.

ROLL CALL VOTE:

Councilmember Chisholm	Yea	Councilmember Washington	Yea
Councilmember Watley	Yea	Councilmember Williams	Yea
Councilmember Howard	Yea	Councilmember Shaw	Yea

Presentations/Discussion

A. Proclamation to Father Clifton Ellis

Public Hearings

Consent Agenda

A. October 19, 2020 Regular (Virtual) City Council Meeting Minutes.

**Moved by Councilmember Chisholm, Seconded by Councilmember Washington
Resolution 11-20-176COV - Motion carried.**

ROLL CALL VOTE:

Councilmember Williams	Yea	Councilmember Shaw	Yea
Councilmember Howard	Yea	Councilmember Chisholm	Yea
Councilmember Washington	Yea	Councilmember Watley	Yea

Boards and Commission

A. Update of current list of appointments to Boards & Commissions.

Previous Business

A. Consideration and approval to authorize for the Administration, for the purpose of purchasing four (4) Dodge Durango's, one (1) Ford Intercept and one (1) Ford F-150, to amend the budget as follows: Add \$98,350 in Expenses for the Police Department for the purchase of new vehicles (GL Account #101-301-974.100) Reduce by \$15,000 the Police Department budget for Vehicle Maintenance & Repair (101-301-935.000) Reduce by \$16,000 the Police Department budget for Prisoner Maintenance (101-301-804.000) **(Remove from the Table)**

**Moved by Councilmember Shaw, Seconded by Councilmember Williams
to REMOVE FROM THE TABLE approval to authorize for the Administration, for
the purpose of purchasing four (4) Dodge Durango's, one (1) Ford Intercept
and one (1) Ford F-150, to amend the budget as follows: Add \$98,350 in
Expenses for the Police Department for the purchase of new vehicles (GL
Account #101-301-974.100) Reduce by \$15,000 the Police Department
budget for Vehicle Maintenance & Repair (101-301-935.000) Reduce by
\$16,000 the Police Department budget for Prisoner Maintenance (101-301-
804.000)
Resolution 11-20-177COV - Motion carried.**

ROLL CALL VOTE:

Councilmember Shaw	Yea	Councilmember Watley	Yea
Councilmember Washington	Yea	Councilmember Howard	Yea
Councilmember Williams	Yea	Councilmember Chisholm	Yea

Moved by Councilmember Chisholm, Seconded by Councilmember Washington to TABLE approval to authorize for the Administration, for the purpose of purchasing four (4) Dodge Durango's, one (1) Ford Intercept and one (1) Ford F-150, to amend the budget as follows: Add \$98,350 in Expenses for the Police Department for the purchase of new vehicles (GL Account #101-301-974.100) Reduce by \$15,000 the Police Department budget for Vehicle Maintenance & Repair (101-301-935.000) Reduce by \$16,000 the Police Department budget for Prisoner Maintenance (101-301-804.000) until November 5, 2020. Resolution 11-20-178COV - Motion carried.

ROLL CALL VOTE:

Councilmember Washington	Yea	Councilmember Chisholm	Yea
Councilmember Shaw	Yea	Councilmember Howard	Yea
Councilmember Williams	Yea	Councilmember Watley	Yea

Ordinance(s)

- A. First Reading(s)
- B. Second Reading(s)

New Business

Public Participation

- **Charles Blackwell** – Stated that Plante and Moran planted a stark financial future for the city. He stated the city should settle the lawsuits regarding the FOIA and Open Meetings Act and quite allowing Allen Brother's to rack up fees for those cases.
- **Dr. Yvette Brock** – Thanked and congratulated the City Clerk for a job well done with regards to absentee voting. She said that several residents stated the process ran smoothly. She asked why city council no longer does regular zoom meetings where the public is able to see. She stated it places them at a disadvantage.
- **Betty Adams** – Stated the city library is working hard and has several programs that are being offered. She further stated they have a website with a host of information. Lastly, the library has a book sale every Friday from 3:00pm until 6:00pm.

City Clerk

The Clerk thanked her staff and the building official staff for helping with regards to absentee voters who came to city hall. She announced Election Day and that all polling locations would be open. She further announced the drop box locations.

City Treasurer

- Stated he would be leaving the city and taking a position with the City of Pontiac. He further stated that he would miss the residents of the city and his co-workers.

Mayor and Council

- **Councilman Williams** – Thanked Jerome and his team for placing the sign in his district. He stated he is getting all kinds of calls regarding Fox and Farnum. He asked about the speed bumps. He said the beautification committee is doing a great job.
- **Councilwoman Washington** – Thanked the City Clerk for with regards to the November 3, 2020 election. She congratulated Father Ellis Clifton on his retirement. She stated more police are needed on Steinhauer.
- **Councilwoman Watley** – Asked when is the Marijuana Town Hall? She further asked if the first and second reading for the Marijuana could be had again so the public can weigh in. She stated several residents are not in favor of the marijuana ordinance that is being proposed.
- **Councilman Chisholm** – Stated that he is praying for all Clerks across the states. He invited residents to attend the Planning Commission meeting every second and fourth Monday's.
- **Councilman Shaw** – Stated that police presence is needed on Harriet Street.
- **Councilwoman Howard** – Asked residents to be safe and vote.

CLOSED SESSION

Adjournment

There being no further business to come before Council, on a motion duly made

By Councilmember Williams, Seconded by Councilmember Shaw carried, to conclude

The Regular Virtual City Council meeting of November 2, 2020 was adjourned at 7:40 p.m.



Felicia Rutledge, City Clerk

City of Inkster

November 5, 2020
SPECIAL (Virtual) City Council Meeting – 6:00 PM

The regular meeting of the Council of the City of Inkster, Wayne County, Michigan was a virtual meeting held on the Zoom platform in compliance with the State of Michigan Open Meetings Act and Governor Gretchen Whitmer's Executive Order on Monday, November 5, 2020

Call Meeting to Order

Mayor Wimberly called the meeting to order at 6:00 p.m.

Pledge of Allegiance

City Council and the public in attendance pledged allegiance to the flag of the United States of America.

Prayer

Prayer was led by Reverend Williams

Roll Call

Mayor Wimberly	Present (Inkster, MI)
Councilwoman Howard	Present (Inkster, MI.)
Councilwoman Watley	Present (Inkster, MI.)
Councilman Williams	Present (Inkster, MI.)
Councilwoman Washington	Present (Inkster, MI.)
Councilman Chisholm	Present (Inkster, MI.)
Councilman Shaw	Present (Inkster, MI.)

Previous Business

A. Consideration and approval to authorize for the Administration, for the purpose of purchasing four (4) Dodge Durango's, one (1) Ford Intercept and one (1) Ford F-150, to amend the budget as follows: Add \$98,350 in Expenses for the Police Department for the purchase of new vehicles (GL Account #101-301-974.100) Reduce by \$15,000 the Police Department budget for Vehicle Maintenance & Repair (101-301-935.000) Reduce by \$16,000 the Police Department budget for Prisoner Maintenance (101-301-804.000) **(Remove from the Table)**

Moved by Councilmember Shaw, Seconded by Councilmember Williams to REMOVE FROM THE TABLE approval to authorize for the Administration, for the purpose of purchasing four (4) Dodge Durango's, one (1) Ford Intercept and one (1) Ford F-150, to amend the budget as follows: Add \$98,350 in Expenses for the Police Department for the purchase of new vehicles (GL Account #101-301-974.100) Reduce by \$15,000 the Police Department budget for Vehicle Maintenance & Repair (101-301-935.000) Reduce by \$16,000 the Police Department budget for Prisoner Maintenance (101-301-804.000)
Resolution 11-20-179COV - Motion carried.

ROLL CALL VOTE:

Councilmember Shaw	Yea	Councilmember Watley	Yea
Councilmember Washington	Yea	Mayor Pro-Tem Howard	Yea
Councilmember Williams	Yea	Councilmember Chisholm	Yea

Moved by Councilmember Williams, Seconded by Councilmember Chisholm To approve \$50,000 for the Police Department for the purchase of new patrol vehicles and the \$50,000 is over a four year period (GL Account #101-301-974.100) Reduce by \$15,000 the Police Department budget for Vehicle Maintenance & Repair (101-301-935.000) reduce by \$16,000 the Police Department budget for Prisoner Maintenance (101-301-804.000) Resolution 11-20-180COV - Motion carried.

ROLL CALL VOTE:

Councilmember Washington	Yea	Councilmember Chisholm	Yea
Councilmember Shaw	Yea	Mayor Pro-Tem Howard	Yea
Councilmember Williams	Yea	Councilmember Watley	Yea

New Business

A. Discussion/Action: (Darin Carrington) Consideration and approval for the Budget Amendment

Moved by Councilmember Williams, Seconded by Councilmember Shaw to approve the FY 20/21 Budget Amendment. Resolution 11-20-181COV – Motion carried.

ROLL CALL VOTE:

Councilmember Williams	Yea	Councilmember Shaw	Yea
Mayor Pro-Tem Howard	Yea	Councilmember Chisholm	Yea
Councilmember Washington	Yea	Councilmember Watley	Yea

B. Discussion/Action (Mayor Wimberly) Consideration and approval for the IT Company.

Moved by Councilmember Williams, Seconded by Councilmember Shaw to approve the IT Contract for NerdsExpress for one year and references to be forwarded to city council. Resolution 11-20-182COV – Motion carried.

ROLL CALL VOTE:

Councilmember Shaw	Yea	Councilmember Chisholm	Nay
Mayor Pro-Tem Howard	Nay	Councilmember Washington	Yea
Councilmember Williams	Yea	Councilmember Watley	Nay
Mayor Wimberly	Yea		

Public Participation

- **Bartholomew Jenkins A.K.A. Charles Blackwell** – Stated information regarding taxes for Mayor Wimberly and Councilwoman Watley's daughter.

City Treasurer

- Thanked City Council for the opportunity and stated he is just a phone call away.

Mayor and Council

- **Mayor Pro-Tem Howard** – Thanked the City Clerk for administering the elections. She further thanked the Clerk's office staff.
- **Councilman Shaw** – Asked about the Town Hall Meeting on Marijuana. He further asked when the Mayor when they were having a state of the city. He lastly asked about the calendar.
- **Mayor Wimberly** – Thank the City clerk and the staff for the election.
- **Councilwoman Washington** – Thanked the City Clerk and the staff for the elections. Thanked the residents for coming out to vote.
- **Councilwoman Watley** – Asked about the Town Hall meeting for the Marijuana. She further asked about the first and second readings of the Marijuana and the changes in the Ordinance.
- **Councilman Williams** – Asked about speed bumps. He further asked how the city was coming on the battered women's shelter was. He lastly stated that police presence is needed in District one.

CLOSED SESSION

Adjournment

There being no further business to come before Council, on a motion duly made

By Councilmember Shaw, Seconded by Councilmember Williams carried, to conclude

The Special Virtual City Council meeting of November 5, 2020 was adjourned at 8:01 p.m.



Felicia Rutledge, City Clerk

City of Inkster

**Allen Brothers
Attorneys & Counselors, PLLC
400 Monroe Street, Suite 620
Detroit, MI 48226-2963**

**Inkster, City of
26215 Trowbridge Street
Inkster, MI 48141**

Attn: Darin Carrington

**Page: 1
10/15/2020
Account No: 1897M**

BREAKDOWN OF FEES/EXPENSES BY CATEGORY

Category	Fees/Costs
Flat fee/City Attorney work	\$6000.00
Municipal Legal Services	987.50
Labor	1187.50
Litigation	18254.49
Total Invoice for October 2020	26429.49

November 16, 2020 (Virtual Meeting)

CITY OF INKSTER
Boards & Commissions

[MADE OPERATIVE BY STATE LAW, CITY OF INKSTER CHARTER PROVISION OR CITY OF INKSTER ORDINANCE]

AGING COMMISSION

[MEETINGS: Third Friday of each month at 1:00 p.m., Twin Towers Activity Room]

2 Year Term

9 Members

Ordinances: 414,457 & 508

Denise Champagne, Project Dir.
- (Ex-Officio Member)
Rochelle Wells
Rosie Allen Thompson
Henry Wade
Toni Bailey
Roosevelt Stubbs
Gabe Henderson
Jean Liddell
Iris Long
June Patterson
Debra Owens
Chuck Coleman

Tenure

Exp. 07/20/22
Exp. 07/06/22
Exp. 07/06/22
Exp. 07/06/22
Exp. 04/15/21
Exp. 07/06/22
Exp. 07/06/22
Exp. 01/06/22
Exp. 01/06/22
Exp. 07/06/22
Exp. 07/06/22

BOARD OF REVIEW

[MEETINGS: March, July and December]

Annual Appointment

3 Members

Charter Provision and State Law

WCA Assessing
William Miller
Lenoria Warmack
Ned Sanders
Peggy Bishop (Alternate)

Clerk of the Board – Non Voting
Exp. 01/06/21
Exp. 12/16/20
Exp. 02/03/21
Exp. 10/7/2020

BEAUTIFICATION COMMITTEE

[MEETINGS: Second Monday of each month @ 6:00 p.m., Recreation Center]

2 Year Term

Toni Bailey
Kathleen Gibbs
Gabe Henderson
Avis Love
George Williams
Lenoria Warmack
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant
Vacant

Exp. 07/06/22
Exp. 01/21/22
Exp. 02/18/21
Exp. 01/06/22
Exp. 08/17/22
Exp. 12/16/21

November 16, 2020 (Virtual Meeting)

BUILDING AUTHORITY COMMISSION - INACTIVE

[MEETINGS: Second Monday in January]

3 Year Term

5 Members

State Law and Resolution 74-1-39

Nathaniel Elcock
Hersey Bryant, (C)
Horace Wells

Exp. 12/31/05
Exp. 12/31/00
Exp. 12/31/01

CABLE TELEVISION COMMISSION

[MEETINGS: Second Tuesday of each month at 6:00 p.m., Recreation Center]

3 Year Term

9 Members

Ordinances 593 and 609

Vacant

Troy Seaton Dist. 1
Phineas Cody Dist. 3
Octavia Smith Dist. 4
Thelma Jean Overman Dist. 5
Connie R. Mitchell Dist. 6
Sandra Watley **Mayoral**
Steven Chisholm At-Large

Ex. Officio

Exp. 07/06/23
Exp. 10/07/22
Exp. 07/03/20-Expired
Exp. 02/06/20-Expired
Exp. 02/04/22
Exp. 01/06/23
Exp. 07/06/23

CIVIL SERVICE COMMISSION AND BOARD OF ETHICS

[MEETINGS: Monthly]

3 Year Term

3 Members

Ordinances 237 & 559

Vacant

Vacant - (Employee Representative)

Vacant (Commission Appointment)

CONDEMNATION BOARD

[MEETINGS: AS NEEDED]

5 Members

Ordinance 150.140 thru 150.145

Don Jones (Building Contractor)
Deborah Owens (General Member)
Guy Borrusch General Member
Tom Michelini Contractor
James Garrett (Engineer)
Charles Rizzo (Alternate)

Exp. Tenure

Exp. 01/22 (2 Year Term)
Exp. 9/19 (2 Year Term)-Expired
Exp. 01/23 (3 Year Term)
Exp. 9/20 (3 Year Term)-RESIGNED
Exp. 01/21

November 16, 2020 (Virtual Meeting)

CONSTRUCTION BOARD OF APPEALS/PROPERTY MAINTENANCE BOARD

[MEETINGS: As required]

3 Year Term	3 Members	Ordinance
Shirley Hankerson		Exp. 12/21
Yvette Brock		Exp. 12/21
Charles Rizzo		Exp. 12/21
Rebecca Daniels		Exp. 02/22
Tom Michelin		Exp. 04/19-Expired
Don Jones- Building Inspector		Exp. Tenure

DOWNTOWN DEVELOPMENT AUTHORITY

[MEETINGS: Third Tuesday of each month, 6:00 p.m. City Hall Council Chambers]

4 Year Term	12 Members	State Law and Ordinances 687 and 741
Clarence R. Mitchell		Exp. 07/20/19 - RESIGNED
Martha Theis		Exp. 12/17/22
Angela Dodson		Exp. 02/19/22
Barbara Cooper		Exp. 10/7/23
Octavia Smith		Exp. 10/21/23
Sonja Jennings		Exp. 11/4/23
Randa Davis		Exp. 11/4/23
Winston Wade		Exp. 07/17/21
Rerhi Onomake (Treasurer)		Exp. 3/16/19-Expired
Uche Ndubuisi		Exp. 7/20/19-Expired
Clarence Oden		Exp. 7/1/23

ECONOMIC DEVELOPMENT CORPORATION (BOARD OF DIRECTORS)

[MEETINGS: Second Thursday each month, held in the Conference Room, City Hall]

6 Year Term	11 Members	State Law and Ordinances 517 and 570
Bishop Walter Starghill, Jr.		Exp. 06/07/16-Expired
Octavia Smith		Exp. 10/21/25
Angela Dotson		Exp. 10/21/25
Deborah Walker		Exp. 06/07/16-Expired
Mary Weislo		Exp. 03/07/17-Expired
Cassandra Leonard		Exp. 06/07/16-Expired
Herbert Johnson		Exp. 06/07/16-Expired
Dennis Weislo		Exp. 06/07/19-Expired
Charmaine Kennedy		Exp. 01/17/23
Connie R. Mitchell		Exp. 02/06/23

ELECTRICAL EXAMINING BOARD-INACTIVE

Indefinite Terms 4 Members State Law and Ordinance 616

Walter Bays (Elec. Cont.)
 Andrew Hughes (Adm. Official)
 Carlton Trouteaud (Rep. of Detroit Edison)

November 16, 2020 (Virtual Meeting)

Sandra K. Watley
Velma Overman

City Council Rep Exp. 12/20
Board of Trustee Rep

WATER REVIEW COMMITTEE- INACTIVE

[MEETINGS: Scheduled by Chairman Marcus Hendricks, City Hall TIFA Room]

Sam Brown	App. 01/07/13
Carl Woods	App. 01/07/13
Ann Coleman	App. 01/07/13
Courtney Owens	App. 01/07/13
Councilmember Williams	App. 02/04/13
Marcus Hendricks	App. 02/18/13
Dennis Welslo	App. 02/18/13

ZONING BOARD OF APPEALS (ZBA)

[MEETINGS: First Thursday of each month at 6:00 P.M., City Council Chambers]

3 Year Term 7 Members State Law and Ordinance 277

Ruth E. Williams	Dist. 1	Exp. 12/16/22
Clarence Oden, Jr. (VC)	Dist. 2	Exp. 08/03/23
James Cross	Dist. 3	Exp. 07/01/16- Expired
Roosevelt Stubbs (S)	Dist. 4	Exp. 08/21/20 -To Expire
Vanola Williams	Dist. 5	Exp. 02/06/20-Expired
Norma McDaniel	Dist. 6	Exp. 12/16/22
Teresa Patton		Exp. 08/06/21
Mac Willis		Exp. 11/05/21
Dorsey Williams		Exp. 07/1/22

Nankin Transit

[Meetings: Third Thursday of each month at 5:45 p.m., Nankin Transit [Jefferson Barnes Community CTR. 32150 Dorsey Westland, MI. 48186]

Mayor Patrick Wimberly	Exp. Tenure - (Tenure is up)
Denise Champagne, Community Appointee	Exp. (Appointed in 2009)

2015 Community Development Block Grant Advisory Council (CDBG)

[Meetings: Dates and times are quarterly and locations are various]

Timothy Williams, Council Appointee	Exp. Tenure- No longer on City Council
Clarence Oden (Alternate)	Exp. Tenure-No Longer on City Council

COMMITTEES FORMED BY COUNCIL RESOLUTIONS

TAX INCREMENT FINANCE AUTHORITY

[MEETINGS: Second Thursday of each month at 6:30 P.M., City Hall Council]

6 Year Term	13 Members	Resolution 85-8-331
Patrick Wimberly		Tenure
Kim Howard		09/08/26
Connie R. Mitchell		Tenure
Avls Love		Exp. 03/20/23
Rerhi Onomake		Exp. 03/16/21
Vacant		Exp.
Charmaine Kennedy		Exp. 02/20/21
Mary Weislow (Treasurer)		Exp. 06/06/22
Winnie Nwankwo		Exp. 05/18/21

November 16, 2020 (Virtual Meeting)

Yolanda Lockett

Exp. 09/08/26

BROWNFIELD REDEVELOPMENT AUTHORITY

[MEETINGS: Second Tuesday of each month at 5:00 P.M., City Hall Council Chambers]

Terms 1, 2 and 3 years Up to 9 members

Resolution 02-9-458

Heath Williams, City Council Representative	Tenure (Tenure is up)
Darin Carrington, Treasurer	Tenure
Vacant Community	Tenure
Tonia C. Williams	Exp. 02/20/19
Vacant	Exp. 11/6/20

NOTES:

Vacancies and/or Expired terms

*Has not taken the oath

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: September 1, 2020

From: Felicia Rutledge, City Clerk

Date for Council Consideration: September 8, 2020
October 19, 2020

ACTION REQUESTED: Consideration for a second reading and approval to amend the City of Inkster Code of Ordinance Chapter 124 pertaining to Marijuana Medical and Adult Use Business License.

Current Action ☒ Emergency ☐ Future ☐

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

Mayor's Approval ☐

BACKGROUND INFORMATION

In 2008, the Michigan Medical Marihuana Act ("MMMA") established the legal the use of marijuana to treat various medical conditions in the State of Michigan. The MMMA also creates the designation "caregiver" to authorize individuals to provide medical marijuana to approved patients to treat their conditions.

On September 21, 2016 Governor Snyder signed a package of bills (2016 PA 281-283) that significantly expanded the types of Medical Marijuana facilities permitted under state law, and establishes a licensing factor thru the State of Michigan. Under the new ACT, the requirements legalize the use of Medical Marijuana and required licenses for growers, processors, provisioning centers, secure transporter, safety compliance centers and infused products, commonly known as edibles.

Voters in Michigan approved with 57% support legalizing Adult Use "recreational" marijuana in November 2018. On December 6, 2018, after the election was certified, the law went into effect, ending marijuana's criminalization in the State of Michigan. Out of this legalization for Adult Use (Recreational) come the following licenses;

- Cultivation Grower
 1. Class A – 500 Plants
 2. Class B – 1000 Plants
 3. Class C – 1500 Plants
- Marijuana Retailer (Provisioning Center)
- Marijuana Microbusiness
- Marijuana Processor
- Marijuana Secure Transporter
- Marijuana Designated Consumption
- Marijuana Event Organizer

The city of Inkster has opted into the Medical and Adult Use “recreational” Marijuana process with the State of Michigan. This amendment to the City of Inkster Medical and Adult Use Business license corresponds with the state licenses and brings the city in line to reflect the state changes.

The city also passed Zoning Ordinance amendments to incorporate for Adult Use. All Adult use has been designated within the zoning Ordinance except for Marijuana Designated Consumption, parameters regarding Marijuana Retail with regards to Microbusiness and it's allowances per state guidelines, and Event Organizer. Future amended Zoning Ordinance will be brought forth with.

SCOPE OF SERVICES

Applicants shall apply for Medical and Adult Use Marijuana Business Licenses with the City Clerk and go thru the appropriate approvals with the Planning, Building and Police Departments, prior to being issued a business license. Applicants must further have State of Michigan approval prior to being issued a Medical or Adult Use Marijuana Business License.

JUSTIFICATION

To bring the Marijuana Business License application process in line with the new state guidelines with regards to Medical and Adult Use Marijuana Licenses. Diversified revenue stream to the city of Inkster.

PROJECT OR IMPROVEMENT TASKS

N/A

COSTS

A \$5,000 amount will be for each license medical or adult use. Example, if a grow facility has a medical license and wish to grow for adult use, that would be a total of \$10,000.00. for medical and adult use.

PROJECT TIME TABLE

Upon thirty (30) days for the Ordinance to take effect.

RESOLUTION

Authorization is hereby approved for the second reading and approval of a City of Inkster Ordinance pertaining to Medical and Adult Use Marijuana Business License; Chapter 124.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

AN ORDINANCE TO AMEND TITLE XI OF THE INKSTER CITY CODE, CHAPTER 124, MEDICAL MARIJUANA BUSINESSES LICENSES, PROVIDING FOR THE LICENSING OF BOTH MEDICAL AND ADULT USE MARIJUANA ESTABLISHMENTS, TO THE CODE OF ORDINANCES FOR THE CITY OF INKSTER, WAYNE COUNTY, MICHIGAN.

NOW THEREFORE, THE CITY OF INKSTER ORDAINS:

Chapter 124 of Title XI of the Code of Ordinances of the City of Inkster shall be amended as follows:

CHAPTER 124: ~~MEDICAL~~ MARIJUANA BUSINESS LICENSE +

§ 124.01 PURPOSE.

(A) The purpose of this chapter is to establish standards and procedures for the issuance, renewal and/or revocation of licenses for ~~medical~~-marijuana ~~facilities~~related businesses in order to:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Establish a set of rules and regulations which are fair and equitable for those interested in operating a ~~medical~~-marijuana ~~facility~~related business in compliance with the Michigan Medical Marihuana Act (~~MMMA~~) MCL 333.26421 et seq., Medical Marihuana Facilities Licensing Act (~~MMFLA~~) MCL 333.27101 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA) MCL 333.27951 et seq., and State of Michigan regulations;

(3) To provide reasonable regulation pursuant to the city's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL § 117.1 et seq., as amended.

(B) Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of the Code of Inkster, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Code of Inkster and state and federal laws. The provisions provided herein do not protect users, caregivers or the owners/operators of a ~~medical~~-marijuana ~~facility~~related business where the ~~medical~~ use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Control Substances Act.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§

124.02 ADOPTION OF STATE RULES AND REGULATIONS.

~~—All activities related to ~~medical~~-marijuana ~~related businesses~~ shall be in compliance with the General Rules of the Michigan Department of Community Health and, the Michigan Marijuana Regulatory Agency, the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, (~~MMMA~~).~~

MCL § 333.26421 et seq., ~~the Medical Marijuana Facilities Licensing Act (MMFLA) MCL 333.27101 et seq. and the Michigan Regulation and Taxation of Marijuana Act (MRTMA) MCL 333.27951 et seq.~~
(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

§ 124.03 LICENSE REQUIRED FOR THE OPERATION OF A ~~MEDICAL~~ MARIJUANA ~~FACILITY-RELATED BUSINESS~~.

(A) Each operator of a ~~medical~~ marijuana ~~facility-related business~~ shall apply for a license with the Inkster City Clerk ("Clerk"). An annual fee schedule for the initial license and annual renewal fees shall be set by City Council and such fees shall be reasonably calculated to reimburse the city for the costs associated with the enforcement of this chapter and the continued regulation of establishments licensed hereunder.

(B) Licenses are non-transferable and shall only apply to the person/entity listed on the license at the address listed on the application. Licensees in good standing with the city, have no code violations and/or unpaid taxes or fees, are permitted to transfer licenses to new addresses or locations provided all necessary city approvals are obtained prior to requesting the transfer.

(C) Licenses shall expire at the end of each calendar year from the date of issuance.

(D) Applications to renew a license to operate a ~~medical~~ marijuana ~~facility-related business~~ shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee and any other fee(s) required under this chapter. All provisions and requirements of this chapter apply to renewals in the same manner as the original application.

(E) The license requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(F) The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for production, distribution or possession of marijuana, possession of drug paraphernalia or presence in a place where drugs are being used, stored or kept.

(G) Applications for a license required by this chapter shall be made with forms provided by the Clerk, which shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall set forth and/or provide at a minimum, the following information and documentation:

(1) If the applicant is an individual he/she must provide their: name, address and telephone number, master driving record and criminal complaint history (CCH). If the individual intends to operate an unincorporated individual proprietorship, they must also obtain a general business license as provided for under the Inkster City Code;

(2) If the applicant is a partnership, or an employee, it must provide: the name of the organization and each partner, residential and business address and telephone number of each partner and the business, and each partner's CCH and master driving record, along with a copy of the partnership's city of Inkster business license;

(3) If the applicant is a corporation, it must provide: the name of the organization, date of organization and certificate of good standing from the state under which the corporation was organized, a copy of the corporation's City of Inkster business license, the names of the principal officers, directors and local representatives of their organization, their residential and business addresses, telephone numbers, their CCH and master driving record;

(4) The length of time for which the right to do business as a ~~medical-marijuana facility-related business~~ is sought;

(5) A recent color photograph of the applicant or the agent for the applicant who is to do the actual assessments and/or certification for the ~~medical-marijuana facility-related business~~. The photograph shall be two inches by two inches showing head and shoulders of applicant or agent and shall be supplied by the applicant or agent;

(6) A brief description of the product, products or services involved at the medical marijuana facility;

(7) The name, address and telephone number of the organization's registered agent or the party that has the full power and authority to accept service of process for and on behalf of applicant in respect to any matters connected with or arising out of the business transacted under said license with full acknowledgment that service on said agent shall be valid when personally served on him/her.

(8) The location and mailing address and all telephone numbers where the ~~medical marijuana facility-related business~~ will be located.

(9) The operator of the ~~medical-marijuana facility-related business~~ shall be required to submit proof, in a form acceptable to the Clerk, of ownership of the property where the ~~medical marijuana facility-related business~~ is to be operated. If the location/property/premises of the ~~medical-marijuana facility-related business~~ to be licensed hereunder is not owned by the operator of the ~~medical-marijuana facility-related business~~, the operator shall submit alternate written proof in a form acceptable to the Clerk that the titled owner of the location/property/premises to be licensed has given notarized written consent to the operator to use the premises for the licensed use.

(10) A copy of approvals from the City Planning and Building Department including: special ~~conditions~~and use, site plan and building permits.

(11) A copy of the certificate of ~~occupancy~~compliance from the city for the location of the ~~medical-marijuana facility-related business~~.

(12) Proof that all fees imposed hereunder have been paid in full and that the applicant is not otherwise indebted to the City or in default of any other provision of the Inkster City Code.

(13) A signed release from the applicant permitting the police department to perform a criminal background check to ascertain whether the applicant and operator named on the application have been convicted of a felony.

(14) A binding release of liability and agreement to hold harmless the City of Inkster from any liability arising out of the operation of the ~~medical-marijuana facility-related business~~.

(15) Proof of insurance providing coverage for fire and loss liability and claims arising out of conditions, activities, structures and facilities maintained in relation to the ~~medical-marijuana facility-related business~~, in an amount of no less than one million dollars umbrella coverage.

(16) A copy of the applicant's computerized criminal history (CCH).

(17) A history of the applicant's ordinance and state law license and permit revocation and ordinance violations.

(H) The Clerk may not issue a license under this chapter until the applicant has completed the application, provided all the information and documentation required herein and paid all fees.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.04 DEFINITIONS AND LEGISLATIVE FINDINGS AND INTENT.

(A) Any term set forth herein shall have the meaning assigned to it by § 10.05 of the Inkster City Code. The legislative findings and intent of this chapter shall be identical to those set forth in § 10.02 of the Inkster City Code.

~~(B) An annual license is required for any of the following entities to operate a marijuana facility:~~

~~—(1) Growers—licensees that cultivate, dry, trim, or cure and package marijuana for sale to a processor or provisioning center. Registered patients and primary caregivers who lawfully cultivate marijuana in the quantities and for the purposes permitted under the Michigan Marijuana Act are not considered "growers" under the new legislation.~~

~~—(2) Processors—licensees that purchase marijuana from a grower and extract resin from the marijuana or create a marijuana-infused product for sale and transfer in packaged form to a provisioning center.~~

~~—(3) Provisioning centers—licensees that purchase marijuana from a grower or processor and sell, supply, or provide marijuana to patients, directly or through the patient's caregiver.~~

~~—(4) Secure transporters—licensees that store marijuana and transport it between marijuana facilities for a fee.~~

~~—(5) Safety propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.~~

~~(B) "Department" means the department of licensing and regulatory affairs.~~

~~(C) "Marijuana" or "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this act, marijuana does not include:~~

~~(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of~~

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the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(2) industrial hemp; or

(3) any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(D) "Marijuana establishment" means a marijuana grower, marijuana safety compliance facilities—licensees that receive facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana from a secure transporter, or any other type of marijuana-related business licensed by the department as defined in the MRTMA, MCL 333.27951 et seq.

(E) "Marijuana facility or primary" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the MRTMA, MCL 333.27951 et seq.

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(F) "Marijuana grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.

(G) "Marijuana event organizer" means a person licensed to apply for a temporary marijuana event under these rules.

(H) "Marijuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

(I) "Marijuana microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

(J) "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.

(K) "Marijuana related business" means a "marijuana facility" licensed pursuant to the Medical Marijuana Facilities Licensing Act, MCL 333.270101, et. seq., or a "marijuana

establishment" licensed pursuant to the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et. seq.

(L) "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.

(M) "Marijuana secure transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

(N) "Marijuana safety compliance facility" means a person licensed to test it for marijuana, including certification for potency and the presence of contaminants and other substances. (Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

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(O) "Process" or "Processing" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana -infused products.

(P) "Social Equity Program" means all programs established by the Marijuana Regulatory Agency, or other agency of the Department of Licensing and Regulatory Affairs, pursuant to Section 8 of the MRTMA.

(Q) "State license" means a license issued by the department that allows a person to operate a marijuana establishment.

(R) "MMFLA" means the Medical Marijuana Facilities Licensing Act, MCL 333.2701, et seq.

(S) "MRTMA" means the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333. 27951 et seq.

(T) "Marijuana" has the same meaning as "marihuana" under the MMFLA and MRTMA.

§ 124.05 ISSUANCE OF LICENSE.

~~-(A)-~~ (A) An annual license is required to operate any of the following marijuana related businesses:

Establishment Type

Grower

Class A. (maximum of 500 plants under MMFLA or 100 plants under MRTMA)

Class B. (maximum of 1,000 plants under MMFLA or 500 plants under MRTMA)

Class C. (maximum of 1,500 plants under MMFLA or 2,000 plants under MRTMA)

Marijuana retailer

Marijuana Microbusiness

Processor

Secure transporter

Safety compliance facility

Designated Consumption Establishment

Excess marijuana grower

Marijuana event organizers

(B) The Clerk shall issue a license hereunder to the applicant unless the Clerk finds a reason for denial, as stated in division (C), below. The license shall be for no more than one year in length.

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(C) In the event a licensee does not commence operations within 180 days after being issued a license, the license shall be deemed forfeited and the business may not commence operations.

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~~(C) There shall not be more than three provisioning center licenses issued by the city at any given time.~~

(D) The standards for denial of a license are as follows:

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~~(1) (1) The applicant has not been granted the appropriate license by the Marijuana Regulatory Agency or the Department.~~

(2) The application is not completely filled out or information is not provided as required by the prior sections herein.

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(3) The applicant's CCH shows a conviction or convictions for activities that pose a threat or a danger to the residents of the city should a license be granted including, but not limited to: drunk driving, disturbing the peace, assault and battery, domestic violence, theft, dishonesty or deception, fraud, criminal sexual conduct, felonious assault, murder, and violations of the Controlled Substance Act.

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(4) Verification of any of the information required by § 124.03 shows the information provided by the applicant to be fraudulent, a misrepresentation, or a false statement.

(5) An investigation through the City Police Department or any other law enforcement agency that shows a pattern and history of conduct which would justify a revocation of the applicant's permit under § 124.08.

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(6) The applicant or any of the proposed employees/partners/members of the applicant have a habitual history of business license/permit violations, revocations, or a habitual history of ordinance violations.

(7) Failure to pay the nonrefundable licensing application fee herein or the application fee.

(8) No license shall be issued to any applicant until such applicant shall have obtained the age of 21 years.

(92) The applicant's ~~medical~~-marijuana ~~facility~~related business license has previously been revoked.

(910) The building/premises where the ~~medical~~-marijuana ~~facility~~related business is to be located is in violation of any city building, fire, electrical or health codes.

(4011) The applicant and/or business has outstanding taxes, fines, fees or liens owed to the city.

(4112) Failure to comply with the Inkster Zoning Ordinance or any other Inkster City Codes.

(4213) Any other competent, material and substantial evidence indicating the applicant or any of the applicant's proposed employees/partners/members pose an apparent danger to the health, safety and welfare of the people of the city and/or the activity proposed to be permitted constitutes an apparent danger to the health, safety and welfare of the people of the city.

(4314) The designated maximum number of licenses have already been granted by the city.

(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

§ 124.06 APPEAL OF CLERK'S DENIAL.

—(A) Any applicant for a license to operate a ~~medical~~-marijuana ~~facility~~related business under this chapter may appeal the clerk's denial of the license to the Mayor, provided however that:

(1) The applicant has paid all permitting, licensing and application fees related to the operation of a ~~medical~~-marijuana ~~facility~~related business pursuant to § 124.07, below;

(2) Within seven days of the applicant's receipt of the Clerk's denial, the applicant made a written objection of the Clerk's denial to the Mayor that;

- (a) Has a valid and verifiable date of service of process;
- (b) Sets forth with particularity the grounds on which the objection is based;
- (c) Seeks consideration of the appeal to the Mayor.

—(B) Should the Mayor deny the applicant's appeal, the applicant may appeal to the City Council and the Council shall:

(1) Allow the applicant or its representative an opportunity to speak and present any affidavits and documentary evidence in support of the appeal so long as the presentation shall be reasonably limited in time;

(2) Sustain the Clerk's determination unless it finds the Clerk's denial of the license to have been an abuse of discretion hereunder;

(3) Issue a formal written Resolution deciding the appeal within 30 days of the hearing set forth herein;

—(C) The Mayor shall preside over any appellate hearing and employ a relaxed evidentiary standard for the admission of evidence.

(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)

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§ 124.06a GOOD-FAITH EFFORT FOR EQUITY IN EMPLOYMENT.

(A) Each licensee shall undertake good-faith efforts to ensure that at least 15% of the licensee's employees and/or contractors are individuals who:

1. Have a Prior Controlled Substance Conviction;
2. Is Low Income;
3. Is a Resident of Inkster; or
4. Is a former Resident of Inkster.

(B) Annually, each licensee shall send to the City of Inkster a certification, stating either:

1. that at least 15% of the Licensee's employees and/or contractors meet one of the five criteria above, or

2. (a) that the Licensee has hired such employees and/or contractors to the extent feasible, and describing the Licensee's employment outreach and recruitment strategies, including providing employment opportunities to persons meet one of the five criteria above and (b) that the Licensee transmitted all job openings, to the City of Inkster agency responsible for workforce development, for public posting.

§ 124.07- FEES.

The city shall assess fees as follows:

(A) Each applicant for a license to operate a ~~medical-marijuana facility~~related business shall pay an application fee which shall be fixed annually by resolution of the Inkster City Council as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

(B) In addition, and the same manner, Inkster City Council shall impose an annual licensing fee by resolution as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.08 NON-RENEWAL OR REVOCATION.

The operation of a ~~medical-marijuana facility~~related business shall be a revocable privilege and not a right in the city; the city may choose not to renew or to revoke a license based on any of the following:

~~-(A)-~~ (A) The revocation or non-renewal of any necessary licenses or permits by the Marijuana Regulatory Agency or Department;

(B) Failure to meet or maintain the conditions and requirements established by this chapter or any related provisions of Inkster City Code or state, federal or local laws;

~~-(B)(C)~~ (C) One or more violations of any city ordinance on the premises;

~~-(C)(D)~~ (D) Nuisance or blight violations on the premises;

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~~-(D)(E)~~ A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or

~~-(E)(F)~~ Nonpayment of real or personal property taxes, fines, fees or liens owed to the city;

~~-(F)(G)~~ Any fraud, misrepresentation, or false statement contained in the application for a license;

~~-(G)(H)~~ Any fraud misrepresentation, or false statement made in connection with services and/or merchandise;

~~-(H)(I)~~ Conviction of the licensee of a felony;

~~-(I)(J)~~ Conducting business in an unlawful manner or in such a manner as to constitute a breach of peace.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.09 CIVIL FORFEITURE.

Any marijuana or drug paraphernalia used, sold or possessed with intent to sell in violation of this chapter shall be seized and forfeited to the City of Inkster along with any proceeds received from any such illegal sales.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.10 LICENSE NOT TRANSFERABLE.

Any license granted hereunder may not be sold or otherwise transferred from the person or entity that made the application to any other person or entity.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.11 HOURS OF OPERATION.

Permissible hours of operation for a ~~medical~~-marijuana ~~facility~~retailer shall be:

(A) Monday - Friday: 9:00 a.m. through 9:00 p.m.

(B) Saturdays: 9:00 a.m. through 6:00 p.m.

(C) Sundays: 10:00 a.m. through 6:00 p.m.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

§ 124.99 PENALTY.

Any violations of this chapter shall be punishable in accordance with § 10.99 of the Inkster Code of Ordinances.

~~(Ord. 856, passed 3-7-16; Am. Ord. 858, passed 7-17-17)~~

AN ORDINANCE TO AMEND TITLE XI OF THE INKSTER CITY CODE, CHAPTER 124, MEDICAL MARIJUANA BUSINESSES LICENSES, PROVIDING FOR THE LICENSING OF BOTH MEDICAL AND ADULT USE MARIJUANA ESTABLISHMENTS, TO THE CODE OF ORDINANCES FOR THE CITY OF INKSTER, WAYNE COUNTY, MICHIGAN.

NOW THEREFORE, THE CITY OF INKSTER ORDAINS:

Chapter 124 of Title XI of the Code of Ordinances of the City of Inkster shall be amended as follows:

CHAPTER 124: MARIJUANA BUSINESS LICENSE

§ 124.01 PURPOSE.

(A) The purpose of this chapter is to establish standards and procedures for the issuance, renewal and/or revocation of licenses for marijuana related businesses in order to:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Establish a set of rules and regulations which are fair and equitable for those interested in operating a marijuana related business in compliance with the Michigan Medical Marijuana Act (MMMA) MCL 333.26421 et seq, Medical Marijuana Facilities Licensing Act (MMFLA) MCL 333.27101 et seq, the Michigan Regulation and Taxation of Marijuana Act (MRTMA) MCL 333.27951 et seq, and State of Michigan regulations;

(3) To provide reasonable regulation pursuant to the city's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL § 117.1 et seq., as amended.

(B) Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of the Code of Inkster, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Code of Inkster and state and federal laws. The provisions provided herein do not protect users, caregivers or the owners/operators of a marijuana related business where the use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Control Substances Act.

124.02 ADOPTION OF STATE RULES AND REGULATIONS.

All activities related to marijuana related businesses shall be in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Marijuana Regulatory Agency, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008 (MMMA), MCL § 333.26421 et seq, the Medical Marijuana Facilities Licensing Act (MMFLA) MCL 333.27101 et

seq, and the Michigan Regulation and Taxation of Marihuana Act (MRTMA) MCL 333.27951 et seq.

§ 124.03 LICENSE REQUIRED FOR THE OPERATION OF A MARIJUANA RELATED BUSINESS.

(A) Each operator of a marijuana related business shall apply for a license with the Inkster City Clerk ("Clerk"). An annual fee schedule for the initial license and annual renewal fees shall be set by City Council and such fees shall be reasonably calculated to reimburse the city for the costs associated with the enforcement of this chapter and the continued regulation of establishments licensed hereunder.

(B) Licenses are non-transferrable and shall only apply to the person/entity listed on the license at the address listed on the application. Licensees in good standing with the city, have no code violations and/or unpaid taxes or fees, are permitted to transfer licenses to new addresses or locations provided all necessary city approvals are obtained prior to requesting the transfer.

(C) Licenses shall expire at the end of each calendar year from the date of issuance.

(D) Applications to renew a license to operate a marijuana related business shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee and any other fee(s) required under this chapter. All provisions and requirements of this chapter apply to renewals in the same manner as the original application.

(E) The license requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(F) The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for production, distribution or possession of marijuana, possession of drug paraphernalia or presence in a place where drugs are being used, stored or kept.

(G) Applications for a license required by this chapter shall be made with forms provided by the Clerk, which shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall set forth and/or provide at a minimum, the following information and documentation:

(1) If the applicant is an individual he/she must provide their: name, address and telephone number, master driving record and criminal complaint history (CCH). If the individual intends to operate an unincorporated individual proprietorship, they must also obtain a general business license as provided for under the Inkster City Code;

(2) If the applicant is a partnership, or an employee, it must provide: the name of the organization and each partner, residential and business address and telephone number of each partner and the business, and each partner's CCH and master driving record, along with a copy of the partnership's city of Inkster business license;

(3) If the applicant is a corporation, it must provide: the name of the organization, date of organization and certificate of good standing from the state under which the corporation was

organized, a copy of the corporation's City of Inkster business license, the names of the principal officers, directors and local representatives of their organization, their residential and business addresses, telephone numbers, their CCH and master driving record;

(4) The length of time for which the right to do business as a marijuana related business is sought;

(5) A recent color photograph of the applicant or the agent for the applicant who is to do the actual assessments and/or certification for the marijuana related business. The photograph shall be two inches by two inches showing head and shoulders of applicant or agent and shall be supplied by the applicant or agent;

(6) A brief description of the product, products or services involved at the medical marijuana facility;

(7) The name, address and telephone number of the organization's registered agent or the party that has the full power and authority to accept service of process for and on behalf of applicant in respect to any matters connected with or arising out of the business transacted under said license with full acknowledgment that service on said agent shall be valid when personally served on him/her.

(8) The location and mailing address and all telephone numbers where the marijuana related business will be located.

(9) The operator of the marijuana related business shall be required to submit proof, in a form acceptable to the Clerk, of ownership of the property where the marijuana related business is to be operated. If the location/property/premises of the marijuana related business to be licensed hereunder is not owned by the operator of the marijuana related business, the operator shall submit alternate written proof in a form acceptable to the Clerk that the titled owner of the location/property/premises to be licensed has given notarized written consent to the operator to use the premises for the licensed use.

(10) A copy of approvals from the City Planning and Building Department including: special land use, site plan and building permits.

(11) A copy of the certificate of compliance from the city for the location of the marijuana related business.

(12) Proof that all fees imposed hereunder have been paid in full and that the applicant is not otherwise indebted to the City or in default of any other provision of the Inkster City Code.

(13) A signed release from the applicant permitting the police department to perform a criminal background check to ascertain whether the applicant and operator named on the application have been convicted of a felony.

(14) A binding release of liability and agreement to hold harmless the City of Inkster from any liability arising out of the operation of the marijuana related business.

(15) Proof of insurance providing coverage for fire and loss liability and claims arising out of conditions, activities, structures and facilities maintained in relation to the marijuana related business, in an amount of no less than one million dollars umbrella coverage.

(16) A copy of the applicant's computerized criminal history (CCH).

(17) A history of the applicant's ordinance and state law license and permit revocation and ordinance violations.

(H) The Clerk may not issue a license under this chapter until the applicant has completed the application, provided all the information and documentation required herein and paid all fees.

§ 124.04 DEFINITIONS AND LEGISLATIVE FINDINGS AND INTENT.

(A) Any term set forth herein shall have the meaning assigned to it by § 10.05 of the Inkster City Code. The legislative findings and intent of this chapter shall be identical to those set forth in § 10.02 of the Inkster City Code.

propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.

(B) "Department" means the department of licensing and regulatory affairs.

(C) "Marijuana" or "Marihuana" means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this act, marijuana does not include:

(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(2) industrial hemp; or

(3) any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

(D) "Marijuana establishment" means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the department as defined in the MRTMA, MCL 333.27951 et seq.

(E) "Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the MRTMA, MCL 333.27951 et seq.

(F) "Marijuana grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.

(G) "Marijuana event organizer" means a person licensed to apply for a temporary marijuana event under these rules.

(H) "Marijuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

(I) "Marijuana microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

(J) "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.

(K) "Marijuana related business" means a "marijuana facility" licensed pursuant to the Medical Marijuana Facilities Licensing Act, MCL 333.270101, et. seq., or a "marijuana establishment" licensed pursuant to the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et. seq.

(L) "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.

(M) "Marijuana secure transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

(N) "Marijuana safety compliance facility" means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

(O) "Process" or "Processing" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana -infused products.

(P) "Social Equity Program" means all programs established by the Marijuana Regulatory Agency, or other agency of the Department of Licensing and Regulatory Affairs, pursuant to Section 8 of the MRTMA.

(Q) "State license" means a license issued by the department that allows a person to operate a marijuana establishment.

(R) "MMFLA" means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq.

(S) "MRTMA" means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333. 27951 et seq.

(T) "Marijuana" has the same meaning as "marihuana" under the MMFLA and MRTMA

§ 124.05 ISSUANCE OF LICENSE.

(A) An annual license is required to operate any of the following marijuana related businesses:

Establishment Type

Grower

Class A. (maximum of 500 plants under MMFLA or 100 plants under MRTMA)

Class B. (maximum of 1,000 plants under MMFLA or 500 plants under MRTMA)

Class C. (maximum of 1,500 plants under MMFLA or 2,000 plants under MRTMA)

Marijuana retailer

Marijuana Microbusiness

Processor

Secure transporter

Safety compliance facility

Designated Consumption Establishment

Excess marijuana grower

Marihuana event organizers

(B) The Clerk shall issue a license hereunder to the applicant unless the Clerk finds a reason for denial, as stated in division (D), below. The license shall be for no more than one year in length.

(C) In the event a licensee does not commence operations within 180 days after being issued a license, the license shall be deemed forfeited and the business may not commence operations.

(D) The standards for denial of a license are as follows:

(1) The applicant has not been granted the appropriate license by the Marijuana Regulatory Agency or the Department.

(2) The application is not completely filled out or information is not provided as required by the prior sections herein.

(3) The applicant's CCH shows a conviction or convictions for activities that pose a threat or a danger to the residents of the city should a license be granted including, but not limited to: drunk driving, disturbing the peace, assault and battery, domestic violence, theft, dishonesty or deception, fraud, criminal sexual conduct, felonious assault, murder, and violations of the Controlled Substance Act.

(4) Verification of any of the information required by § 124.03 shows the information provided by the applicant to be fraudulent, a misrepresentation, or a false statement.

(5) An investigation through the City Police Department or any other law enforcement agency that shows a pattern and history of conduct which would justify a revocation of the applicant's permit under § 124.08.

(6) The applicant or any of the proposed employees/partners/members of the applicant have a habitual history of business license/permit violations, revocations, or a habitual history of ordinance violations.

(7) Failure to pay the nonrefundable licensing application fee herein or the application fee.

(8) No license shall be issued to any applicant until such applicant shall have obtained the age of 21 years.

(9) The applicant's marijuana related business license has previously been revoked.

(10) The building/premises where the marijuana related business is to be located is in violation of any city building, fire, electrical or health codes.

(11) The applicant and/or business has outstanding taxes, fines, fees or liens owed to the city.

(12) Failure to comply with the Inkster Zoning Ordinance or any other Inkster City Codes.

(13) Any other competent, material and substantial evidence indicating the applicant or any of the applicant's proposed employees/partners/members pose an apparent danger to the health, safety and welfare of the people of the city and/or the activity proposed to be permitted constitutes an apparent danger to the health, safety and welfare of the people of the city.

(14) The designated maximum number of licenses have already been granted by the city.

§ 124.06 APPEAL OF CLERK'S DENIAL.

(A) Any applicant for a license to operate a marijuana related business under this chapter may appeal the clerk's denial of the license to the Mayor, provided however that:

(1) The applicant has paid all permitting, licensing and application fees related to the operation of a marijuana related business pursuant to § 124.07, below;

(2) Within seven days of the applicant's receipt of the Clerk's denial, the applicant made a written objection of the Clerk's denial to the Mayor that;

- (a) Has a valid and verifiable date of service of process;
- (b) Sets forth with particularity the grounds on which the objection is based;
- (c) Seeks consideration of the appeal to the Mayor.

(B) Should the Mayor deny the applicant's appeal, the applicant may appeal to the City Council and the Council shall:

(1) Allow the applicant or its representative an opportunity to speak and present any affidavits and documentary evidence in support of the appeal so long as the presentation shall be reasonably limited in time;

(2) Sustain the Clerk's determination unless it finds the Clerk's denial of the license to have been an abuse of discretion hereunder;

(3) Issue a formal written Resolution deciding the appeal within 30 days of the hearing set forth herein;

(C) The Mayor shall preside over any appellate hearing and employ a relaxed evidentiary standard for the admission of evidence.

§ 124.06a GOOD-FAITH EFFORT FOR EQUITY IN EMPLOYMENT.

(A) Each licensee shall undertake good-faith efforts to ensure that at least 15% of the Licensee's employees and/or contractors are individuals who:

- 1. Have a Prior Controlled Substance Conviction;
- 2. Is Low Income;
- 3. Is a Resident of Inkster; or
- 4. Is a former Resident of Inkster.

(B) Annually, each licensee shall send to the City of Inkster a certification, stating either:

- 1. that at least 15% of the Licensee's employees and/or contractors meet one of the five criteria above, or
- 2. (a) that the Licensee has hired such employees and/or contractors to the extent feasible, and describing the Licensee's employment outreach and recruitment strategies, including providing employment opportunities to persons meet one of the five criteria above and (b) that the Licensee transmitted all job openings, to the City of Inkster agency responsible for workforce development, for public posting.

§ 124.07 FEES.

The city shall assess fees as follows:

(A) Each applicant for a license to operate a marijuana related business shall pay an application fee which shall be fixed annually by resolution of the Inkster City Council as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

(B) In addition, and the same manner, Inkster City Council shall impose an annual licensing fee by resolution as part of its statutory budgeting process and at such other times as the City Council, in its discretion and by resolution, believes is necessary to defray the costs associated with the licensing regulation and enforcement activities contemplated hereunder.

§ 124.08 NON-RENEWAL OR REVOCATION.

The operation of a marijuana related business shall be a revocable privilege and not a right in the city; the city may choose not to renew or to revoke a license based on any of the following:

(A) The revocation or non-renewal of any necessary licenses or permits by the Marijuana Regulatory Agency or Department;

(B) Failure to meet or maintain the conditions and requirements established by this chapter or any related provisions of Inkster City Code or state, federal or local laws;

(C) One or more violations of any city ordinance on the premises;

(D) Nuisance or blight violations on the premises;

(E) A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or

(F) Nonpayment or real or personal property taxes, fines, fees or liens owed to the city;

(G) Any fraud, misrepresentation, or false statement contained in the application for a license;

(H) Any fraud misrepresentation, or false statement made in connection with services and/or merchandise;

(I) Conviction of the licensee of a felony;

(J) Conducting business in an unlawful manner or in such a manner as to constitute a breach of peace.

§ 124.09 CIVIL FORFEITURE.

Any marijuana or drug paraphernalia used, sold or possessed with intent to sell in violation of this chapter shall be seized and forfeited to the City of Inkster along with any proceeds received from any such illegal sales.

§ 124.10 LICENSE NOT TRANSFERABLE.

Any license granted hereunder may not be sold or otherwise transferred from the person or entity that made the application to any other person or entity.

§ 124.11 HOURS OF OPERATION.

Permissible hours of operation for a marijuana retailer shall be:

(A) Monday - Friday: 9:00 a.m. through 9:00 p.m.

(B) Saturdays: 9:00 a.m. through 6:00 p.m.

(C) Sundays: 10:00 a.m. through 6:00 p.m.

§ 124.99 PENALTY.

Any violations of this chapter shall be punishable in accordance with § 10.99 of the Inkster Code of Ordinances.

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: November 10, 2020

From: Kaltlyn Hines
Planning Director

Date for Council Consideration: November 16, 2020

ACTION REQUESTED: Council to offer a first reading of text amendments (TA 20-26) to the City's Zoning Ordinance pertaining to provisions for medical marijuana caregiver facilities and drug free zones 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 26, 2020, and the amendments were also recommended for approval by the Planning Commission on Monday, October 26, 2020. Public comments were received on the amendments at the public hearing. Draft meeting minutes are attached.

Proposed modifications include changes to §155.029 Definitions to add "Drug Free Zones" and "Medical Marijuana Caregiver"; §155.036. Schedule Of Land Uses; §155.047(D), B-3 General Business District, Special Land Uses; §155.146 "Standards For All Medical Marijuana Facilities And Recreational Marijuana Establishments"; §§155.150A, 155.150C, 155.150D, 155.150E, 155.150F, and 155.150H to amend spacing requirements; and add §155.047(B)(18) "Medical Marijuana Caregiver Grow Facility" as a permitted use in the B-3 General Business District.

A 2nd reading and request for approval of the proposed text amendments will occur at the Council meeting scheduled on December 7, 2020.

SCOPE OF SERVICES

N/A

JUSTIFICATION

The proposed zoning text amendments are being initiated by the City of Inkster due to recent April 27th, 2020, Michigan Supreme Court opinion in *DeRuiter v. Township of Byron*, in which it was decided that a municipality can create additional zoning, licensing, and other regulatory requirements for caregiver activities.

Currently, the City of Inkster zoning ordinance does not recognize caregivers in any capacity. This means that they are legally able to locate within any district that they

please. Unlike Byron Township, our ordinance encourages caregivers to locate within the business district, instead of residential.

The establishment of "drug free zones" helps use to further regulate the location of all Recreational and Medical Marijuana Facilities, except for Caregivers. This will require them to be no less than 1000ft from any library, church, childcare center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.

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

A second reading and request for approval of the proposed text amendments is scheduled during the Council meeting on December 7, 2020. 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:



PLANNING AND COMMUNITY DEVELOPMENT

313-563-9760

October 22, 2020

Planning Commission
City of Inkster
26215 Trowbridge
Inkster MI, 48141

Subject: TA 20-20 and TA 20-26 Microbusiness and Caregiver Facilities

The City of Inkster Planning Department is submitting the above-referenced draft zoning text amendments for the Planning Commission's review and consideration.

DESCRIPTION

The proposed zoning text amendments are being initiated by the City of Inkster in order to define Recreational Marijuana Microbusinesses, Caregiver Facilities, and Drug Free Zones. They are defined as:

"Recreational Marijuana Microbusiness" will be defined as a person licensed to cultivate not more than 150 marijuana plants; process and package marihuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Medical Marijuana Caregiver Grow Facility" will be defined as a building or portion of a building where a Registered Primary Caregiver, as defined by the Michigan Medical Marijuana Act (MCL 333.26421, et. seq.) cultivates, processes and transfers medical marijuana for purposes permitted under the Michigan Medical Marijuana Act,

"Drug-free Zone" will be defined as any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.

The proposed changes will make Microbusinesses a special land use in the B-3, General Business district, and further limit it to the entertainment district (as defined in the Master Plan).

Microbusinesses will need to be licensed by the state and they will be required to take part in the MRA Social Equity Program (which aims to promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and to positively impact those communities).

Medical Marijuana Caregiver Grow Facilities are being proposed to be a permitted use within the same boundary. The reasoning behind the permitted use vs. a Special Land Use is to make it appealing and attainable for caregivers to move outside of residential neighborhoods. They can then

grow in a commercial building where they can be monitored by the police through our already in place camera requirements for all businesses that go through the planning process. Currently, Caregivers are free to grow in residential neighborhoods.

We are also proposing the addition of Drug Free Zones, which will further limit the potential number of facilities locating within the City. Drug Free Zones will add playgrounds to the list of uses that Marijuana Facilities cannot be within 1,000 feet of.

You will notice that Consumption Facilities have been removed from what is being proposed. After careful consideration, it was decided that we will not move forward with those amendments at this time, and wait until there is more information on the impact of these facilities.

Respectfully,



Kaitlyn Hines

Planning Director

TA 20-20 and 20-26

Marked-up Draft Zoning Text Amendments for Recreational Marijuana Microbusinesses and Medical Marijuana Caregiver Facilities

City of Inkster

10/22/2020

- In § 155.029 “Definitions”, include definitions for “Recreational Marijuana Microbusiness, “Drug-free Zone,” and “Medical Marijuana Caregiver Grow Facility.”
- In § 155. 036 “Schedule Of Land Uses”, include Recreational Marijuana Microbusinesses, and Medical Marijuana Caregiver Grow Facility in appropriate places.
- In § 155.047 (D) “B-3 General Business District, Special Land Uses”, establish Recreational Marijuana Microbusiness as special land uses.
- Modify § 155.146 “Standards for all Medical Marijuana Facilities and Recreational Marijuana Establishments.”
- Establish new zoning ordinance section and special land use standards for § 155.155I “Recreational Marijuana Microbusiness”.
- In § 155.047 (B), “B-3 General Business District - Principal uses permitted,” add as a permitted use § 155.047(B)(18), Medical Marijuana Caregiver Grow Facility

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
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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
- 155.150I Recreational marijuana microbusiness
- 155.150K Emergency Shelters

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- 155.152 Planned unit development
- 155.153 Lot averaging for one-family developments
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- 155.162 Scope of application
- 155.163 Submission of additional data
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- 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

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- 155.218 Theaters, assembly halls, concert halls, clubs and similar organizations
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- 155.232 Scope of requirements
- 155.233 Definitions
- 155.234 Review, action and inspection
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- 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
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 - 155.285 Certificate of occupancy and re-occupancy
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 - 155.287 Standards for site plan approval
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 - 155.292 Fee structure
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 - 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

§ 155.029. DEFINITIONS. *(Add the following definitions; the consumption definition comes from the BMMR adult-use emergency rules, not from the Act)*

~~“Drug-free Zone” means any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.~~

~~“Medical Marijuana Caregiver Grow Facility” means a building or portion of a building where a Registered Primary Caregiver, as defined by the Michigan Medical Marijuana Act (MCL 333.26421, et. seq.) cultivates, processes and transfers medical marijuana for purposes permitted under the Michigan Medical Marijuana Act.~~

~~“Recreational Marijuana Designated Consumption Establishment” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.~~

~~“Recreational Marijuana Microbusiness” means a person licensed to cultivate not more than 150 marijuana plants; process and package marihuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.~~

§ 155.036. SCHEDULE OF LAND USES *(abridged just to show “Miscellaneous 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								
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	
<u>Medical Marijuana Caregiver Grow Facility</u>							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	

Recreational Marijuana Grower								SLU	
<u>Recreational Marijuana Microbusiness</u>							<u>SLU</u>	<u>SLU</u>	<u>SLU</u>
Recreational Marijuana Processing								SLU	
Recreational Marijuana Retailer					SLU	SLU	SLU		SLU
Recreational Marijuana Safety Compliance								SLU	
Recreational Marijuana Transporter								SLU	
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									

§ 155.047 (B) Principal uses permitted. The following regulations shall apply to all B-3 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

(1) Any retail business or service establishment permitted in B-2 Districts as principally permitted.

(2) Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

(3) Bus passenger stations.

- (4) Governmental offices or other governmental use, public utility offices, exchange transformer stations, pump stations and service yards, but not including outdoor storage.
- (5) Standard restaurants.
- (6) Massage practitioner offices.
- (7) Electronic data processing or computer centers.
- (8) 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 residential lot in an adjacent residential district.
- (9) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.
- (10) Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (11) Public utility buildings.
- (12) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.111 through 155.142.
- (13) Utility and public service buildings without storage yards.
- (14) Computer and electronic data processing centers.
- (15) Automobile parking space to be provided as required in §§ 155.071 through 155.082,
- (16) Temporary pop-up commercial use.
- (17) Mixed-use business and residential buildings (unless one or more of the individual uses is a special land use),
- (18) Medical Marijuana Caregiver Grow Facility, subject to the regulations of § 155.021, § 155.146, § 155.150C, and § 155.150D. Medical Marijuana Caregiver Grow Facilities are limited to the Entertainment District.

§ 155.047 (D). B-3 GENERAL 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) All uses allowed in a B-2 District which shall be subject to the same special land use as in a B-2 District.
- (2) Outdoor sales space for exclusive sale of new or secondhand vehicles or house trailers.
- (3) Open air business uses for the retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass.
- (4) Adult supply stores.
- (5) Adult motion picture theaters.
- (6) Arcades.
- (7) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (8) Cabaret.
- (9) Firearms sales establishments.
- (10) Motels, inns and travel lodges.
- (11) Hotels.

- (12) Massage establishments.
- (13) Pawnshops.
- (14) Pool or billiard halls.
- (15) Public lodging house, transient housing, rooming houses.
- (16) Secondhand stores.
- (17) Specially designated distributor (SDD).
- (18) Specially designated merchant (SDM).
- (19) Tattoo establishments.
- (20) Carry-out, fast food, drive-thru or drive-in restaurants.
- (21) Vehicle wash establishments, when completely enclosed in building.
- (22) Commercial kennel provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (23) Automobile service stations.
- (24) Automobile service centers, when developed as part of a larger planned shopping center. The design shall integrate the automobile service center within the site plan and architectural character of the total shopping center. A building permit shall not be issued separately for the construction of any automobile service center.
- (25) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height.
- (26) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.
- (27) Nursing and convalescent homes.
- (28) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (29) Business schools and colleges or private schools operated for profit.
- (30) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (31) Research and development facilities.
- (32) Manufactured housing communities, subject to requirements of § 155.140 of this chapter.
- (33) Fast food restaurants without drive-thru service.
- (34) Charitable gaming room subject to the regulations of § 155.145.
- (35) Minor vehicle repair, subject to the regulations of § 155.128.
- (36) Commercial warehouse, wholesale operations and distribution subject to the regulations of § 155.147.
- (37) Medical marijuana provisioning centers subject to the regulations of § 155.021, § 155.146, § 155.148.
- (38) Religious institutions.
- (39) New and used vehicle and trailer indoor sales, showroom or office.
- (40) Self-storage facilities.
- (41) Recreational marijuana microbusinesses subject to the regulations of § 155.021, § 155.146, and § 155.150J, and limited to the Entertainment District as defined in the city's Master Plan.

§ 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, § 155.146, and § 155.150C (Conflict of laws and prohibited land uses).

(17) Medical marijuana processing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150 (Conflict of laws and prohibited land uses).

(18) Medical marijuana testing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150A (Conflict of laws and prohibited land uses).

(19) Medical marijuana transportation facilities subject to the regulations of § 155.021, § 155.146, and § 155.150B (Conflict of laws and prohibited land uses).

(20) Recreational Marijuana Grower establishments subject to the regulations of §155.021, § 155.146, and §155.150D

(21) Recreational Marijuana Processing establishments subject to the regulations of §155.021, § 155.146, and §155.150F

(22) Recreational Marijuana Safety Compliance establishments subject to the regulations of §155.021, § 155.146, and §155.150H.

(23) Recreational Marijuana Secure Transporter establishments subject to the regulations of §155.021, § 155.146, 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 Marijuana Act, Medical Marijuana 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 Marijuana 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 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) 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.

§ 155.150A MEDICAL MARIJUANA TESTING FACILITIES.

(A) Testing facilities shall have a minimum 1,000 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, drug-free zone, or like facility.

(B) All testing facilities shall have a secured laboratory space that cannot be accessed by the general public.

(C) All medical 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 medical marijuana testing facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana testing facilities 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.

(Ord. 862, passed 9-18-17; Am. Ord. 870, passed 4-5-18)

§ 155.150C MEDICAL MARIJUANA CULTIVATION FACILITIES.

(A) Cultivation facilities 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 1,000 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, drug-free zone, or like facility.

(B) All activity related to the medical marijuana cultivation facilities 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 medical marijuana cultivation facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana cultivation facilities 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.

§ 155.150D. 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 1,000 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, drug-free zone, 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 1,000 foot radius of a school, measured as the shortest distance from front door to front door, or drug-free zone.

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

(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 1,000 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, drug-free zone, 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.

§ 155.150H RECREATIONAL MARIJUANA SAFETY COMPLIANCE ESTABLISHMENT.

(A) Recreational marijuana safety compliance establishments shall have a minimum 1,000 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, drug-free zone, 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.

§ 155.150I. RECREATIONAL MARIJUANA MICROBUSINESS

(A) Recreational marijuana microbusinesses 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 1,000 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, drug-free zone, or like facility.

(B) Recreational marijuana microbusinesses 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. There is no spacing requirement between neighboring recreational marijuana microbusinesses.

(C) All activity related to the recreational marijuana microbusiness shall be done indoors.

(D) All recreational marijuana microbusinesses shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(E) Recreational marijuana microbusiness drive-through facilities shall be prohibited.

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

(G) Application for a recreational marijuana microbusiness license shall be made to the City Clerk upon application forms provided by the Clerk for the recreational marijuana microbusiness 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.

(H) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the recreational marijuana microbusinesses.

(I) All permit holders must ensure that any water emanating from the recreational marijuana microbusiness meets or exceeds all applicable state and local environmental standards.

(J) Cultivation is limited to a maximum of 150 marijuana plants.

(K) A recreational marijuana microbusiness shall not operate at multiple locations.

TA 20-20 and 20-26

CLEAN Zoning Text Amendments for Recreational Marijuana Microbusinesses and Medical Marijuana Caregiver Facilities

City of Inkster

10/22/2020

- In § 155.029 “Definitions”, include definitions for “Recreational Marijuana Microbusiness, “Drug-free Zone,” and “Medical Marijuana Caregiver Grow Facility.”
- In § 155.036 “Schedule of Land Uses”, include Recreational Marijuana Microbusinesses, and Medical Marijuana Caregiver Grow Facility in appropriate places.
- In § 155.047 (D) “B-3 General Business District, Special Land Uses”, establish Recreational Marijuana Microbusiness as special land uses.
- Modify § 155.146 “Standards for all Medical Marijuana Facilities and Recreational Marijuana Establishments.”
- Establish new zoning ordinance section and special land use standards for § 155.155I “Recreational Marijuana Microbusiness”.
- In § 155.047 (B), “B-3 General Business District - Principal uses permitted,” add as a permitted use § 155.047(B)(18), Medical Marijuana Caregiver Grow Facility

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 - 155.119 Colleges, universities and other institutions of higher learning
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 - 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
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Repeal and Effective Date

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155.322 Effective date

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§ 155.029. DEFINITIONS. *(Add the following definitions; the consumption definition comes from the BMMR adult-use emergency rules, not from the Act)*

“Drug-free Zone” means any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.

“Medical Marijuana Caregiver Grow Facility” means a building or portion of a building where a Registered Primary Caregiver, as defined by the Michigan Medical Marijuana Act (MCL 333.26421, et. seq.) cultivates, processes and transfers medical marijuana for purposes permitted under the Michigan Medical Marijuana Act,

“Recreational Marijuana Designated Consumption Establishment” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.

“Recreational Marijuana Microbusiness” means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments, as defined in the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq.

§ 155.036. SCHEDULE OF LAND USES *(abridged just to show “Miscellaneous 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								
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 Caregiver Grow Facility							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	
Recreational Marijuana Designated Consumption Establishment							SLU		SLU
Recreational Marijuana Grower								SLU	
Recreational Marijuana Microbusiness							SLU	SLU	SLU
Recreational Marijuana Processing								SLU	
Recreational Marijuana Retailer					SLU	SLU	SLU		SLU
Recreational Marijuana Safety Compliance								SLU	
Recreational Marijuana Transporter								SLU	
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									

§ 155.047 (B) Principal uses permitted. The following regulations shall apply to all B-3 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected,

altered or used except for one or more of the following specified uses:

- (1) Any retail business or service establishment permitted in B-2 Districts as principally permitted.
- (2) Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- (3) Bus passenger stations.
- (4) Governmental offices or other governmental use, public utility offices, exchange transformer stations, pump stations and service yards, but not including outdoor storage.
- (5) Standard restaurants.
- (6) Massage practitioner offices.
- (7) Electronic data processing or computer centers.
- (8) 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 residential lot in an adjacent residential district.
- (9) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.
- (10) Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (11) Public utility buildings.
- (12) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.111 through 155.142.
- (13) Utility and public service buildings without storage yards.
- (14) Computer and electronic data processing centers.
- (15) Automobile parking space to be provided as required in §§ 155.071 through 155.082,
- (16) Temporary pop-up commercial use.
- (17) Mixed-use business and residential buildings (unless one or more of the individual uses is a special land use),
- (18) Medical Marijuana Caregiver Grow Facility, subject to the regulations of § 155.021, § 155.146, § 155.150C, and § 155.150D. Medical Marijuana Caregiver Grow Facilities are limited to the Entertainment District.

§ 155.047 (D). B-3 GENERAL 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) All uses allowed in a B-2 District which shall be subject to the same special land use as in a B-2 District.
- (2) Outdoor sales space for exclusive sale of new or secondhand vehicles or house trailers.
- (3) Open air business uses for the retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass.

- (4) Adult supply stores.
- (5) Adult motion picture theaters.
- (6) Arcades.
- (7) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (8) Cabaret.
- (9) Firearms sales establishments.
- (10) Motels, inns and travel lodges.
- (11) Hotels.
- (12) Massage establishments.
- (13) Pawnshops.
- (14) Pool or billiard halls.
- (15) Public lodging house, transient housing, rooming houses.
- (16) Secondhand stores.
- (17) Specially designated distributor (SDD).
- (18) Specially designated merchant (SDM).
- (19) Tattoo establishments.
- (20) Carry-out, fast food, drive-thru or drive-in restaurants.
- (21) Vehicle wash establishments, when completely enclosed in building.
- (22) Commercial kennel provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (23) Automobile service stations.
- (24) Automobile service centers, when developed as part of a larger planned shopping center. The design shall integrate the automobile service center within the site plan and architectural character of the total shopping center. A building permit shall not be issued separately for the construction of any automobile service center.
- (25) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height.
- (26) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.
- (27) Nursing and convalescent homes.
- (28) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (29) Business schools and colleges or private schools operated for profit.
- (30) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (31) Research and development facilities.
- (32) Manufactured housing communities, subject to requirements of § 155.140 of this chapter.
- (33) Fast food restaurants without drive-thru service.
- (34) Charitable gaming room subject to the regulations of § 155.145.
- (35) Minor vehicle repair, subject to the regulations of § 155.128.
- (36) Commercial warehouse, wholesale operations and distribution subject to the regulations of § 155.147.
- (37) Medical marijuana provisioning centers subject to the regulations of § 155.021, § 155.146, § 155.148.
- (38) Religious institutions.
- (39) New and used vehicle and trailer indoor sales, showroom or office.
- (40) Self-storage facilities.

(41) Recreational marijuana microbusinesses subject to the regulations of § 155.021, § 155.146, and § 155.150J, and limited to the Entertainment District as defined in the city's Master Plan.

§ 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, § 155.146, and § 155.150C.

(17) Medical marijuana processing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150.

(18) Medical marijuana testing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150A.

(19) Medical marijuana transportation facilities subject to the regulations of § 155.021, § 155.146, and § 155.150B.

(20) Recreational Marijuana Grower establishments subject to the regulations of §155.021, § 155.146, and §155.150D

(21) Recreational Marijuana Processing establishments subject to the regulations of §155.021, § 155.146, and §155.150F

(22) Recreational Marijuana Safety Compliance establishments subject to the regulations of §155.021, § 155.146, and §155.150H.

(23) Recreational Marijuana Secure Transporter establishments subject to the regulations of §155.021, § 155.146, 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 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) 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.

§ 155.150A MEDICAL MARIJUANA TESTING FACILITIES.

(A) Testing facilities shall have a minimum 1,000 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, drug-free zone, or like facility.

(B) All testing facilities shall have a secured laboratory space that cannot be accessed by the general public.

(C) All medical 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 medical marijuana testing facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana testing facilities 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.

(Ord. 862, passed 9-18-17; Am. Ord. 870, passed 4-5-18)

§ 155.150C MEDICAL MARIJUANA CULTIVATION FACILITIES.

(A) Cultivation facilities 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 1,000 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, drug-free zone, or like facility.

(B) All activity related to the medical marijuana cultivation facilities 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 medical marijuana cultivation facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana cultivation facilities 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.

§ 155.150D. 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 1,000 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, drug-free zone, 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 1,000 foot radius of a school, measured as the shortest distance from front door to front door, or drug-free zone.

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

(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 1,000 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, drug-free zone, 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.

§ 155.150H RECREATIONAL MARIJUANA SAFETY COMPLIANCE ESTABLISHMENT.

(A) Recreational marijuana safety compliance establishments shall have a minimum 1,000 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, drug-free zone, 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.

§ 155.150I. RECREATIONAL MARIJUANA MICROBUSINESS

(A) Recreational marijuana microbusinesses 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 1,000 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, drug-free zone, or like facility.

(B) Recreational marijuana microbusinesses 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. There is no spacing requirement between neighboring recreational marijuana microbusinesses.

(C) All activity related to the recreational marijuana microbusiness shall be done indoors.

(D) All recreational marijuana microbusinesses shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(E) Recreational marijuana microbusiness drive-through facilities shall be prohibited.

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

(G) Application for a recreational marijuana microbusiness license shall be made to the City Clerk upon application forms provided by the Clerk for the recreational marijuana microbusiness 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.

(H) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the recreational marijuana microbusinesses.

(I) All permit holders must ensure that any water emanating from the recreational marijuana microbusiness meets or exceeds all applicable state and local environmental standards.

(J) Cultivation is limited to a maximum of 150 marijuana plants.

(K) A recreational marijuana microbusiness shall not operate at multiple locations.

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: November 10, 2020

From: Kaitlyn Hines
Planning Director

Date for Council Consideration: November 16, 2020

ACTION REQUESTED: Council to offer a first reading of text amendments (TA 20-20) to the City's Zoning Ordinance pertaining to provisions for Microbusiness 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 12, 2020, and the amendments were also recommended for approval by the Planning Commission on Monday, October 26, 2020. Public comments were received on the amendments at the public hearing. Draft meeting minutes are attached.

Proposed modifications include establishing §155.155I "Recreational Marijuana Microbusiness", and other associated changes.

A 2nd reading and request for approval of the proposed text amendments will occur at the Council meeting scheduled on December 7, 2020.

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".

The proposed changes will make Microbusinesses a special land use in the B-3, General Business district, and further limit it to the entertainment district (as defined in the Master Plan). Microbusinesses will need to be licensed by the state and they will be required to take part in the MRA Social Equity Program (which aims to promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and to

positively impact those communities). In Michigan, a microbusiness license allows a person or company to:

1. grow up to 150 cannabis plants,
2. process cannabis into concentrates, edibles, or other infused products, package the finished products, and
3. sell to adults who are over the age of 21.

However, a microbusiness cannot sell or transfer any products to any other adult-use establishments.

Currently, the City of Inkster zoning ordinance does not recognize Microbusinesses. 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

A second reading and request for approval of the proposed text amendments is scheduled during the Council meeting on December 7th, 2020. 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 _____

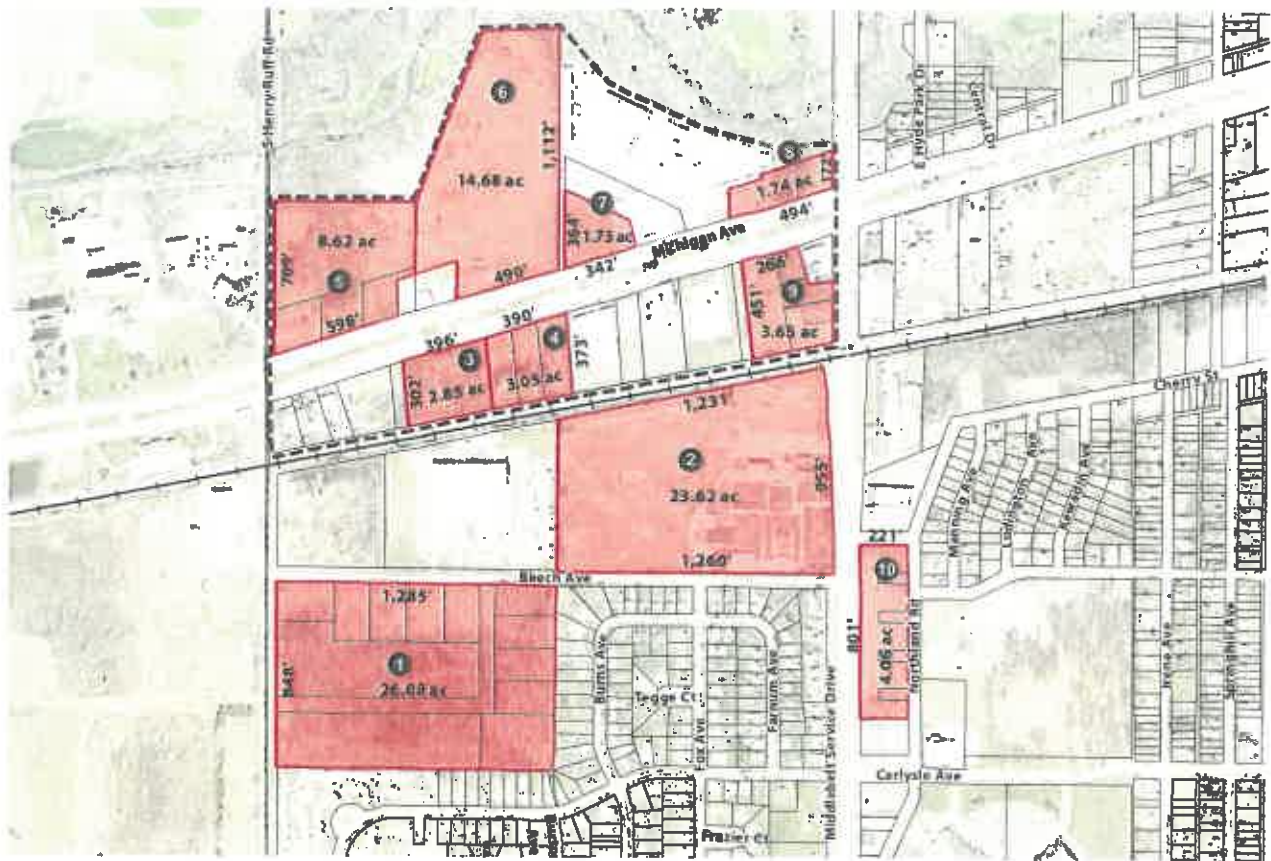
Yes:

No:

Absent:

ITEM V.A

**Case # 20-20 (TA) – Recreational
Marijuana Microbusinesses**



Map 7: Entertainment District

City of Inkster, Michigan

Legend

Entertainment District Boundary

0 500 1,000
Feet

McKenna
ASSOCIATES

Base Map Source: Wayne County, 2016

Entertainment District Sub Area Plan

As shown on the map above, and on the Future Land Use Map, the west end of Michigan Avenue is planned for the development of an Entertainment District. The district is bound by Henry Ruff on the west, the railroad on the south, Middle Belt Road on the east, and the river on the north. The Entertainment District is strategically located to provide access to neighboring communities, I-275, I-94, the Detroit Metropolitan Airport, and the planned future RTA Michigan Avenue Bus Rapid Transit line and Regional Rail. More than 90 acres of underutilized or potential redevelopment sites are identified on the 10 sites noted above. The City plans to work with potential developers, business owners, and land owners to create a robust and attractive Entertainment District that serves as a prominent gateway and economic engine for the City's west side.

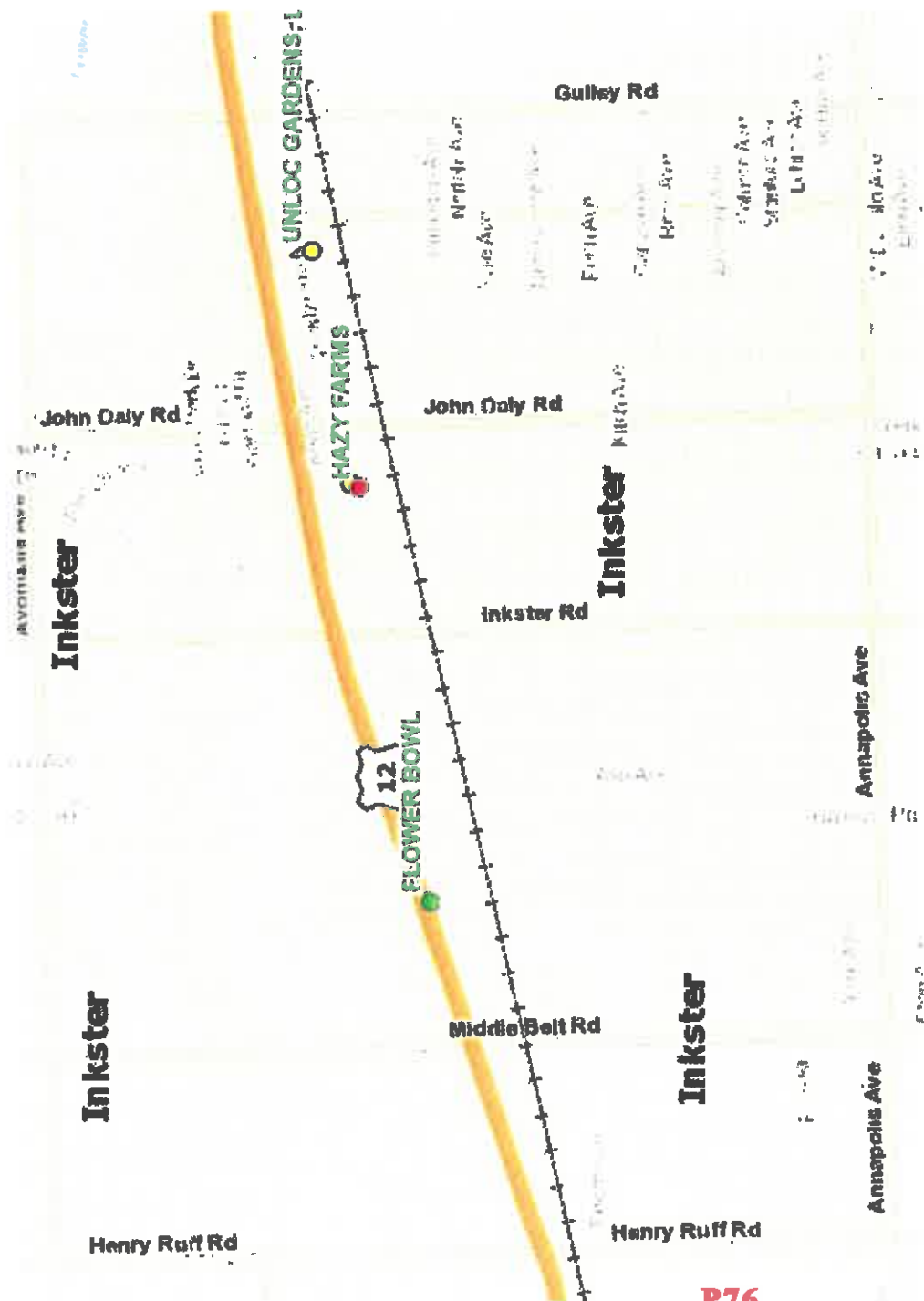
Encouraged Uses:

- Restaurants / Fine Dining
- Bars / Nightclubs / Cabaret / Performance Venues
- Full Service Hotels / Live Work Housing / Mixed Uses
- Sports Entertainment / Recreation
- Arts / Film / Music / Production Facilities
- Maker Spaces / Creative Service

Discouraged Uses:

- Auto Sales / Auto Repair
- Health Services / General Office
- Warehousing / Building Supplies
- Multifamily Housing / Single Family Housing
- Auto-Oriented Services / Drive-Thru Windows
- Big Box Retail / Small Box Retail

To implement the Entertainment District, the City should conduct a market retail study and develop a zoning district, or an overlay district to regulate uses. Zoning provisions should require durable and attractive materials as well as human scale site access and circulation. Flexibility of uses should be considered in site design to ensure that all buildings can serve multiple purposes if tenants or markets shift in the future.



AN ORDINANCE TO AMEND TITLE XV OF THE INKSTER CITY CODE, CHAPTER 155, §155.029 DEFINITIONS; §155.036. SCHEDULE OF LAND USES; §155.047(D), B-3 GENERAL BUSINESS DISTRICT, SPECIAL LAND USES; §155.146 "STANDARDS FOR ALL MEDICAL MARIJUANA FACILITIES AND RECREATIONAL MARIJUANA ESTABLISHMENTS"; §§155.150A, 155.150C, 155.150D, 155.150E, 155.150F, and 155.150H TO AMEND SPACING REQUIREMENTS; ADD §155.1551, RECREATIONAL MARIJUANA MICROBUSINESS"; and ADD §155.047(B)(18) "MEDICAL MARIJUANA CAREGIVER GROW FACILITY" AS A PERMITTED USE IN THE B-3 GENERAL BUSINESS DISTRICT.

NOW THEREFORE, THE CITY OF INKSTER ORDAINS:

Chapter 155 of Title XV of the Code of Ordinances of the City of Inkster shall be amended as follows:

§ 155.029. DEFINITIONS. *(Add the following definitions; the consumption definition comes from the BMMR adult-use emergency rules, not from the Act)*

"Drug-free Zone" means any library, church, childcare center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.

"Medical Marijuana Caregiver Grow Facility" means a building or portion of a building where a Registered Primary Caregiver, as defined by the Michigan Medical Marijuana Act (MCL 333.26421, et. seq.) cultivates, processes and transfers medical marijuana for purposes permitted under the Michigan Medical Marijuana Act.

"Recreational Marijuana Microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments, as defined in the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq.

§ 155.036. SCHEDULE OF LAND USES *(abridged just to show "Miscellaneous 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								
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	
<u>Medical Marijuana Caregiver Grow Facility</u>							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	
Recreational Marijuana Grower								SLU	

<u>Recreational Marijuana Microbusiness</u>							<u>SLU</u>	<u>SLU</u>	<u>SLU</u>
Recreational Marijuana Processing								SLU	
Recreational Marijuana Retailer					SLU	SLU	SLU		SLU
Recreational Marijuana Safety Compliance								SLU	
Recreational Marijuana Transporter								SLU	
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									

§ 155.047 (B) Principal uses permitted. The following regulations shall apply to all B-3 Districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following specified uses:

(1) Any retail business or service establishment permitted in B-2 Districts as principally permitted.

(2) Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

(3) Bus passenger stations.

(4) Governmental offices or other governmental use, public utility offices, exchange transformer stations, pump stations and service yards, but not including outdoor storage.

(5) Standard restaurants.

(6) Massage practitioner offices.

(7) Electronic data processing or computer centers.

(8) 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 residential lot in an adjacent residential district.

(9) Reproduction services where the primary use is serving walk-in customers with small volume copying or word processing services, not including blueprinting and similar industrial type operations.

(10) Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.

(11) Public utility buildings.

(12) Accessory structures and uses customarily incident to the above permitted uses, provided that they shall be designed and located as permitted in §§ 155.111 through 155.142.

(13) Utility and public service buildings without storage yards.

(14) Computer and electronic data processing centers.

(15) Automobile parking space to be provided as required in §§ 155.071 through 155.082,

(16) Temporary pop-up commercial use.

(17) Mixed-use business and residential buildings (unless one or more of the individual uses is a special land use),

(18) Medical Marijuana Caregiver Grow Facility, subject to the regulations of § 155.021, § 155.146, § 155.150C, and § 155.150D. Medical Marijuana Caregiver Grow Facilities are limited to the Entertainment District.

§ 155.047 (D). B-3 GENERAL 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) All uses allowed in a B-2 District which shall be subject to the same special land use as in a B-2 District.

(2) Outdoor sales space for exclusive sale of new or secondhand vehicles or house trailers.

(3) Open air business uses for the retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass.

(4) Adult supply stores.

(5) Adult motion picture theaters.

(6) Arcades.

(7) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.

(8) Cabaret.

(9) Firearms sales establishments.

(10) Motels, inns and travel lodges.

(11) Hotels.

(12) Massage establishments.

(13) Pawnshops.

(14) Pool or billiard halls.

(15) Public lodging house, transient housing, rooming houses.

(16) Secondhand stores.

(17) Specially designated distributor (SDD).

(18) Specially designated merchant (SDM).

(19) Tattoo establishments.

- (20) Carry-out, fast food, drive-thru or drive-in restaurants.
- (21) Vehicle wash establishments, when completely enclosed in building.
- (22) Commercial kennel provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (23) Automobile service stations.
- (24) Automobile service centers, when developed as part of a larger planned shopping center. The design shall integrate the automobile service center within the site plan and architectural character of the total shopping center. A building permit shall not be issued separately for the construction of any automobile service center.
- (25) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height.
- (26) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.
- (27) Nursing and convalescent homes.
- (28) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (29) Business schools and colleges or private schools operated for profit.
- (30) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (31) Research and development facilities.
- (32) Manufactured housing communities, subject to requirements of § 155.140 of this chapter.
- (33) Fast food restaurants without drive-thru service.
- (34) Charitable gaming room subject to the regulations of § 155.145.
- (35) Minor vehicle repair, subject to the regulations of § 155.128.
- (36) Commercial warehouse, wholesale operations and distribution subject to the regulations of § 155.147.
- (37) Medical marijuana provisioning centers subject to the regulations of § 155.021, § 155.146, § 155.148.
- (38) Religious institutions.
- (39) New and used vehicle and trailer indoor sales, showroom or office.
- (40) Self-storage facilities.
- (41) Recreational marijuana microbusinesses subject to the regulations of § 155.021, § 155.146, and § 155.150J, and limited to the Entertainment District as defined in the city's Master Plan.

§ 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, § 155.146, and § 155.150C (Conflict of laws and prohibited land uses).
- (17) Medical marijuana processing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150 (Conflict of laws and prohibited land uses).
- (18) Medical marijuana testing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150A (Conflict of laws and prohibited land uses).
- (19) Medical marijuana transportation facilities subject to the regulations of § 155.021, § 155.146, and § 155.150B (Conflict of laws and prohibited land uses).
- (20) Recreational Marijuana Grower establishments subject to the regulations of §155.021, § 155.146, and §155.150D
- (21) Recreational Marijuana Processing establishments subject to the regulations of §155.021, § 155.146, and §155.150F
- (22) Recreational Marijuana Safety Compliance establishments subject to the regulations of §155.021, § 155.146, and §155.150H.
- (23) Recreational Marijuana Secure Transporter establishments subject to the regulations of §155.021, § 155.146, 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 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) 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.

§ 155.150A MEDICAL MARIJUANA TESTING FACILITIES.

(A) Testing facilities shall have a minimum 500-1,000 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, drug-free zone, or like facility.

(B) All testing facilities shall have a secured laboratory space that cannot be accessed by the general public.

(C) All medical 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 medical marijuana testing facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana testing facilities 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.

(Ord. 862, passed 9-18-17; Am. Ord. 870, passed 4-5-18)

§ 155.150C MEDICAL MARIJUANA CULTIVATION FACILITIES.

(A) Cultivation facilities 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 ~~500-1,000~~ 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, ~~drug-free zone~~, or like facility.

(B) All activity related to the medical marijuana cultivation facilities 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 medical marijuana cultivation facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana cultivation facilities 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.

§ 155.150D. 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 ~~500-1,000~~ 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, ~~drug-free zone~~, 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 ~~500-1,000~~ foot radius of a school, measured as the shortest distance from front door to front door, ~~or drug-free zone~~.

(B) Recreational marijuana retailer establishment shall not be located within a 1,000 foot radius of a lawfully existing medical marijuana provisioning center ~~or recreational marijuana retailer establishment~~ or recreational marijuana microbusiness, measured as the shortest distance from front

door to front door except that a licensee who holds both a medical marijuana provisioning license and a recreational retailer license may co-locate both establishments in one building.

- (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 500-1,000 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, drug-free zone, 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.

§ 155.150H RECREATIONAL MARIJUANA SAFETY COMPLIANCE ESTABLISHMENT.

(A) Recreational marijuana safety compliance establishments shall have a minimum 500-1,000 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, drug-free zone, 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.

§ 155.150I. RECREATIONAL MARIJUANA MICROBUSINESS

(A) Recreational marijuana microbusinesses 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 1,000 500 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, drug-free zone, or like facility.

(B) Recreational marijuana microbusinesses 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. A licensee who holds both a medical marijuana provisioning license and a recreational retailer license may co-locate both establishments in one building.

(C) All activity related to the recreational marijuana microbusiness shall be done indoors.

(D) All recreational marijuana microbusinesses shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(E) Recreational marijuana microbusiness drive-through facilities shall be prohibited.

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

(G) Application for a recreational marijuana microbusiness license shall be made to the City Clerk upon application forms provided by the Clerk for the recreational marijuana microbusiness 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.

(H) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the recreational marijuana microbusinesses.

(I) All permit holders must ensure that any water emanating from the recreational marijuana microbusiness meets or exceeds all applicable state and local environmental standards.

(J) Cultivation is limited to a maximum of 150 marijuana plants.

(K) A recreational marijuana microbusiness shall not operate at multiple locations.

**CITY OF INKSTER
PLANNING COMMISSION
MINUTES**

A regular meeting was held on **Monday, October 12, 2020**, in Inkster City Council Chambers.

A quorum was reached. Chairman Chisholm called the meeting to order at 6:40 p.m.

I. ROLL CALL

Present: Chairman Chisholm, Secretary Cain, Davis,
Willis, Williams, Wimberly, Faison, Vice Chairman Ratliff, Daniels

Others in attendance: Kaitlyn Hines, Planner
Harry Kalogerakos, Allen Brothers
Tracy Jennings, Director of Special Projects

Public in attendance: Sandra Watley, Councilwoman
Charles Blackwell
Will Miller

II. ADOPTION OF AGENDA

MOVED by Ratliff, seconded by Willis to Adopt the Agenda. **MOTION CARRIED unanimously.**

III. ADOPTION OF MINUTES

A. Adoption of September 14, 2020 minutes

MOVED by Ratliff, seconded by Wimberly to Adopt the Minutes. **MOTION CARRIED unanimously.**

IV. PUBLIC HEARINGS

A. Case # 20-20 (TA) Marijuana Microbusiness

Planning Commission to review and consider a recommendation of approval of proposed text amendments to the City's Zoning Ordinance pertaining to provisions for Recreational Marijuana Microbusinesses, Consumption establishments, and ~~Marijuana Caregiver Grower Facilities~~. Proposed modifications include changes to §155.029 "Definitions", §155.047 (D) "B-3 General Business District, Special Land Uses", establish Recreational Marijuana Designated Consumption Establishment and Recreational Marijuana Microbusiness as special land uses, and establish new zoning ordinance sections and special land use standards for §155.150I and §155.150J "Recreational marijuana designated consumption facility" and "Recreational marijuana microbusiness".

MOVED by Ratliff, seconded by Daniels to open the public hearing for Case # 20-20 (TA) Marijuana Microbusiness. **MOTION CARRIED unanimously.**

Commissioner Concerns:

1. Commissioner Faison asked if it would be allowed with in the whole B-3 District and Commissioner Cain followed that by asking if we were limiting it by specific number. Mr. Kalogerakos responded that limiting the number of facilities by license numbers has proven to be problematic because how do you determine who gets the license? It will be much easier to limit by spacing requirements because that will introduce natural limitations. Commissioner Faison then asked if there was an assessment done to see how many sites there could be within that district? Commissioner Davis noted that space would be limited.
2. Commissioner Williams asked if the entertainment district was within the dotted line? Ms. Hines responded that it was only within the dotted line along Michigan Ave, between Henry Ruff and Middlebelt Rd.
3. Commissioner Faison asked what the licensing differences would be? Mr. Kalogerakos replied that Council will be looking at licensing requirements.

Public Comment:

1. Charles Blackwell asked if you can get a license if you have a misdemeanor? Mr. Kalogerakos replied that it is up to the State.
2. Councilwoman Watley commented that microbusinesses and consumption centers are not good for the City, and that she is polling residents and that none of them want those uses. She also asked how much money has the City received from medical. Mr. Kalogerakos responded that we are not sure on the numbers in regards to money received though taxes on medical, and that we are looking at the social equity component for microbusinesses to ensure that it is local residents.
3. Will Miller asked about how long the district is, Ms. Hines answered that it is just under 3,000ft.

MOVED by Davis, seconded by Willis to close the public hearing for case #20-20 (TA) Marijuana Microbusiness.

Commissioner Concerns:

1. Commissioner Faison asked if we are voting on this because we opted in? Chair Chisholm responded that yes, because we opted in, we have to make decisions on where they go.
2. Commissioner Cain asked if we could increase the buffer to 1,500ft, Mr. Kalogerakos said that it could be increased. She then asked if we could table it until the next meeting.
3. Commissioner Daniels confirmed that we aren't saying yes or no to these uses, just specifying where they can go. Chair Chisholm responded yes.
4. Commissioner Faison asked for more visuals so that they can vote in confidence.
5. Commissioner Willis asked if the provisions apply across City borders? Mr. Kalogerakos said he would look into it.
6. Commissioner Davis asked if they are paying taxes? Ms. Hines responded yes, they do pay taxes.
7. Commissioners Ratliff and Daniels reaffirmed that they were only limiting the number of facilities, not making decisions on whether they are allowed or not. Commissioner Ratliff noted that we need to be more progressive.

8. Commissioner Wimberly said he agrees with tables because we should ensure we are confident in what is presented to council.

MOVED by Cain, seconded by Faison to table case #20-20 (TA) Marijuana Microbusinesses.
MOTION CARRIED unanimously.

V. OLD BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. MISCELLANEOUS

- a. Chair Chisholm led a discussion about the bill that was heading to the Governor regarding open meetings and allowing virtual meetings. We will continue to hold virtual meetings.
- b. Chair Chisholm also notified the Commission and the Public of a Study Session taking place regarding Marijuana on October 27th.
- c. Commissioner Davis announced that the Clean Slate Bill Was passed.
- d. Chair Chisholm welcomed Commissioner Daniels to the Planning Commission. Commissioner Daniels commented that she is excited to be a part of the Commission and is concerned about how we move the community forward.

VIII. ADJOURNMENT – 7:49 pm

MOVED by Davis, seconded by Willis to adjourn the Planning Commission meeting held on October 12, 2020. **MOTION CARRIED unanimously.**

Respectfully submitted,

Steven Chisholm, Chairman

Lynnette O. Cain, Secretary

Kaitlyn Hines, Planning Director

**CITY OF INKSTER
PLANNING COMMISSION
MINUTES**

A regular meeting was held on **Monday, October 26, 2020**, virtually via ZOOM.

A quorum was reached. Chairman Chisholm called the meeting to order at 6:34 p.m.

I. ROLL CALL

Present: Participating Virtually - Chairman Chisholm (Inkster), Secretary Cain (Inkster), Davis (Inkster), Willis(Inkster), Williams (Detroit), Wimberly (Inkster), Faison (Inkster), Vice Chairman Ratliff (Inkster), Daniels (Inkster)

Others in attendance: Kaitlyn Hines, Planner
Harry Kalogerakos, Allen Brothers
Tracy Jennings, Director of Special Projects
Felicia Rutledge, City Clerk

Public in attendance: Sandra Watley, Councilwoman
George Williams, Councilman
Reginald Woods
Yvette Brock
Connie Mitchel
Octavia Smith
Shirley Hinkerson
Byron Nolen
Marlow Edwards Wheeler

II. ADOPTION OF AGENDA

MOVED by Davis, seconded by Ratliff to Adopt the Agenda. **MOTION CARRIED unanimously.**

III. ADOPTION OF MINUTES

A. Adoption of October 12, 2020 minutes

MOVED by Ratliff, seconded by Davis to Adopt the Minutes. **MOTION CARRIED unanimously.**

IV. PUBLIC HEARINGS

A. Case # 20-26 (TA) Marijuana Caregiver Grower Facility
Planning Commission to review and consider a recommendation of approval of proposed text amendments to the City's Zoning Ordinance pertaining to provisions for "Drug Free Zones," and "Marijuana Caregiver Grower Facilities". Proposed

modifications include changes to §155.029 "Definitions", §155.047 "B-3 General Business District," add "Marijuana Caregiver Grower Facility" as a permitted use within the Entertainment District, and require a 1,000-foot distance between Marijuana establishments and Drug Free Zones.

MOVED by Ratliff, seconded by Daniels to open the public hearing for Case # 20-26 (TA) Marijuana Caregiver Grower Facility. **MOTION CARRIED unanimously.**

Commissioner Concerns:

1. Commissioner Faison asked if it would be allowed with in the whole B-3 District, or just the entertainment district, Ms. Hines responded that they would only be permitted within the entertainment district.
2. Commissioner Cain asked if they can be prohibited from growing in residential districts, Mr. Kalogerakos responded that we cannot prohibit them from growing in residential districts, but we can open other districts up to them to draw them out.
3. Commissioner Williams asked if they can grow in both their residence and another place at the same time, Mr. Kalogerakos answered that they are limited by 72 plants as caregivers.
4. Chair Chisholm asked why they aren't being permitted in the M-1 with the other cultivation uses. Commissioner Wimberly responded that he was approached by someone within the district that was interested in allowing caregivers to grow within the district, and that as of right now we do not have anything on the books limiting them from growing in any district as caregivers. It was also mentioned that the M-1 land is pricing smaller people out.

Public Comment:

1. Ms. Brock asked why people would want to pay extra money to grow in a commercial facility and how many facilities could the district hold. Ms. Hines responded that we can speculate that it could be form more space or security, but we don't know why they would want to move into a commercial area, and that there would be no limit for how many there could be.
2. Councilwoman Watley commented that she has been trying to minimize the footprint of marijuana in the City and that she does not want to see an increase of marijuana businesses.
3. Ms. Mitchel asked if there had been any research on the impact these facilities have on the City and that she does not believe that there are enough police to handle increased grow operations.
4. Ms. Smith commented that if we cannot control residents growing it in their homes, wh would they move out.
5. Shirley Hinkerson commented that she does not want to see any more marijuana on Michigan Avenue and that our Master Plan does not call for that.
6. Mr. Woods asked if caregivers could sell any extra product illegally and how we would stop people from selling illegally. Mr. Kalogerakos answered that they would lose their caregiver license if they were selling to non-patients.

MOVED by Davis, seconded by Willis to close the public hearing for case #20-26 (TA) Marijuana Caregiver Grower Facility. **MOTION CARRIED unanimously.**

Commissioner Concerns:

1. Commissioner Wimberly reiterated that as it relates to the law, the City is trying to regulate it, since they are already there, it won't be increasing the footprint.
2. Commissioner Ratliff commented that the last Council didn't put any regulations in place and that they should have taken their time to do it right. He also mentioned that there have not been any issues related to marijuana and crime.
3. Chairman Chisholm commented that the council made the changes with the information that they had at the time.
4. Commissioner Davis asked if this will stop all caregivers. Chairman Chisholm replied that it would not and Mr. Kalogerakos mentioned that it would just be limiting them to one area.
5. Commissioner Cain asked why they couldn't be in the M-1 and Commissioner Wimberly responded that the area that is now the entertainment district used to be industrial.

MOVED by Davis, seconded by Willis to recommend approval of case #20-26 (TA) Marijuana Caregiver Grower. **MOTION CARRIED. Nays: Cain, Chisholm**

V. OLD BUSINESS

A. Case # 20-20 (TA) Marijuana Microbusiness

Planning Commission to review and consider a recommendation of approval of proposed text amendments to the City's Zoning Ordinance pertaining to provisions for Recreational Marijuana Microbusinesses. Proposed modifications include changes to §155.029 "Definitions", §155.047 (D) "B-3 General Business District, Special Land Uses", Recreational Marijuana Microbusiness as special land uses, and establish new zoning ordinance sections and special land use standards for §155.150J "Recreational marijuana microbusiness".

MOVED by Davis, seconded by Ratliff to open the public hearing for Case # 20-20 (TA) Marijuana Microbusiness. **MOTION CARRIED unanimously.**

Commissioner Concerns:

1. Commissioner Wimberly reiterated that Microbusinesses will allow locals to participate in the market and that the buffers will ensure that they aren't every 10 feet along Michigan Ave.
2. Commissioner Daniels commented that she hope people will be open minded and that they will make the best out of it.
3. Commissioner Faison commented that we should not be driven by fear. And that we should create a FAQ for marijuana.
4. Commissioner Cain asked if the only difference between a microbusiness and a caregiver is the amount of plants they can sell. Mr. Kalogerakos answered that caregivers can only sell to their patients and that provisional centers can sell to anyone. Ms. Cain then asked why they could not be located in the M-1 as well, Chairman Chisholm responded that the retail component would make it difficult in that district.

Public Comment:

1. Rev. George Williams asked if caregivers could be forced to pull a permit or register in the City. Mr. Kalogerakos answered that he would look into that.
2. Councilwoman Watley commented that we have not received any money from medical marijuana and that the money that Harry referenced is per facility and not sales. She also mentioned that she would like the buffers to be 1,500 feet.

3. Ms. Wheeler commented that she has noticed the temp has changed and that it seems that the job was not properly completed under the las administration, and that we need to do it properly now.
4. Mr. Nolen clarified that the things that were approved were the 5 licenses that they knew about at the time and that he is happy with the buffer language.
5. Ms. Brock commented that she would just like to have more diversity in businesses.
6. Shirley Hinkerson reiterated that we she is not for loading up the City with it and that there should be no more outsiders coming in.
7. Ms. Mitchel mentioned that we have more possibilities than marijuana and that we need to plan for businesses that will be viable and sustainable.

MOVED by Davis, seconded by Faison to close the public hearing for case #20-20 (TA) Marijuana Caregiver Grower Facility. **MOTION CARRIED unanimously.**

MOVED by Davis, seconded by Willis to recommend approval of case #20-20 (TA) Marijuana Microbusiness.

1. All uses shall have a 1000ft buffer.
2. Clarify that medical and recreational marijuana can be within the same facility.

MOTION CARRIED unanimously.

VII. NEW BUSINESS

None.

VIII. MISCELLANEOUS

- a. Chair Chisholm reminded the Commission and the Public of a Study Session taking place regarding Marijuana on October 27th.

VIII. ADJOURNMENT – 9:11 pm

MOVED by Daniels, seconded by Faison to adjourn the Planning Commission meeting held on October 26, 2020. **MOTION CARRIED unanimously.**

Respectfully submitted,

Steven Chisholm, Chairman

Lynnette O. Cain, Secretary

Kaitlyn Hines, Planning Director