



INKSTER CITY COUNCIL

December 7, 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)

December 7, 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. Booker Dozier Recreation Complex Renovations Pg. 1

4. Public Hearing

5. Consent Agenda

A. November 16, 2020 Regular (Virtual) City Council Meeting Minutes. Pg. 2

B. Receive and File DDA, TIFA & Brownfield Calendar Meeting Dates. Pg. 8

C. Receive and File Board of Review Calendar Meeting Dates. Pg. 9

6. Boards and Commissions

A. Update of current list of appointments to Boards & Commissions. Pg. 10

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)**

Pg. 18

8. Ordinance(s)

A. First Reading(s)

B. Second Reading(s)

1. Council to offer a **second reading** and **approval** 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. Pg. 32

2. Council to offer a **second reading** and **approval** 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". Pg. 72

9. New Business

A. Discussion/Action: (Felicia Rutledge) Consideration and approval of the 2021 City Council meeting dates and times. Pg. 126

B. Discussion/Action: (Allen Brother's Attorney's) Consideration and approval to add amendments to the city FOIA policy. Pg. 127

C. Discussion/Action: (Tracy Ann-Jennings) Consider approval of one (1) of two (2) offers to purchase (Case # LD 20-16) one (1) commercial building and lot adjacent which are located

on the east side of John Daly between Trowbridge St. and Carlisle Ave. and are legally described as 30D167 LOT 167 WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0167 000), and 30D138 139A 139B1* LOT 138 ALSO W 80 FT OF LOT 139--- WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0138 000), or 2407 John Daly and 2135 John Daly. Pg. 130

D. Discussion/Action: (Tracy Ann-Jennings) Consider approval of offer to purchase (Case # LD 20-17) one (1) vacant residential lot which is located on the east side of Harriet between Beech Ave. and Cherry Ave. and is legally described as 36D956 TO 962* LOTS 956 TO 962 INCL--- DEARBORN ACRES SUB NO. 2 T2S R9E L 33 P 79 WCR-K-256.52 (Property I.D. 44 009 02 0956 301) in the amount of \$500.00 to Ruth E. Williams. Pg. 142

E. Discussion/Action: (Tracy Ann-Jennings) Consider approval of offer to purchase (Case # LD 20-18) one (1) vacant residential lot which is located on the west side of Harrison between Beech St. and Cherry St. and is legally described as 25N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR (Property I.D. 44 009 02 1041 000) in the amount of \$500.00 to Sherita Chatmo. Pg. 154

F. Discussion/Action: (Tracy Ann-Jennings) Consider approval of offer to purchase (Case # LD 20-15) three (3) adjacent vacant residential lots which are located on the east side of Bayhan between Trowbridge St. and Carlisle Ave. and are legally described as 30J 1011 TO 1014 LOTS 1011 TO 1014 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1011 302), 30J1015 LOTS 1015 TO 1020 WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1015 304), and 30J1021-1023 LOTS 1021 TO 1023 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1021 302) in the amount of \$28,650.00 to Zimcube, Inc./Guasia Jones. Pg. 166

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



Warren C. Evans
Wayne County Executive

November 10, 2020

The Honorable Patrick Wimberly, Mayor
26215 Trowbridge Street
Inkster, MI 48141

Dear Mayor Wimberly,

On behalf of The Charter County of Wayne, Michigan and the Wayne County Community Development Division, I am pleased to inform you that the City of Inkster has been selected as a Community Development Block Grant (CDBG) recipient for fiscal year 2020 in the amount of \$800,000 to renovate the Booker T. Dozier Recreation Complex located at 2025 Middlebelt Rd, Inkster, MI 48141.

The CDBG program was established by Congress as part of the Housing and Community Development Act of 1974. The US Department of Housing and Urban Development was charged with overseeing administering this program and annually allocates funding to cities, towns and counties. This Act was amended in 1981 to permit states to provide CDBG funds to cities, towns, and counties with a population fewer than 50,000 residents. In partnership with local governments and a host of stakeholders, the Wayne County Community Development Division administers CDBG funds on behalf of The Charter County of Wayne, Michigan.

Under the County CDBG Program, the County award grants to cities and towns to develop and preserve decent affordable housing, to provide services to the most vulnerable in our communities, and to create and retain jobs. CDBG provides funding and technical assistance to help local governments plan for future growth and development, develop specific plans for individual projects, and take action to address community needs.

Our goal is to help empower local governments and communities in Wayne County by building the capacity, resiliency, and resource base necessary to develop strong, vibrant communities and fund projects that principally benefit Wayne County low- to moderate-income households and individuals.

Sincerely,

Terry Carroll, Director
Community Development

November 16, 2020
Regular (Virtual) City Council Meeting – 7:00 PM

The regular meeting of the Council of the City of Inkster, Wayne County, and Michigan was a virtual meeting held on the Zoom platform in compliance with the State of Michigan Open Meetings Act. Monday, November 16, 2020.

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

Call Meeting to Order

Mayor Wimberly called the meeting to order at 7:04 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)

Approval of Agenda

Moved by Councilmember Williams, Seconded by Councilmember Shaw to approve the agenda.

Resolution 11-20-183COV - 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. Retail Housing – Kirk Edwards & Kino Smith
- B. Rhythm and Blues Hall of Fame – Lamont Robinson

Public Hearings

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.

Moved by Councilmember Shaw, Seconded by Mayor Pro-Tem Howard
Resolution 11-20-184COV - 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

Boards and Commission

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

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)**

Moved by Councilmember Shaw, Seconded by Councilmember Williams
to REMOVE FROM THE TABLE a second reading and approval to consider
Amendments to amend the City of Inkster Code of Ordinance, Section 124
Marijuana Business License.
Resolution 11-20-185COV - Motion carried.

ROLL CALL VOTE:

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

Moved by Councilmember Williams, Seconded by Councilmember Shaw
to TABLE a second reading and approval to consider Amendments to amend
the City of Inkster Code of Ordinance, Section 124 Marijuana Business until
December 7, 2020.
Resolution 11-20-186COV - Motion carried

ROLL CALL VOTE:

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

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".

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".

B. Second Reading(s)

New Business

- A. Discussion/Action: (Jerome Blvins) 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.

Moved by Mayor Pro-Tem Howard, Seconded by Councilmember Williams to approve 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.

Resolution 10-20-187COV – Motion carried

ROLL CALL VOTE:

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

- B. Discussion/Action: (City Council) Consideration and approval of the step increase on October 5, 2020 for the IAFF to be retroactive and thru the end of the calendar year.

Moved by Councilmember Shaw, Seconded by Councilmember Williams to approve of the step increase on October 5, 2020 for the IAFF contract to be retroactive and thru the end of the calendar year.

Resolution 10-20-188COV – Motion carried

ROLL CALL VOTE:

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

- C. Discussion/Action: (City Council) To vote in accordance with the vote taken in closed session (Nelson).

Moved by Councilmember Williams, Seconded by Councilmember Shaw to approve of the vote that was taken in closed session (Nelson).

Resolution 10-20-189COV – Motion carried

ROLL CALL VOTE:

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

Public Participation

- **Kwan Hearn** - My name is Kwan Hearn and I am a tax paying property owner in the city of Inkster. It is my understanding that the council is considering limiting the amount of available Marijuana licenses to 3 and it is based on various circumstances from feeling the need to be more diversified in its approach to business development as well as the smell and even old hard to shake bad stigmas associated with the product itself. I was born in the area and have current family members who continue to live there as well as several family members who have lost their lives on the streets of Inkster. I can tell you that the marijuana industry represents the most promising revenue stream that Inkster has seen in over 70 years and the City should not be trying to find ways to limit the progress of the industry but should look for new ways to embrace and be a leader in truly rebuilding the city from the ground up. You will not attract anyone to the city until people feel safe to come back and you're not going to lure mainstream big business until the image of the city is transformed and to do that you have to transform the people and to do that you must provide real opportunity. I am African American a product of the Wayne Westland upbringing and school moved to California and a successful businessman educator father and I want to be a part of the rebuilding of the city and move back to a place that is in need of a real "come up", it just needs to be done correctly. The model here in California and Colorado works either embrace it or it will pass you by.
- **Pastor Jean Overman** - Where is the CBA for these developers? Community benefits agreements are binding contracts between developers of large-scale projects in the city and community groups, not the municipalities what community groups are these developers work within the city if any. I was on when Harry explained this to Council Washington, can he actually address a CBA
- **Alphonso Wallace A.K.A. Charles Blackwell** – Asked why is the Mayor sweating tonight? Stated he owes \$3000 in back taxes. Stated DeAtriss Richardson was removed from City Council for not paying taxes. Asked why Mayor Wimberly was not removed for non-payment of taxes. Stated that Jerome Blvin's has a \$5000.00 water bill due at his home address.
- **Eberechi Ogbuaku** – Announced the Inkster Library used book sale that occurs every Friday. She asked if the information can be placed on the website and social media outlets.
- **Dr. Yvette Brock** – Asked about the certificate of compliance for city businesses. She stated a lot of businesses are just now receiving this information.
- **Octavia Smith** – Stated that Western Wayne Family Health Center is still providing COVID-19 testing and flu shots. She stated residents can call and make an appointment or drive and walk up to get tested. She brought greetings on behalf of the Inkster Task Force and the Chamber of Commerce. She stated she likes the things she is hearing that are about to happen in the city.
- **Rebecca Daniels** – Stated she wanted to piggyback on what Councilman Dennard Shaw stated. She stated the marijuana Ordinances that came out of the Planning Commission were to empower the community. She stated the city must create their own opportunities. She stated no one is going to save the city, the city must look at ways to diversify and help one another to save ourselves. She stated that if the citizens look at the Gibraltar model where a lot of businesses were under one roof, the micro-businesses would have the same concept. She said locals would own the micro-businesses.

- **Shirley Hankerson** – Stated that If citizens of Inkster are owning the micro-businesses she is all for that. She stated she wanted to make sure that residents of Inkster are owning the businesses.

City Clerk

- Asked for a point of clarification with regards to Dr. Yvette Brock comment. She wanted to make sure she was specifically speaking on the certificate of compliance. She said that the certificate of compliance is a building department function.

City Treasurer

- No comment

Mayor and Council

- **Councilwoman Washington** – Stated she had an eventful weekend. She said she had a police ride-along. She further thanked Chief Riley, Officer Hall and all the Police department for all they do for the community.
- **Councilman Williams** – Stated that residents need to be safe during the pandemic. He stated that he would like to see the community come together. He further stated he is concerned about the young people in the community and that everyone should be careful what the young folks are exposed to. He said there is hope for young people and they need to have programs to teach them how to be productive members of society. He lastly stated that he would like to get with the Mayor and some council persons regarding having a balanced budget going into next year. He said he does not want to begin the next budget with a deficit.
- **Councilman Chisholm** – Stated he is looking into the issue regarding the community not being able to see city council at the meetings and only dial in. He stated he emailed City Council protocols to prevent the spread of COVID-19, which limits and restricts what services can be had at the city level.
- **Mayor Pro-Tem Howard** – Stated she needed information from the Mayor for Pastor Jean Overman about the Women's Shelter. She wished everyone a safe Holiday and asked everyone to mask up.
- **Councilman Shaw** – Apologized to Councilwoman Watley for interrupting while she had the floor. He asked what the city would be doing about persons not having a certificate of occupancy. He thanked the Police Department for their login for phone calls, however, he asked if he could also get the arrest reports. He stated that Police presence is needed on Blackstone, Grand Mont and North River Park Streets.
- **Mayor Wimberly** – Stated that cases are going up with regards to the COVID-19 pandemic and the hospitals are filling up. He asked residents to make sure they are observing social distance and wearing a mask. He said he wanted to make a sincere plea to residents to adhere to the gathering guidelines. He wished everyone a Happy Holiday. He further stated that he would be doing a Turkey Give-Away in conjunction with Alan Markowitz. He said on Saturday November 20, 2020 beginning at 2pm residents can get in line in their cars to receive a free meal per person in the car and one turkey per car. He stated that the gun violence in the city has got to stop and asked everyone to do their part to report. He said the police are stretched thin and need everyone's assistance including the block clubs, non-profits and citizens to identify persons causing trouble in the city. He said the city needs to be proactive. He stated his condolences to Mayor Hampton. He stated that Mayor Hampton lost his mother who was ninety four (94) years old. He said that Mayor Hampton served this community for twenty plus years. He introduced Vijay Virupannavar and stated he will provide his qualifications to council for being considered as the City Treasurer.

CLOSED SESSION

Moved by Councilmember Williams, Seconded by Councilmember Shaw to go into closed session 9:43p.m. to discuss pending litigation. (Nelson, Blackwell)

ROLL CALL VOTE:

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

Moved by Councilmember Shaw, Seconded by Councilmember Williams to adjourn closed session at 10:13p.m.

Adjournment

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

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

The Regular Virtual City Council meeting of November 16, 2020 was adjourned at 10:17 p.m.



Felicia Rutledge, City Clerk

City of Inkster

BOARD	Mtg. Frequency	Meeting Dates
DDA	3rd Tuesday 6PM	19-Jan-21
Downtown Development Authority		16-Feb-21
		16-Mar-21
		20-Apr-21
		18-May-21
		15-Jun-21
		20-Jul-21
		17-Aug-21
		21-Sep-21
		19-Oct-21
		16-Nov-21
		21-Dec-21
TIFA	2nd Thursday 6:30PM	14-Jan-21
Tax Increment Finance Authority		11-Feb-21
		11-Mar-21
		8-Apr-21
		13-May-21
		10-Jun-21
		8-Jul-21
		12-Aug-21
		9-Sep-21
		14-Oct-21
		11-Nov-21
		9-Dec-21
BRA	2nd Tuesday 5:30PM Quarterly	9-Feb-21
Brownfield Redevelopment Authority		11-May-21
		10-Aug-21
		9-Nov-21

Felicia Rutledge

From: Felicia Rutledge
Sent: Thursday, December 03, 2020 9:59 AM
To: Felicia Rutledge
Subject: FW: Meeting dates 2021

From: WCA User
Sent: Wednesday, December 02, 2020 11:28 AM
To: Felicia Rutledge
Subject: RE: Meeting dates 2021

Felicia,

Below are the times and dates for 2021, please send me confirmations for all.

Organizational meeting: 3/2/21 @2pm (Council Chambers)

MBOR: 3/8/21: 9:30am to 4:30pm (Council Chambers)

MBOR: 3/15/21: 3pm to 9pm (Council Chambers)

MBOR: 3/16/21: 9:30am to 4:30pm (Council Chambers)

JBOR: 7/20/21: 1pm (Council Chambers)

DBOR: 12/14/21: 1pm (Council Chambers)

Thank you Felicia !!

December 7, 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.

Tenure

- (Ex-Officio Member)

Rochelle Wells

Exp. 07/20/22

Rosie Allen Thompson

Exp. 07/06/22

Henry Wade

Exp. 07/06/22

Toni Bailey

Exp. 07/06/22

Roosevelt Stubbs

Exp. 04/15/21

Gabe Henderson

Exp. 07/06/22

Jean Liddell

Exp. 07/06/22

Iris Long

Exp. 01/06/22

June Patter son

Exp. 01/06/22

Debra Owens

Exp. 07/06/22

Chuck Coleman

Exp. 07/06/22

BOARD OF REVIEW

[MEETINGS: March, July and December]

Annual Appointment

3 Members

Charter Provision and State Law

WCA Assessing

Clerk of the Board – Non Voting

William Miller

Exp. 01/06/21

Lenoria Warmack

Exp. 12/16/20

Ned Sanders

Exp. 02/03/21

Peggy Bishop (Alternate)

Exp. 10/72020

BEAUTIFICATION COMMITTEE

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

2 Year Term

Toni Bailey

Exp. 07/06/22

Kathleen Gibbs

Exp. 01/21/22

Gabe Henderson

Exp. 02/18/21

Avis Love

Exp. 01/06/22

George Williams

Exp. 08/17/22

Lenoria Warmack

Exp. 12/16/21

Vacant

Vacant

Vacant

Vacant

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Vacant

December 7, 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

December 7, 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 Michelini		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
Dan R. Mitchell		Tenure
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
La Chichaya		Exp. 07/20/16-RESIGNED
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)		

December 7, 2020 (Virtual Meeting)

LOCAL OFFICERS COMPENSATION COMMISSION

[MEETINGS: Minimum of One Meeting Each Odd-Numbered Year.]

7 Year Term

7 Members

State Law and Ordinance 409

Lenoria Warmack	Exp. 10/17/2023
Thelma Jean Overman	Exp. 10/17/2023
Debra Owens	Exp. 10/17/2023
Ann Gross	Exp. 12/5/2023
Ronald Johnson	Exp. 12/19/2023
Courtney Owens	Exp. 12/16/2026
Aaron Sims	Exp. 01/03/2024

PARKS AND RECREATION COMMISSION

[MEETINGS: First Tuesday of each month at 7:30 P.M., Recreation Complex]

2 Year Term

9 Members

Ordinances: 493 & 551

VACANT	Dist. 1	Exp. 03/20/19
Opal Nolen	Dist. 2	Exp. 11/6/19- Expired
Tania James	Dist. 3	Exp. 04/01/21
LaWanna Abney-Mitchell	Dist. 4	Exp. 02/17/22
VACANT	Dist. 5	Exp. 02/19/20
Connie R. Mitchell	Dist. 6	Ex. 11/18/21
Ashwanna Butts	Mayoral	Exp. 01/21/22
Shirley Hankerson	Mayoral	Exp. 4/15/21
Ned Sanders	Council	Exp. 07/07/19- Expired

PARKS AND RECREATION YOUTH COMMISSION

2 Year Term

6 Members

Alisa Todd	Dist. 1	Exp. 3/7/18- Expired
Katrina Coats	Dist. 2	Exp. 3/7/18- Expired
Zeavean Johnson	Dist. 3	Exp. 3/7/18- Expired
William Grubbs	Dist. 4	Exp. 3/7/18- Expired
Taylor Todd	Dist. 5	Exp. 3/7/18- Expired
Demon Zimmerman	Dist. 6	Exp. 3/7/18- Expired
Twain Smith	Mayoral	Exp. 3/7/18- Expired

PLANNING COMMISSION

[MEETINGS: Fourth Monday of each month at 6:00 p.m., City Council Chambers]

3 Year Term

9 Members

State Law and Ordinance 33

Patrick Wimberly (Mayor)	Tenure
Darryl Davis (City appointee)	Exp. 3/22
Tonia Williams	Exp. 02/23
Mack Willis	Exp. 07/23
Rebecca Daniels	Exp. 10/23
William Ratliff (Vice-Chair)	Exp. 07/22
Lynette Cain (Secretary)	Exp. 07/22
Steven Chisholm (Chair)	Exp. 07/22
Kim Faison	Exp. 01/21

POLICE AND FIREMAN RETIREMENT SYSTEM BOARD OF TRUSTEES

[MEETINGS: First Thursday of each month at 1:00 p.m., TIFA Room]

2 Year Term

5 Members

Charter

Lorenzo A. Moner, Jr.	Mayoral	Exp. 12/19
Barry O'Bryan	Police Rep	
Jason Kaye	Fire Rep	

December 7, 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 Welsio	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 Barns 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
Avis 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

December 7, 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

Timothy 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

December 7, 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 Marijuana 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~~ 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~~ 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~~ **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-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 ~~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~~**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~~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~~land 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)~~

§ 124.03A ADDITIONAL REQUIREMENTS FOR MARIJUANA MICROBUSINESS

(A) An applicant for a Marijuana Microbusiness license must be qualified for the Social Equity Program as administered by the Michigan Marijuana Regulatory Agency, and certified as a Social Equity participant by the Agency; and

(B) The applicant must have at least 51% ownership by resident(s) of Inkster and have been a resident(s) for at least the last five years.

§ 124.03B ADDITIONAL LICENSING REQUIREMENTS FOR MEDICAL MARIJUANA CAREGIVER

(A) All persons acting as medical marijuana caregivers pursuant to the Michigan Medical Marijuana Act must apply for a license with the Inkster City Clerk and pay the initial license and annual renewal fees as set by the City Council.

(B) All Primary Caregivers must possess a valid registration card issued by the Department.

(C) All facilities used for medical marijuana caregiver grow facilities must be inspected annually to ensure compliance with all zoning and building code requirements.

(D) All activities must be in strict compliance with the Michigan Medical Marijuana Act, the rules promulgated by the Department, the Inkster Zoning Ordinance and the Inkster Code of Ordinances.

(D) All marijuana plants must be in an enclosed, locked facility, such as a closet, room or other comparable stationary, and fully enclosed area under the provisions of this article and the Act, that is equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(E) For marijuana plants grown outdoors to qualify as being located within an enclosed, locked facility, the plants must not be visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure, and must be grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the Department's registration process as the primary caregiver for the registered qualifying patient or patients for

whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

(F) Medical Marijuana Caregivers shall not grow more than twenty-four (24) plants, including both for themselves and for their patients, in their personal residence, or any other residential property. Medical Marijuana Caregivers who grow more than twenty-four (24) plants must do so in a Medical Marijuana Caregiver Grow Facility located in district(s) identified for that purpose in the Inkster Zoning Ordinance.

§ 124.04 DEFINITIONS 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 Marihuana 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 licensees that receive marijuana from a marijuana facility or primary caregiver and test it for contaminants and other substances.~~

(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 facilities—licensees that receive facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana from a secure transporter, medical marijuana caregiver grow facility, 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, medical marijuana caregiver grow facility 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.

(HG) "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.

(IH) "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.

(JI) "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.

(KJ) "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 Marihuana Act, MCL 333.27951, et. seq.

(LK) "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.

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

(NM) "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)

(N) "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

(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

(U) "Primary Caregiver" or "Caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana pursuant to MCL 333.26423(k), and is licensed as a caregiver by the Department.

§ 124.05 ISSUANCE~~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

Marihuana event organizers

Medical Marijuana Caregiver Grow Facility

(B) Designated Consumption Centers and Marijuana Event Licenses as defined by the Department are strictly prohibited.

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

~~—(B)(CD)~~ 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.

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

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

~~—(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.

(23) 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.

(34) 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.

(45) 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.

(56) 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.

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

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

(89) The applicant's ~~medical~~-marijuana ~~facilityrelated business~~ license has previously been revoked.

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

(1011) The applicant and/or business has outstanding taxes, fines, fees or liens owed to the city.

(1112) Failure to comply with the Inkster Zoning Ordinance or any other Inkster City Codes.

(1213) 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.

(13) ~~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~~ 124.06 APPEAL OF CLERK'S DENIAL.

—(A) Any applicant for a license to operate a ~~medical~~-marijuana ~~facilityrelated 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 ~~facilityrelated 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)~~

§ 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~~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)~~ One or more violations of any city ordinance on the premises;

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

~~-(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 or 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~~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~~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~~124.11 HOURS OF OPERATION.

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

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: November 10, 2020

From: Kaltlyn Hines
Planning Director

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Council to offer a **second** reading and **approval** 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 X Emergency Future

Funds Budgeted: If Yes _____ Account # _____ No _____ N/A X

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:

Memo

To: Mayor Patrick Wimberly and City Council
CC: David Jones
From: Harry Kalogerakos
Date: December 2, 2020
Re: Regulating Medical Marijuana Caregivers

Council is considering adopting new ordinances to license and regulate marijuana establishments. Several years ago, Inkster passed ordinances authorizing the operation of medical marijuana businesses pursuant to the Michigan Medical Marijuana Act (MMMA) MCL 333.26421, et seq. and the Medical Marijuana Facilities Licensing Act (MMFLA) MCL 333.27101, et seq. Subsequently, the voters approved the Michigan Regulation and Taxation of Marijuana Act (MRTMA) MCL 333.27951, et seq., which authorizes the growing, processing, selling and personal possession and use of marijuana. The MRTMA specifically states that a municipality must pass an ordinance to prohibit marijuana businesses, otherwise the adult use marijuana business will be allowed to operate. Inkster never passed an ordinance to prohibit adult use marijuana businesses, so those businesses are allowed to operate in the city.

Under both the MMMA and the MRTMA, municipalities are allowed to pass ordinances to regulate marijuana businesses. The proposed ordinances that council is currently considering will do that. One of the categories of marijuana activity addressed in the proposed ordinance is that of the medical marijuana caregiver. Under the MMMA, a "primary caregiver" is a "person who is at least 21 years old and who has agreed to assist with a patient's use of marijuana..." MCL 333.26423(k). Primary caregivers with a registry identification card possess immunity from criminal prosecution under Michigan law for cultivating marijuana for their qualifying patients. MCL 333.26424(b). Medical Marijuana Caregivers are allowed to grow marijuana plants on behalf of their patients. Municipalities may not prohibit caregiver activity, but it can be regulated.

Michigan Supreme Court Rules that Medical Marijuana Caregivers Can Be Regulated

Medical Marijuana Caregivers are licensed by the Department of Licensing and Regulatory Affairs through the Marijuana Regulatory Agency. The MMMA states that the department shall register caregivers, MCL 333.26426(d), and that a caregiver may be authorized to assist up to five patients, plus themselves. Caregivers are allowed to grow up to 12 plants for each patient that is registered to them MCL 333.26424(b)(2). Thus, a caregiver may be authorized to grow up

to 72 plants. The only restriction in the statute is that the plants must be in a locked and secure space. Id.

There are strict requirements to become a licensed caregiver. Minimally, one must be 21 or older and not have a felony conviction involving illegal drugs, a violent felony, or any felony within the last 10 years. The caregiver must agree to a criminal background check and provide valid identification for both themselves and the patient that they will provide care to. The MMMA further limits the number of patients, the total number of plants, and the amount of usable marijuana the caregiver can have in their possession at any time. (Portions of the MMMA related to caregivers are attached.)

The draft ordinance refers to "Marijuana Caregiver Grow Facilities" and council has asked whether this is a specific category of marijuana establishment license issued by the MRA. It is not. The MRA does not issue a license for Caregiver Grow Facilities. The only license it does issue is for the registered medical marijuana caregivers.

However, that does not mean that Inkster cannot regulate medical marijuana caregivers. In a case decided this past April, the Michigan Supreme Court ruled that municipalities can pass business licensing and zoning ordinances that regulate caregivers. The case is *DeRuiter v Township of Byron*, 505 Mich 130 (2020) (copy attached).

In that case the Plaintiff, Christie DeRuiter, was a registered medical marijuana caregiver. Byron Township passed zoning ordinances limiting caregiver activity to residential areas. It also passed an ordinance requiring caregivers to get an annual business license from the township. Ms. DeRuiter rented a building in a commercially zoned property where she grew marijuana plants for her patients.

When Byron Township discovered that Ms. DeRuiter was growing marijuana as a caregiver in the commercial district, it moved to enforce its zoning ordinance and ordered DeRuiter to cease cultivating the marijuana plants in the commercial district. Ms. DeRuiter sued the township claiming that they could not regulate her activity because caregivers are protected by the Michigan Medical Marijuana Act.

The lower courts agreed with Ms. DeRuiter. They held that since the MMMA authorized caregivers to grow plants for patients, there was nothing the township could do to regulate the activity. The Michigan Supreme Court ruled unanimously to reverse the lower courts' decisions. They held that municipalities could pass ordinances that regulate caregivers. The only restriction is that the regulations cannot be so strict that they totally prevent caregivers from performing the activity authorized by the MMMA. The court stated:

We therefore hold that the MMMA does not nullify a municipality's inherent authority to regulate land use under the Michigan Enabling Zoning Act (MZE), MCL 125.3101 et seq., so long as the municipality does not prohibit or penalize all medical marijuana cultivation, like the city of Wyoming's zoning ordinance in *Ter Beek II*, and so long as the municipality does not impose regulations that are

unreasonable and inconsistent with regulations established by state law. *DeRuiter* at 147 – 148.

The Court also affirmed the township's ability to require permits and permit fees from caregivers. The court expressly stated that "Byron Township may require primary caregivers to obtain a permit and pay a fee before they use a building or structure within the township for the cultivation of medical marijuana." *DeRuiter* at 149.

The Michigan Supreme Court has emphatically stated that municipalities, such as Inkster, have the right to regulate medical marijuana caregivers. However, the court also noted that caregivers have a right to grow marijuana under the MMMA. This is so even though the Marijuana Regulatory Agency does not have a license classification for "Marijuana Caregiver Grow Facilities." The MMMA states that caregivers can grow up to 72 plants, so municipalities cannot stop it, they can only regulate it.

Actions Inkster Can Take To Regulate Medical Marijuana Caregivers

The Supreme Court said that Byron Township's ordinances are valid and enforceable. Therefore, municipalities may impose their own regulations on caregivers, so long as the restrictions do not have the effect of completely prohibiting caregiver activity.

The draft marijuana ordinances would do several things. First, the ordinance would require caregivers to get a business license from the city. The license will provide the city with information about who is acting as a caregiver and will allow the city to perform inspections to ensure that the building where the plants are grown complies with state and local rules.

Second, the ordinance could limit the number of plants that can be grown in a residential building. For instance, caregivers who want to grow more than 24 plants could be required to do that in locations identified by ordinance. The proposed change to the zoning ordinance would only allow that to occur in the Entertainment District in the B-3 zone.

These restrictions are consistent with the ruling in the *DeRuiter* case. They do not totally prevent medical marijuana caregiver activity in the city. Instead, they regulate where the activity can occur and the intensity of the activity in the residential areas. These are reasonable rules to provide for the safety of the community.

Other communities are passing ordinances to regulate caregivers. One example nearby is in Dearborn. Their council passed amendments to their ordinances to regulate medical marijuana caregivers. (Copy attached) The Supreme Court said that cities may not prohibit caregiver activity. Since caregivers are allowed to grow marijuana plants for others, it is best for the Inkster to create an ordinance that regulates and controls the intensity and location of this activity.

EOM

Statutory Restrictions on Medical Marijuana Caregivers



Application for Registry Identification Card

Apply or Renew Online at www.michigan.gov/mmp

- You must be a patient without a caregiver (or remove caregiver upon renewing) and create a secure online account.
- You must have an in-person medical evaluation from an active Michigan physician before your application will be approved.
- Only online applicants will receive their approval or denial through email. An approval email will serve as a temporary card.

Instructions for Paper Application

- This application is for a person who is 18 years of age or older and a resident of Michigan.
- Type or print legibly when completing the application.
- The original signed Application Form and Physician Certification Form must be submitted to the MMMP.
- Keep a copy of all documents submitted for your records.
- All documents must be signed within six months from the date they are received.
- A renewal application will only be accepted within 90 days prior to the card's expiration date.
- Make checks or money orders payable to: **State of Michigan-MMMP**.
- Do not include other forms, fees, or documentation in the envelope.
- Mail only one complete application and all required documentation (see below) in one envelope to:
Michigan Medical Marijuana Program
P.O. Box 90083
Lansing, MI 48909

Checklist

☐ **Application Form for Registry Identification Card**

- Any use of white-out on or alterations to the Application Form will result in the denial of your application.
- If you are acting as either the legal guardian or Medical Durable Power of Attorney (MDPOA) for the applicant, you must submit a copy of proof of legal guardianship or MDPOA with signatory authority with the application. The MDPOA or legal guardian must also submit a copy of his or her proof of Michigan Residency (see below). If your MDPOA has specific conditions that must be met before it becomes activated, you must submit proof those conditions (e.g. proof the patient is incapacitated) have been met.

☐ **Application Fee: \$40**

☐ **If designating a caregiver, include:**

- A copy of caregiver's valid state-issued driver license or personal identification card.

☐ **Proof of Michigan Residency (Valid Michigan driver license, personal identification card, or signed voter registration)**

- Copies must be clear and legible.
- A copy of a voter registration without a signature is not valid. If a patient submits a voter registration, you must include additional proof of valid identity for verification purposes (i.e., government-issued document that includes your name and date of birth)

☐ **Physician Certification Form**

- A Physician Certification Form must be completed and signed by a medical doctor or doctor of osteopathic medicine and surgery who holds a current license to practice in the State of Michigan.
- Any use of white-out on or alterations to the Physician Certification Form will result in the denial of your application.



Michigan Medical Marijuana Program

www.michigan.gov/mmp

(517) 284-6400

Application Form for Registry Identification Card

To Apply or Renew Online Visit our website www.michigan.gov/mmp

For Official Use Only
\$40 Fee Required

DO NOT MAIL MORE THAN ONE APPLICATION PER ENVELOPE

Section A: Patient Information (NAME AS IT APPEARS ON ID) (REQUIRED)

1. Legal First Name	2. Middle Initial	3a. Legal Last Name	3b. Suffix (Jr., Sr., etc.)
4. Patient Registry ID Card Number (For Renewals Only)		5. Date of Birth (MM/DD/YYYY)	
6a. Mailing Address		6b. Apartment/Suite/Lot #	
7. City	8. State MI	9. Zip Code	
10. Telephone Number (Optional)			

Section B: Person Allowed to Possess Patient's Marijuana Plants (REQUIRED)

11. Plant possession: You must select one box. Failure to do so will result in the denial of your application.

SELECT ONLY ONE:

- ☐ I will possess the plants.
☐ My caregiver will possess the plants.

Section C: Caregiver Information (NAME AS IT APPEARS ON ID) (If the patient is designating a caregiver)

12. Legal First Name	13. Middle Initial	14a. Legal Last Name	14b. Suffix (Jr., Sr., etc.)
15. Caregiver Registry ID Card Number (For Renewals Only)		16. Date of Birth (MM/DD/YYYY)	
17a. Mailing Address		17b. Apartment/Suite/Lot #	
18. City	19. State	20. Zip Code	
21. Telephone Number (Optional)			
22. Other Names Used by Caregiver (Nicknames, maiden names, etc. Use a separate piece of paper if you need space for additional names.)			

Section D: Patient /Caregiver Signature & Date (REQUIRED)

I attest the information I provided is true and accurate and that I will comply with the requirements of the Michigan Medical Marijuana Act (Initiated Law 1 of 2008, MCL 333.26421 et seq.) and associated administrative rules. I understand that falsified or fraudulent information may be reported to law enforcement and result in criminal prosecution. I authorize the release of my protected health information, which includes the information contained in the form completed by my certifying physician, to the Michigan Medical Marijuana Program.

Signature of Patient: _____

Date: _____

I attest the information I provided is true and accurate and that I will comply with the requirements of the Michigan Medical Marijuana Act (Initiated Law 1 of 2008, MCL 333.26421 et seq.) and associated administrative rules. I agree to serve as the patient's primary caregiver, am at least 21 years old, have no convictions that disqualify me from serving as a primary caregiver, and authorize the department to use the information provided in this application to perform a criminal background check. I understand that falsified or fraudulent information may be reported to law enforcement and result in criminal prosecution.

Signature of Caregiver: _____

Date: _____



Physician Certification Form

Michigan Medical Marijuana Program
www.michigan.gov/mmp
(517) 284-6400

This certification must be completed and signed by a medical doctor or doctor of osteopathic medicine and surgery who holds an active license to practice in the State of Michigan.

Section A: Certifying Physician Information (AS IT APPEARS ON MEDICAL LICENSE) (REQUIRED)

1. Legal First Name	2. Middle Initial	3a. Legal Last Name	3b. Suffix (Jr., Sr., etc.)
4a. Full Mailing Address		4b. Apartment/Suite/Lot #	
5. City	6. State	7. Zip Code	8. Telephone Number
9. Michigan Physician License Number (enter only 10 digits)			
☐ M.D.		☐ D.O.	

Section B: Patient Information (NAME AS IT APPEARS ON ID) (REQUIRED)

10. Legal First Name	11. Middle Initial	12a. Legal Last Name	12b. Suffix (Jr., Sr., etc.)
13. Date of Birth (MM/DD/YYYY)			

Section C: Patient's Debilitating Medical Condition(s) (REQUIRED)

This patient has been diagnosed with the following debilitating medical condition(s):
(A minimum of one box must be checked in at least one of the following categories.)

Category A	Category B	Category C
☐ Cancer ☐ Glaucoma ☐ HIV Positive ☐ AIDS ☐ Hepatitis C ☐ Amyotrophic Lateral Sclerosis ☐ Crohn's Disease ☐ Agitation of Alzheimer's Disease ☐ Nail Patella	A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: ☐ Cachexia or Wasting Syndrome ☐ Severe and Chronic Pain ☐ Severe Nausea ☐ Seizures (including but not limited to those characteristic of epilepsy) ☐ Severe and Persistent Muscle Spasms (including but not limited to those characteristic of multiple sclerosis)	☐ Post Traumatic Stress Disorder ☐ Obsessive Compulsive Disorder ☐ Arthritis ☐ Rheumatoid Arthritis ☐ Spinal Cord Injury ☐ Colitis ☐ Inflammatory Bowel Disease ☐ Ulcerative Colitis ☐ Parkinson's Disease ☐ Tourette's Syndrome ☐ Autism ☐ Chronic Pain ☐ Cerebral Palsy

Section D: Certification, Signature, and Date (REQUIRED)

By signing below, I attest that the information entered on this certification is true and accurate. I attest that I am in compliance with the Michigan Medical Marijuana Act and associated administrative rules and have a bona fide physician-patient relationship with this patient. I attest that I have completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation. Further, I attest that in my professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the debilitating medical condition identified above or symptoms associated with that condition.

Signature of Physician: _____ Date: _____

**Statutory Requirements for Caregivers Under
the Michigan Medical Marijuana Act (MCL 333.26421 et seq.)**

The following information is required when an individual applies to become a caregiver:

- 1) The name, address, and date of birth of the patient's primary caregiver.
- 2) A designation of whether the qualifying patient or the patient's primary caregiver, if applicable, will be allowed to possess marihuana plants for the qualifying patient's medical use.
- 3) An attestation by the primary caregiver named on the application that he or she agrees to serve as the patient's primary caregiver.
- 4) A primary caregiver shall authorize the department to use the information provided on the application to secure his or her criminal conviction history to determine if he or she has a felony conviction involving illegal drugs, a violent felony, or any felony within the past ten years.
- 5) The qualifying patient must also submit photographic identification of both the qualifying patient and the patient's primary caregiver. Photocopies of the following shall be considered acceptable forms of identification:
 - (i) Current driver's license or identification card, with photo, issued by a state.
 - (ii) Identification card with photo issued by a federal, state, or government agency.
 - (iii) Current military identification card.
 - (iv) Current passport.
 - (v) Current student identification card with photo.
 - (vi) Native American tribal identification with photo
 - (vii) Permanent resident card or alien registration receipt card.

Rule 333.115 Primary caregiver; number of qualified patients; compensation.

Rule 15. (1) The department shall issue a registry identification card to the primary caregiver, if any, who is named in a qualifying patient's approved application. A registered primary caregiver may assist not more than 5 qualifying patients with their medical use of marihuana.

(2) A registered primary caregiver may receive compensation for actual expenses, including reasonable compensation incurred for services provided to assist a registered qualifying patient in the medical use of marihuana, or for payment for expenses incurred in providing those services, or both.

R 333.119 Changes in status; notifications; requirements.

Rule 19. (1) In order to update registry information for a qualifying patient or primary caregiver, the registered qualifying patient, registered primary caregiver, or registered qualifying patient's parent or legal guardian, as applicable, is responsible for notifying the department of a change in any of the following:

- a: The registered qualifying patient's name.
- b: The registered qualifying patient's address.
- c: The registered qualifying patient's primary caregiver.

(2) The department shall notify a registered primary caregiver by mail at the address of record within 14 calendar days of any changes in status including, but not limited to, both of the following:

- a: The registered qualifying patient's termination of the individual's status as primary caregiver or designation of another individual as the registered primary caregiver.

- b: The end of eligibility for the registered qualifying patient to hold a registry identification card.
 - c: If the department is notified by a registered qualifying patient that the registered primary caregiver for the patient has changed, the department shall notify the primary caregiver by mail at the address of record that the caregiver's registry identification card is null and void.
- (4) If a registered qualifying patient's certifying physician notifies the department in writing that the patient has ceased to suffer from a debilitating medical condition, the department shall notify the patient within 14 calendar days of receipt of the written notification that the patient's registry identification card is null and void.

Rule 333.127 Management of medical marihuana.

(2) A primary caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with the act, if the primary caregiver possesses an amount of marihuana that does not exceed the following:

- a: Two and one-half (2.5) ounces of usable marihuana for each registered qualifying patient to whom he or she is connected through the department's registration process.
- b: For each registered qualifying patient who has specified that the registered primary caregiver will be allowed under state law to cultivate marihuana for the qualified patient, 12 marihuana plants kept in an enclosed locked facility.
- c: Any incidental amount of seeds, stalks, and unusable roots.

(3) An individual may simultaneously be registered as a qualifying patient and as a primary caregiver.

**Christie DeRuiter v Township of Byron,
Michigan Supreme Court
505 Mich 130 (2020)**

Deruiter v. Twp. of Byron

Supreme Court of Michigan

October 3, 2019, Argued; April 27, 2020, Decided; April 27, 2020, Filed

No. 158311

Reporter

505 Mich. 130 *; 949 N.W.2d 91 **; 2020 Mich. LEXIS 861 ***

CHRISTIE DeRUITER,
Plaintiff/Counterdefendant-Appellee, v
TOWNSHIP OF BYRON,
Defendant/Counterplaintiff-Appellant.

Prior History: *Deruiter v. Twp. of Byron*, 325
Mich. App. 275, 926 N.W.2d 268, 2018 Mich. App.
LEXIS 2812 (July 17, 2018)

Core Terms

Township, ordinance, zoning ordinance,
cultivation, medical use of marijuana, trial court,
marijuana, medical marijuana, primary caregiver,
preempted, regulations, patient, qualifying,
caregiver, state law, registered, zoning, preemption,
provisions, conflicts, enclosed, locked,
municipality, medical use, marihuana, summary
disposition, field preemption, local regulation,
direct conflict, local ordinance

facility could be found in various locations on various types of property, regardless of zoning, this requirement was not in conflict with a local regulation that limited where medical marijuana must be cultivated; [2]-The geographical restriction imposed by the township's zoning ordinance added to and complemented the limitations imposed by the Michigan Medical Marihuana Act (MMMA), and there was no contradiction between the state law and the local ordinance; [3]-The MMMA did not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEa), *MCL 125.3101 et seq.*, where the township appropriately used its authority under the MZEa to craft a zoning ordinance that did not directly conflict with the MMMA's provision requiring that marijuana be cultivated in an enclosed, locked facility.

Outcome

Judgment reversed and remanded.

Case Summary

LexisNexis® Headnotes

Overview

HOLDINGS: [1]-Because an enclosed, locked

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana

HN1[2] Healthcare, Medical Treatment

For purposes of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., a "primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, MCL 333.26423(k). Primary caregivers with a registry identification card possess immunity from criminal prosecution under Michigan law for cultivating marijuana for their qualifying patients, MCL 333.26424(b).

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana

HN2[2] Healthcare, Medical Treatment

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition, MCL 333.26423(l).

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana

Business & Corporate Compliance > ... > Real
Property Law > Zoning > Ordinances

HN3[2] Healthcare, Medical Treatment

The zoning ordinance contains a locational restriction that allows for the cultivation of medical marijuana by primary caregivers, but only as a "home occupation," Byron Township, Mich., Zoning Ordinance, § 3.2.H.1. "Home occupation" is defined by Byron Township as follows: An occupation or profession that is customarily incidental and secondary to the use of a dwelling. It is customarily conducted within a dwelling, carried out by its occupants utilizing equipment customarily found in a home and, except for a sign allowed by this Ordinance, is generally not distinguishable from the outside, Byron Township, Mich., Zoning Ordinance, § 2.5. Under this home-occupation requirement, the ordinance mandates that the "medical use" of marijuana by a primary caregiver be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate [medical marijuana], in an enclosed, locked facility, Byron Township, Mich., Zoning Ordinance, § 3.2.H.2.d. The ordinance also requires that the medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended, Byron Township, Mich., Zoning Ordinance, § 3.2.H.2.a.

Business & Corporate Compliance > ... > Real
Property Law > Zoning > Ordinances

HN4[2] Zoning, Ordinances

The term "dwelling unit" is defined as a building or portion of a building, designed for use and occupancy by one family for living and sleeping purposes and with housekeeping facilities. A recreational vehicle, vehicle chassis, tent or other transient residential use is not considered a dwelling, Byron Township, Mich., Zoning Ordinance, § 2.3.

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana

Business & Corporate Compliance > ... > Real
Property Law > Zoning > Ordinances

HN3[5] Healthcare, Medical Treatment

Furthermore, Byron Township requires that primary caregivers obtain a permit to grow medical marijuana, Byron Township, Mich., Zoning Ordinance, § 3.2.H.3. If a primary caregiver who holds a permit departs from the requirements of either the ordinance or the Michigan Medical Marihuana Act, their permit can be revoked. Byron Township's zoning ordinance clarifies that a permit is not required for a qualifying patient's cultivation of marijuana for personal use and that a permit is not required for a qualifying patient's possession or use of marijuana in their dwelling, Byron Township, Mich., Zoning Ordinance, § 3.2.H.5 and § 3.2.H.6.

Civil Procedure > Appeals > Standards of
Review > Clearly Erroneous Review

Governments > Legislation > Interpretation

Civil Procedure > Appeals > Standards of
Review > De Novo Review

Civil Procedure > Appeals > Summary
Judgment Review > Standards of Review

HN6[5] Standards of Review, Clearly Erroneous Review

Whether a state statute preempts a local ordinance is a question of statutory interpretation and, therefore, a question of law that the Michigan Supreme Court reviews de novo. The supreme court also reviews de

novo the decision to grant or deny summary disposition and reviews for clear error factual findings in support of that decision.

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Governments > Legislation > Interpretation

Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana

HN7[5] Healthcare, Medical Treatment

The Michigan Medical Marihuana Act was enacted by voter referendum in 2008. Statutes enacted by the Legislature are interpreted in accordance with legislative intent; similarly, statutes enacted by initiative petition are interpreted in accordance with the intent of the electors. The Michigan Supreme Court begins with an examination of the statute's plain language, which provides the most reliable evidence of the electors' intent. , If the statutory language is unambiguous, no further judicial construction is required or permitted because the supreme court must conclude that the electors intended the meaning clearly expressed.

Governments > Local
Governments > Ordinances & Regulations

Governments > State & Territorial
Governments > Relations With Governments

HN8[5] Local Governments, Ordinances & Regulations

Generally, local governments may control and regulate matters of local concern when such power is conferred by the state. State law, however, may preempt a local regulation either expressly or by implication. Implied preemption can occur when the

state has occupied the entire field of regulation in a certain area (field preemption) or when a local regulation directly conflicts with state law (conflict preemption). In the context of conflict preemption, a direct conflict exists when the ordinance permits what the statute prohibits or the ordinance prohibits what the statute permits.

Business & Corporate

Compliance > ... > Medical

Treatment > Healthcare Law > Medical
Treatment

Governments > Local

Governments > Ordinances & Regulations

Criminal Law & Procedure > ... > Controlled

Substances > Substance Schedules > Hashish &
Marijuana

HN9[1] Healthcare, Medical Treatment

Conflict preemption applies if the ordinance is in direct conflict with the state statutory scheme. An examination of whether the Michigan Medical Marihuana Act (MMMA) directly conflicts with the zoning ordinance must necessarily begin with an examination of both the relevant provisions of the MMMA and of the ordinance.

Business & Corporate

Compliance > ... > Medical

Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled

Substances > Substance Schedules > Hashish &
Marijuana

HN10[1] Healthcare, Medical Treatment

The Michigan Medical Marihuana Act (MMMA) affords certain protections under state law for the medical use of marijuana, MCL 333.26424. The MMMA defines the phrase "medical use of

marihuana" as the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, MCL 333.26423(h). The MMMA states, in part, that a qualifying patient is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action for the medical use of marihuana in accordance with this act, MCL 333.26424(a). The MMMA also provides the same immunity to a primary caregiver in assisting a qualifying patient with the medical use of marihuana in accordance with this act, MCL 333.26424(b). As a condition of immunity under either subsection, the MMMA requires a primary caregiver or qualifying patient who cultivates marijuana to keep their plants in an enclosed, locked facility, MCL 333.26424(a); MCL 333.26424(b)(2).

Business & Corporate

Compliance > ... > Medical

Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled

Substances > Substance Schedules > Hashish &
Marijuana

HN11[1] Healthcare, Medical Treatment

An "enclosed, locked facility" may be a closet, room, or other comparable, stationary, and fully enclosed area, MCL 333.26423(d).

Business & Corporate

Compliance > ... > Medical

Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled Substances > Substance Schedules > Hashish & Marijuana

Business & Corporate Compliance > ... > Real Property Law > Zoning > Ordinances

HN12⁽¹⁾ Healthcare, Medical Treatment

The Byron Township ordinance allows for the medical use of marijuana by a registered primary caregiver but places limitations on where the caregiver may cultivate marijuana within the township (i.e., in the caregiver's dwelling or attached garage as part of a regulated home occupation), Byron Township, Mich., Zoning Ordinance §§ 3.2.H.1 and 3.2.H.2.d.

Business & Corporate
Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment

Criminal Law & Procedure > ... > Controlled Substances > Substance Schedules > Hashish & Marijuana

HN13⁽¹⁾ Healthcare, Medical Treatment

The "enclosed, locked facility" requirement in the Michigan Medical Marijuana Act concerns what type of structure marijuana plants must be kept and grown in for a patient or caregiver to be entitled to the protections offered by MCL 333.26424(a) and (b); the requirement does not speak to where marijuana may be grown. In other words, because an enclosed, locked facility could be found in various locations on various types of property, regardless of zoning, this requirement is not in conflict with a local regulation that limits where medical marijuana must be cultivated.

Governments > Local
Governments > Ordinances & Regulations

HN14⁽²⁾ Local Governments, Ordinances & Regulations

A local ordinance is preempted when it bans an activity that is authorized and regulated by state law.

Governments > Local
Governments > Ordinances & Regulations

HN15⁽¹⁾ Local Governments, Ordinances & Regulations

The mere fact that the State, in the exercise of the police power, has made certain regulations does not prohibit a municipality from exacting additional requirements. So long as there is no conflict between the two, and the requirements of the municipal bylaw are not in themselves pernicious, as being unreasonable or discriminatory, both will stand. The fact that an ordinance enlarges upon the provisions of a statute by requiring more than the statute requires creates no conflict therewith, unless the statute limits the requirement for all cases to its own prescription. Thus, where both an ordinance and a statute are prohibitory and the only difference between them is that the ordinance goes further in its prohibition, but not counter to the prohibition under the statute, and the municipality does not attempt to authorize by the ordinance what the legislature has forbidden or forbid what the legislature has expressly licensed, authorized, or required, there is nothing contradictory between the provisions of the statute and the ordinance because of which they cannot coexist and be effective. Unless legislative provisions are contradictory in the sense that they cannot coexist, they are not deemed inconsistent because of mere lack of uniformity in detail.

Governments > Local
Governments > Ordinances & Regulations

HN16⁽²⁾ Local Governments, Ordinances & Regulations

Under this rule, an ordinance is not conflict preempted as long as its additional requirements do not contradict the requirements set forth in the statute.

Business & Corporate

**Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment**

**Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana**

HN17[2] Healthcare, Medical Treatment

While the Michigan Supreme Court has stated that the Michigan Medical Marijuana Act does not create a general right for individuals to use and possess marijuana in Michigan, the act plainly evinces an intent to permit that use, under certain circumstances, by persons who have a legitimate medical need, MCL 333.26422.

Business & Corporate

**Compliance > ... > Medical
Treatment > Healthcare Law > Medical
Treatment**

**Criminal Law & Procedure > ... > Controlled
Substances > Substance Schedules > Hashish &
Marijuana**

**Governments > Local
Governments > Ordinances & Regulations**

**Business & Corporate Compliance > ... > Real
Property Law > Zoning > Ordinances**

HN18[1] Healthcare, Medical Treatment

The Michigan Medical Marijuana Act does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq., so long as the

municipality does not prohibit or penalize all medical marijuana cultivation, and so long as the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law.

**Business & Corporate Compliance > ... > Real
Property Law > Zoning > Ordinances**

HN19[1] Zoning, Ordinances

The Michigan Zoning Enabling Act allows Byron Township to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction.

Judges: [*1] Chief Justice: Bridget M.
McCormack. Chief Justice Pro Tem: David F.
Viviano, Justices: Stephen J. Markman, Brian K.
Zahra, Richard H. Bernstein, Elizabeth T. Clement,
Megan K. Cavanagh.**

Opinion by: Richard H. Bernstein

Opinion

[93] BEFORE THE ENTIRE BENCH**

[*134] BERNSTEIN, J.

In this case, we address whether defendant-counterplaintiff Byron Township's zoning ordinance, which regulates the location of registered medical marijuana caregiver activities and requires

that a "primary caregiver" obtain a permit before cultivating medical marijuana, is preempted by the *Michigan Medical Marijuana Act (the MMMA)*, *MCL 333.26421 et seq.*² Specifically, Byron Township's ordinance requires that medical marijuana caregivers cultivate marijuana as a "home occupation" at a full-time residence. Byron Township Zoning Ordinance, § 3.2.H.1. Plaintiff-counterdefendant, Christie DeRuiter, a registered qualifying patient³ and primary **[**94]** caregiver under the MMMA,⁴ cultivated medical marijuana on rented commercially zoned property. DeRuiter's landlord was directed by the Byron Township **[*135]** supervisor to cease and desist the cultivation of medical marijuana or face legal action. After Byron Township attempted to enforce its zoning ordinance, DeRuiter sought a declaratory judgment regarding **[***2]** the ordinance's legality. Byron Township countersued and also sought a declaratory judgment regarding the ordinance's legality, arguing that the ordinance did not conflict with the MMMA. The trial court held that § 3.2 of Byron Township's zoning ordinance directly conflicted with, and was therefore preempted by, the MMMA. The trial court granted DeRuiter's motion for summary disposition and denied Byron Township's motion for summary disposition. The Court of Appeals affirmed the trial court in a published opinion. *DeRuiter v. Byron Twp.*, 325 Mich. App. 275, 287; 926 N.W.2d 268; 325 Mich. App. 275; 926 NW2d 268 (2018).

Because we conclude that the Byron Township

Zoning Ordinance does not directly conflict with the MMMA, we reverse the Court of Appeals' judgment and remand this case to the trial court for proceedings consistent with this opinion.

I. FACTS

Christie DeRuiter, a licensed qualifying patient and registered primary caregiver under the MMMA, began growing marijuana on rented commercially zoned property because she did not want to grow marijuana at her residence. DeRuiter grew the marijuana in an "enclosed, locked facility." See *MCL 333.26423(d)*.

After learning of DeRuiter's cultivation of medical marijuana on commercially zoned property, the Byron Township supervisor determined that DeRuiter's growing **[***3]** operation constituted a zoning violation under the Byron Township Zoning Ordinance. *HN3[7]* The zoning ordinance **[*136]** contains a locational restriction⁵ that allows for the cultivation of medical marijuana by primary caregivers, but only as "a home occupation." Byron Township Zoning Ordinance, § 3.2.H.1.⁶ "Home occupation" is defined by Byron Township as follows:

An occupation or profession that is customarily incidental and secondary to the use of a dwelling. It is customarily conducted within a dwelling, carried out by its occupants utilizing equipment customarily found in a home and, except for a sign allowed by this Ordinance, is generally not distinguishable from the outside.

¹ *HN1[7]* For purposes of the *Michigan Medical Marijuana Act*, *MCL 333.26421 et seq.*, a "primary caregiver" means "a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana" *MCL 333.26423(k)*. Primary caregivers with a registry identification card possess immunity from criminal prosecution under Michigan law for cultivating marijuana for their qualifying patients. *MCL 333.26424(b)*.

² This opinion addresses zoning in the context of medical marijuana use and the MMMA. It does not address any zoning issues that may arise from the voter-initiated legalization of recreational marijuana. See 2018 IL 1, effective December 1, 2018.

³ *HN2[6]* "Qualifying patient" means "a person who has been

diagnosed by a physician as having a debilitating medical condition." *MCL 333.26423(i)*.

⁴ Although DeRuiter is both a registered qualifying patient and a primary caregiver, her challenge to Byron Township's zoning ordinance concerns only her rights as a primary caregiver.

⁵ We use "locational restriction" in this opinion to denote a zoning restriction that regulates where an activity may occur within a municipality.

⁶ The township amended § 3.2 of the Byron Township Zoning Ordinance on July 11, 2016. The postamendment version of the zoning ordinance is at issue in this case.

[Byron Township Zoning Ordinance, § 2.5.]

Under this home-occupation requirement, the ordinance mandates that the "medical use" of marijuana by a primary caregiver be "conducted entirely within a dwelling" ⁷ [***95] or attached garage, except that a registered primary caregiver may keep and cultivate [medical marijuana], in an enclosed, locked facility. . . ." Byron Township Zoning Ordinance, § 3.2.H.2.d (quotation marks omitted). The ordinance also requires that "[t]he medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, [***4] as amended." Byron Township Zoning Ordinance, § 3.2.H.2.a.

HNSI ⁸ [***137] Furthermore, Byron Township requires that primary caregivers obtain a permit to grow medical marijuana. Byron Township Zoning Ordinance, § 3.2.H.3. If a primary caregiver who holds a permit departs from the requirements of either the ordinance or the MMMA, their permit can be revoked. Byron Township Zoning Ordinance, § 3.2.H.3.c. Byron Township's zoning ordinance clarifies that a permit is not required for a qualifying patient's cultivation of marijuana for personal use and that a permit is not required for a qualifying patient's possession or use of marijuana in their dwelling. Byron Township Zoning Ordinance, § 3.2.H.5 and § 3.2.H.6. DeRuiter did not obtain a permit from Byron Township before cultivating medical marijuana as a primary caregiver.

In March 2016, Byron Township sent DeRuiter's landlord a letter, directing the landlord to cease and desist DeRuiter's cultivation of medical marijuana and to remove all marijuana and related equipment or be subject to enforcement action. The letter asserted that violations of the zoning ordinance were a nuisance per se.

In May 2016, DeRuiter filed a complaint, seeking a

declaratory judgment that Byron Township's zoning ordinance was [***5] preempted by the MMMA and that it was, therefore, unenforceable. She took issue with the ordinance's permit requirement and locational restriction. She also sought injunctive relief to prevent Byron Township from enforcing the ordinance. Byron Township filed a counterclaim, seeking a declaratory judgment and abatement of the alleged nuisance.

The trial court granted DeRuiter's motion for summary disposition, denied Byron Township's motion for summary disposition, and dismissed Byron Township's counterclaim. The trial court held that the zoning [***138] provisions in question directly conflicted with the MMMA and that, as a result, those provisions were preempted and unenforceable. Specifically, the trial court held that Byron Township's zoning ordinance impermissibly subjected primary caregivers to penalties for the medical use of marijuana and for assisting qualifying patients with the medical use of marijuana regardless of a caregiver's compliance with the MMMA. According to the trial court, these penalties clearly conflicted with the MMMA, which prohibits penalizing qualifying patients and primary caregivers who are in compliance with the MMMA. See MCL 333.26424(a) and (b). The trial court also determined that [***6] Byron Township could not prohibit what the MMMA explicitly authorized—the medical use of marijuana under MCL 333.26427(a). According to the trial court, Byron Township ran afoul of these principles by requiring that a primary caregiver obtain a permit to cultivate marijuana, placing locational restrictions on that cultivation, and subjecting caregivers to fines and penalties for noncompliance.

Byron Township appealed. The Court of Appeals affirmed the trial court in a published opinion, holding that "the trial court did not err by ruling that

⁷ **INDI** ⁹ The term "dwelling unit" is defined as "[a] building or portion of a building, designed for use and occupancy by one family for living and sleeping purposes and with housekeeping facilities. A recreational vehicle, vehicle chassis, tent or other transient residential

use is not considered a dwelling." Byron Township Zoning Ordinance, § 2.3. Byron Township's zoning ordinance does not permit dwellings by right in commercially zoned districts. See Byron Township Zoning Ordinance, §§ 6.1 and 6.2.

a direct conflict exist[s] between defendant's ordinance and the MMMA resulting in the MMMA's preemption of plaintiff's home-occupation ordinance." *DeRuiter*, 325 Mich App at 287. Byron Township filed an application for leave to appeal in this [**96] Court. We ordered oral argument on the application, directing the parties to address "whether the defendant's zoning ordinance pertaining to the location of registered medical marijuana caregivers is preempted by the [MMMA]." *DeRuiter v Byron Twp*, 503 Mich 942; 921 N.W.2d 537 (2019).

[*139] II. STANDARDS OF REVIEW

HN6⁽⁷⁾ "Whether a state statute preempts a local ordinance is a question of statutory interpretation and, therefore, a question of law that we review de novo." *Ter Beek v City of Wyoming*, 297 Mich App 446, 452; 823 N.W.2d 864; 297 Mich. App. 446; 823 NW2d 864 (2012) (*Ter Beek I*), aff'd 495 Mich 1; 846 N.W.2d 531 (2014). "We also review de novo the [***7] decision to grant or deny summary disposition and review for clear error factual findings in support of that decision." *Ter Beek v City of Wyoming*, 495 Mich 1, 8; 846 N.W.2d 531; 495 Mich. 1; 846 NW2d 531 (2014) (*Ter Beek II*) (citations omitted).

HN7⁽⁷⁾ The MMMA was enacted by voter referendum in 2008. "Statutes enacted by the Legislature are interpreted in accordance with legislative intent; similarly, statutes enacted by initiative petition are interpreted in accordance with the intent of the electors."⁸ *People v Mazur*, 497 Mich 302, 308; 872 N.W.2d 201; 497 Mich. 302; 872 NW 2d 201 (2015). "We begin with an examination of the statute's plain language, which provides 'the most reliable evidence' of the electors' intent." *Id.*, citing *Sun Valley Foods Co v Ward*, 460 Mich 230, 236; 596 N.W.2d 119; 460 Mich. 230; 596 NW2d 119 (1999). "If the statutory language is unambiguous, .

. . [n]o further judicial construction is required or permitted because we must conclude that the electors intended the meaning clearly expressed." *People v Bylsma*, 493 Mich 17, 26; 825 N.W.2d 543; 493 Mich. 17; 825 NW2d 543 (2012) (quotation marks and citations omitted; alteration in original).

[*140] III. ANALYSIS

HN8⁽⁷⁾ Generally, local governments may control and regulate matters of local concern when such power is conferred by the state. *City of Taylor v Detroit Edison Co*, 475 Mich 109, 117-118; 715 N.W.2d 28; 475 Mich. 109; 715 NW2d 28 (2006). State law, however, may preempt a local regulation either expressly or by implication. *Mich. Gun Owners, Inc. v Ann Arbor Pub. Sch.*, 502 Mich 695, 702, 918 N.W.2d 756; 502 Mich. 695; 918 NW2d 756 (2018), citing *Detroit v Ambassador Bridge Co*, 481 Mich 29, 35; 748 N.W.2d 221; 481 Mich. 29; 748 NW2d 221 (2008). Implied preemption can occur when the state has occupied the entire field of regulation in a certain area (field preemption) or when [***8] a local regulation directly conflicts with state law (conflict preemption). *Mich Gun Owners, Inc.*, 502 Mich at 702. In the context of conflict preemption, a direct conflict exists when "the ordinance permits what the statute prohibits or the ordinance prohibits what the statute permits." *People v Llewellyn*, 401 Mich 314, 322; 257 N.W.2d 902 n.4; 401 Mich. 314; 257 NW2d 902 (1977).

We only address whether the MMMA is in direct conflict with the township's zoning ordinance. We do not address field preemption because the trial court did not base its preemption ruling on that doctrine. See *DeRuiter*, 325 Mich App at 287 (declining to address field preemption because "the trial court never based its ruling on field preemption of zoning"). Likewise, we do not consider express preemption because *DeRuiter* has [**97] not

⁸The Legislature subsequently amended the MMMA. See 2012 PA 512, effective April 1, 2013; 2012 PA 514, effective April 1, 2013; 2016 PA 283, effective December 20, 2016. Because these

amendments do not concern preemption or local zoning restrictions, we are primarily concerned with the electorate's intent when determining whether a direct conflict exists between the MMMA and the Byron Township Zoning Ordinance.

argued that the MMMA expressly preempts the zoning ordinance at issue.

HN9[¶] Conflict preemption applies if "the ordinance is in direct conflict with the state statutory scheme[.]" *Llewellyn*, 401 Mich at 322. An examination of whether the MMMA directly conflicts with the zoning ordinance [*141] must necessarily begin with an examination of both the relevant provisions of the MMMA and of the ordinance.

HN10[¶] The MMMA affords certain protections under state law for the medical use of marijuana. *MCL 333.26424*. The MMMA defines the phrase "medical use of marihuana" as "the acquisition, possession, cultivation, [***9] manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition." *MCL 333.26423(h)*. The MMMA states, in pertinent part, that a qualifying patient "is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action . . . for the medical use of marihuana in accordance with this act[.]" *MCL 333.26424(a)*. The MMMA also provides the same immunity to a primary caregiver in "assisting a qualifying patient . . . with the medical use of marihuana in accordance with this act." *MCL 333.26424(b)*. As a condition of immunity under either subsection, the MMMA requires a primary caregiver or qualifying patient who cultivates marijuana to keep their plants in an "enclosed, locked facility." *MCL 333.26424(a)*; *MCL 333.26424(b)(2)*.⁹

[*142] Both lower courts held that the zoning

ordinance here directly conflicts with the MMMA because the ordinance allows Byron Township to sanction a registered primary caregiver's "medical [***10] use of marijuana" when that use occurs in a commercially zoned location. In affirming the trial court's holding, the Court of Appeals relied on our decision in *Ter Beek II*. Like the case before us, *Ter Beek II* involved a challenge to a local zoning ordinance on the basis that the ordinance was preempted by the MMMA. In that case, we were tasked with deciding whether the city of Wyoming's zoning ordinance conflicted with, and was thus preempted by, the immunity provisions of the MMMA, *MCL 333.26424(a)* and *(b)*. *Ter Beek II*, 495 Mich at 19.

We said yes. The zoning ordinance in *Ter Beek II* prohibited land uses that were contrary to federal law and subjected such land uses to civil sanctions. Because the manufacture and possession of marijuana is prohibited under federal law, the Wyoming ordinance at issue in *Ter Beek II* had the effect of banning outright the medical use of marijuana in the city. As a result, there was no way that patients and caregivers could engage in the medical use of marijuana under the MMMA without subjecting themselves to a civil penalty.

The Byron Township ordinance is different than the ordinance we considered in *Ter Beek II*, **HN12[¶]** It allows for the medical use of marijuana by a registered primary caregiver but places [***11] limitations on where the [***98] caregiver may cultivate marijuana within the township (i.e., in the caregiver's "dwelling or attached garage" as part of a regulated "home occupation"). See Byron Township Zoning Ordinance, § 3.2.H.1 and § 3.2.H.2.d. But despite the differences, DeRuiter argues that the Byron Township ordinance is in direct conflict with the [*143] MMMA because the act protects a registered caregiver from "penalty in any manner"

⁹ **HN11[¶]** An "enclosed, locked facility" may be a "closet, room, or other comparable, stationary, and fully enclosed area . . ." *MCL 333.26423(d)*. The facility may be outdoors "if [marijuana plants] are

not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base," or it may be in a vehicle under certain conditions. *Id.*

for "assisting a qualifying patient . . . with the medical use of marijuana" so long as the caregiver abides by the MMMA's volume limitations and restricts the cultivation to an "enclosed, locked facility." See MCL 333.26424(b). The Court of Appeals agreed.

Admittedly, our preemption analysis in *Ter Beek II* considered the MMMA's prohibition on the imposition of a "penalty in any manner." *Ter Beek II*, 495 Mich at 24. But while we sided with the plaintiff in *Ter Beek II*, we cautioned that "Ter Beek does not argue, and we do not hold, that the MMMA forecloses all local regulation of marijuana[.]" *Id.* at 24 n 9.

Were we to accept DeRuiter's argument, the only allowable restriction on where medical marijuana could be cultivated would be an "enclosed, locked facility" as that term is defined by the MMMA. MCL 333.26423(d). Because the MMMA does not otherwise [***12] limit cultivation, the argument goes, any other limitation or restriction on cultivation imposed by a local unit of government would be in conflict with the state law.¹⁰ We disagree. HNI13[7] The "enclosed, locked facility" requirement in the MMMA concerns what type of structure marijuana plants must be kept and grown in for a patient or caregiver to be entitled to the protections offered by MCL 333.26424(a) and (b); the requirement does not speak to *where* marijuana may be grown. In other words, because an enclosed, locked facility could be found in various locations on various types of [*144] property, regardless of zoning, this requirement is not in conflict with a local regulation that limits *where* medical marijuana must be cultivated.

This result is not at odds with *Ter Beek II*, which involved an ordinance that resulted in a complete prohibition of the medical [*145] use of marijuana, despite the MMMA's authorization of such use, see MCL 333.26427(a). HNI14[7] A local ordinance is

preempted when it bans an activity that is authorized and regulated by state law. For example, in *Nat'l Amusement Co v Johnson*, 270 Mich 613, 614: 259 N.W. 342; 270 Mich. 613; 259 NW 342 (1935), we considered a city ordinance that banned a person from "tak[ing] part in any amusement or exhibition which shall result in a contest to test the endurance of the participants." [***13] "We concluded that the ordinance was preempted by a state statute that regulated "endurance contests" and made it unlawful to participate in such contests "except in accordance with the provisions of this act." *Id.* at 615 (quotation marks omitted). We explained:

Where an amusement, which has been lawful and unregulated, is not evil *per se* but may be conducted in a good or bad manner, is the subject of legislation, regulatory, not prohibitory, it would seem clear that the legislature intended to permit continuance of the amusement, subject to statutory conditions. The statute makes it unlawful to conduct a walkathon only in violation of certain conditions. This is merely a common [***99] legislative manner of saying that it is lawful to conduct it if the regulations are observed. [*Id.* at 616-617.]

We presumed that "the city may add to the conditions" in the statute but found it impermissible that "the ordinance attempt[ed] to prohibit what the statute permit[ted]." *Id.* at 617. As with the ordinance in *Nat'l Amusement*, Wyoming's ordinance in *Ter Beek II* had the effect of wholly prohibiting an activity (the medical use of marijuana) that the MMMA allows. But that does not mean that local law cannot "add to the conditions" in the [***14] MMMA. *Id.* DeRuiter's argument would result in an interpretation of the MMMA that forecloses all local regulation of marijuana—the exact outcome we cautioned against in *Ter Beek II*. See *Ter Beek II*, 495 Mich at 24 n 9. DeRuiter nevertheless emphasizes our statement that "the [Wyoming] Ordinance directly conflicts with

¹⁰ DeRuiter argues that the MMMA permits her to cultivate medical marijuana in any enclosed, locked facility. She does not contend that

it was impossible or impractical for her to cultivate marijuana in her home in accordance with Byron Township's zoning ordinance. Consequently, we do not address this latter possibility.

the MMMA by permitting what the MMMA expressly prohibits—the imposition of a 'penalty in any manner' on a registered qualifying patient whose medical use of marijuana falls within the scope of § 4(a)'s immunity." *Id.* at 20. We appreciate the apparent contradiction and take this opportunity to clarify. Our analysis in *Ter Beek II*—in particular, our focus on whether the MMMA permitted the city to impose a sanction for violating the Wyoming ordinance—suggested that the MMMA's immunity language was the source of the conflict. That was true in *Ter Beek II* because the ordinance left no room whatsoever for the medical use of marijuana.

In *Ter Beek II*, the conflict giving rise to that preemption can be viewed as whether the city of Wyoming had completely prohibited the medical use of marijuana that the electors intended to permit when they approved the MMMA.¹¹ That view meshes with our caselaw, as indicated in our discussion [***15] of *Nat'l Amusement*. More recently, we declined to find a conflict between state and local law when a locality enacted regulations that are not "unreasonable and inconsistent [*146] with regulations established by state law," so long as the state regulatory scheme did not occupy the field. *Detroit v Qualls*, 434 Mich 340, 363; 454 N.W.2d 374; 434 Mich. 340; 454 NW2d 374 (1990) (holding that a city ordinance regulating the quantity of fireworks a retailer may store was not in conflict with a state law that limited possession to a "reasonable amount"). Similarly, in *Miller v Fabius Twp Bd.* 366 Mich 250, 255-257; 114 N.W.2d 205; 366 Mich. 250; 114 NW2d 205 (1962), we held that a local ordinance that prohibited powerboat racing and water skiing between the hours of 4:00 p.m. and 10:00 a.m. was not preempted by a state law that prohibited the activity " 'during the period 1 hour after sunset to 1 hour prior to sunrise.' " *HN15*[

¹²] In both cases, we quoted favorably the following proposition:

The mere fact that the State, in the exercise of the police power, has made certain regulations does not prohibit a municipality from exacting additional requirements. So long as there is no conflict between the two, and the requirements of the municipal bylaw are not in themselves pernicious, as being unreasonable or discriminatory, both will stand. The fact that an ordinance enlarges upon the [***16] provisions of a statute by requiring more than the statute requires [***100] creates no conflict therewith, unless the statute limits the requirement for all cases to its own prescription. Thus, where both an ordinance and a statute are prohibitory and the only difference between them is that the ordinance goes further in its prohibition, but not counter to the prohibition under the statute, and the municipality does not attempt to authorize by the ordinance what the legislature has forbidden or forbid what the legislature has expressly licensed, authorized, or required, there is nothing contradictory between the provisions of the statute and the ordinance because of which they cannot coexist and be effective. Unless legislative provisions are contradictory in the sense that they cannot coexist, they are not deemed inconsistent because of mere lack of uniformity in detail. [*Miller*, 366 Mich at 256-257, quoting 37 Am Jur, Municipal Corporations, § 165, p 790. [*147] See also *Qualls*, 434 Mich at 362, quoting 56 Am Jur 2d, Municipal Corporations, § 374, pp 408-409.]

HN16[¹³] Under this rule, an ordinance is not conflict preempted as long as its additional requirements do not contradict the requirements set forth in the statute.¹²

¹¹ *HN17*[¹⁴] While this Court has stated that "[t]he MMMA does not create a general right for individuals to use and possess marijuana in Michigan," *People v Kolanek*, 491 Mich 382, 394; 817 N.W.2d 528; 491 Mich. 382; 817 NW2d 528 (2012), the act plainly evinces an intent to permit that use, under certain circumstances, by persons who have

a legitimate medical need. See *MCL 333.26422* (findings and declarations).

¹² See *Nat'l Amusement Co.*, 370 Mich at 616, quoting 43 C. J., p 218 ("In order that there be a conflict between a State enactment and a municipal regulation both must contain either express or implied conditions which are inconsistent and irreconcilable with each other.

Plaintiff has not argued that the state's authority to regulate the medical use [***17] of marijuana is exclusive. The geographical restriction imposed by Byron Township's zoning ordinance adds to and complements the limitations imposed by the MMMA; we therefore do not believe there is a contradiction between the state law and the local ordinance. As in *Qualls* and *Miller*, the local ordinance goes further in its regulation but not in a way that is counter to the MMMA's conditional allowance on the medical use of marijuana. *HN18*

[] We therefore hold that the MMMA does not nullify a municipality's inherent authority to regulate land use under the *Michigan Zoning Enabling Act (MZEA)*, *MCL 125.3101 et seq.*,¹³ so long as the municipality does not [*148] prohibit or penalize all medical marijuana cultivation, like the city of Wyoming's zoning ordinance did in *Ter Beek II*, and so long as the municipality does not impose regulations that are "unreasonable and inconsistent with regulations established by state law." *Qualls*, 434 Mich at 363. In this case, Byron Township appropriately used its authority under the MZEA to craft a zoning ordinance that does not directly conflict with the MMMA's provision requiring that

marijuana be cultivated in an enclosed, locked [**101] facility.¹⁴

DeRuiter also argues that Byron Township's permit requirement directly [***18] conflicts with the MMMA because it impermissibly infringes her medical use of marijuana. Again, we disagree. *HN19*[**] As with the zoning ordinance's locational restriction, the permit requirement does not effectively prohibit the medical use of marijuana.¹⁵ The MZEA allows Byron Township to require [*149] zoning permits and permit fees for the use of buildings and structures within its jurisdiction.¹⁶ Accordingly, Byron Township may require primary caregivers to obtain a permit and pay a fee before they use a building or structure within the township for the cultivation of medical marijuana. We express no opinion on whether the requirements for obtaining a permit from the township are so unreasonable as to create a conflict with the MMMA because that argument has not been presented to us.

To the extent DeRuiter argues that the immunity provisions of the MMMA contribute to a blanket prohibition on local governments regulating the

Mere differences in detail do not render them conflicting. If either is silent where the other speaks, there can be no conflict between them. Where no conflict exists, both laws stand. . . . As a general rule, additional regulation to that of a State law does not constitute a conflict therewith." (quotation marks omitted).

¹³ The MZEA provides that "[a] local unit of government may provide by zoning ordinance for the regulation of land development and . . . regulate the use of land and structures" *MCL 125.320(1)*. Moreover, even if the "enclosed, locked facility" requirement did concern where marijuana must be grown, this would not necessarily preclude a local governmental unit from imposing additional locational restrictions. *Rental Prop. Owners Ass'n of Kent Co. v. Grand Rapids*, 455 Mich 246, 262; 566 N.W.2d 514; 455 Mich. 246; 566 N.W.2d 514 (1997) ("The mere fact that the state, in the exercise of the police power, has made certain regulations does not prohibit a municipality from exacting additional requirements.") (quotation marks and citations omitted).

¹⁴ We do not decide whether Byron Township's ordinance conflicts with other aspects of the MMMA. Nor do we decide if the ordinance, which also precludes cultivating medical marijuana outside or in a structure detached from a residence, see Byron Township Zoning Ordinance, § 3.2.G.1 and § 3.2.H.2.d, has the practical consequence

of prohibiting DeRuiter from cultivating the number of marijuana plants she is expressly permitted by the MMMA, see *MCL 333.2642(d)*; *MCL 333.2642(a)*; *MCL 333.2642(b)(2)*.

¹⁵ Byron Township's zoning ordinance provides that "[t]he operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit." Byron Township Zoning Ordinance, § 3.2.H.3. Additionally, "[a] complete and accurate application shall be submitted . . . and an application fee in an amount determined by resolution of the Township Board shall be paid." Byron Township Zoning Ordinance, § 3.2.H.3.a. To obtain a permit from the township, a caregiver must demonstrate that their grow operation is located in a full-time residence and provide state identification, their MMMA registry identification card, information about the equipment used to cultivate marijuana, and a description of the location being used to grow medical marijuana. Byron Township Zoning Ordinance, § 3.2.H.3.b. "A permit shall be granted if the application demonstrates compliance with [the] Ordinance, the MMMA and the MMMA General Rules." *Id.*

¹⁶ The MZEA authorizes municipalities to "charge reasonable fees for zoning permits as a condition of granting authority to use . . . buildings . . . and structures . . . within a zoning district established under this act." *MCL 125.3406(1)*.

"medical use" of marijuana with respect to time, place, and manner of such use, *that* argument sounds in field preemption. DeRuiter made this claim in the trial court. But because the trial court and the Court of Appeals held that the ordinance was conflict preempted, neither [***19] court reached the issue.¹⁷ Accordingly, we decline to address it at this time.

IV. CONCLUSION

We hold that Byron's Township's home-occupation zoning ordinance does not directly conflict with the MMMA. Accordingly, we reverse the Court of Appeals' holding to the contrary and remand to the trial court [*150] for further proceedings consistent with this opinion. We do not retain jurisdiction.

Richard H. Bernstein

Bridget M. McCormack

Stephen J. Markman

Brian K. Zahra

David F. Viviano

Elizabeth T. Clement

Megan K. Cavanagh

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¹⁷ At oral argument before this Court, DeRuiter conceded that her appeal does not concern field preemption.

Dearborn Ordinance to Regulate Medical Marijuana Caregiver Facilities

ORDINANCE NO. 20-1682

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE
OF ORDINANCES FOR THE CITY OF DEARBORN BY
ADDING ARTICLE XV, TITLED "MEDICAL MARIJUANA
CAREGIVER FACILITIES," SECTIONS 5-1384 to 5-1395.**

THE CITY OF DEARBORN ORDAINS TO:

Amend Chapter 5 as follows:

CHAPTER 5, ARTICLE XV, MEDICAL MARIJUANA CAREGIVER FACILITIES.

Sec. 5-1384. – Purpose and Intent.

The purpose of this article is to exercise the police, regulatory, and land use powers of the City by regulating the building standards of medical marijuana caregivers and caregiver facilities to the extent permissible under state and federal laws and regulations, and to protect the public health, safety, and welfare of the residents of the City. As such this article constitutes a public purpose. The City finds that the activities associated with the growing, cultivation, extraction, manufacture, processing, and storage of medical marijuana by registered caregivers are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce building, safety, security, fire, police, health, environmental, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

It is determined necessary for the health, safety, and welfare of the City and its residents to establish standards and regulations for facilities where registered primary caregivers will grow, cultivate, extract, manufacture, process, and store medical marijuana. These standards shall regulate medical marijuana caregiver facilities in the following manner:

- 1) By removing registered caregivers from growing, cultivating, extracting, manufacturing, processing, storing, distributing, and otherwise assisting with the medical use of marijuana in residential districts of the City, and relocating these activities to districts zoned as Industrial B, C, and D.
- 2) By requiring the owners, lessors, lessees, and renters of Medical Marijuana Caregiver Facilities to meet minimum code and occupancy requirements before allowing their facilities to be used for the medical marijuana-related activities allowed under this article, the zoning regulations, and the Michigan Medical Marijuana Act, MCL 333.26421 et seq., (the Act).

- 3) By ensuring that these facilities comply with state law by prohibiting collective growing, whereby a caregiver has actual or constructive possession over marijuana plants that are not connected to the qualifying patients registered to that particular caregiver through the Department's registration process.
- 4) By allowing multiple registered caregivers to operate within a single building without collective growing. This will be achieved by requiring each individual caregiver to participate in the marijuana-related activities described in this article within an enclosed and locked sub-facility within the overall building or facility. Only a particular primary caregiver or the qualifying patients connected to that particular caregiver would have access to these sub-facilities within the building.

Except as may be required or permitted by law or regulation, it is not the intent of this article to diminish, abrogate, or restrict the protections for the medical use of marijuana found in the Act.

Nothing in this article, or in any companion regulatory provision adopted in the City's Code of Ordinances or zoning regulations, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growth, cultivation, sale, consumption, use, distribution, or possession of marijuana that is not in strict compliance with the Act, applicable state and federal laws, this article, the zoning regulations, or the City Code.

By adopting this article and the companion regulatory provisions found in the City's Code of Ordinance and zoning regulations, the City is not opting into either the Michigan Medical Marijuana Facilities Licensing Act, MCL 333.2701 et seq., (MMMFLA), or the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq. (MRTMA).

Sec. 5-1385. -Definitions, interpretation, and conflicts.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. Any term defined by the Act shall have the definition given in that Act. If the definition of a word or phrase set forth in this article conflicts with the definition for the same word or phrase in the Act, or if a term is not defined in this article but is defined in the Act, then the definition in the Act shall apply.

Act. Means the Michigan Medical Marijuana Act, MCL 333.26421 et seq. and Michigan Administrative Rules, R 333.101, et seq.

Collective growing operations. Means medical marijuana operations where a caregiver has possession over marijuana plants that are not connected to the caregiver or the qualifying patients that are registered to that particular caregiver through the Department's registration process. Collective growing is not allowed under the Act pursuant to *People v. Bylsma*, 493 Mich 17; 825 NW2d 543 (2012).

Department. Means the Michigan Department of Licensing and Regulatory Affairs.

Distribution. Means the physical transfer of any amount of marijuana in any form by one person to any other person or persons, whether or not any consideration is paid or received. At no time shall distribution include marijuana that has been altered or combined with another controlled substance.

Distributor. Means any person, including but not limited to a caregiver, patient or any other person, who engages in any one or more acts of distribution.

Enclosed, locked facility or sub-facility. Means a closet, room, or other comparable, stationary, and fully enclosed area under the provisions of this article and the Act, that is equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient.

Enclosed, locked facility (outdoor). For marijuana plants grown outdoors to qualify as being located within an enclosed, locked facility, the plants must not be visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure, and must be grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the Department's registration process as the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

Facility or premises. Means one commercial business premises having a separate or independent postal address, one private office premises having a separate or independent postal address, or one freestanding industrial building having a separate or independent postal address. Facilities or premises operating under this article, the City's zoning regulations, and the Act may only be located in an industrial district zoned as Industrial B, Industrial C, or Industrial D.

Marijuana. Means the substance or material defined in section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106.

Medical Marijuana Caregiver Facility. Means a non-residential communal caregiver facility or a non-residential primary caregiver facility located in districts zoned as Industrial B, C, or D where registered caregivers grow, cultivate, manufacture, extract, process, store, distribute, assist an associated qualifying patient with his or her medical use of marijuana, and otherwise engage in the activities allowed under this article, the City's zoning regulations, and the Act.

Medical use of marijuana. Means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined in the Act, MCL 333.26423(h).

Non-residential communal caregiver facility. Means a medical marijuana caregiver facility where more than one registered caregiver grows, cultivates, extracts, manufactures, processes, stores, distributes, and/or otherwise assists associated qualifying patients with their medical use of marijuana. Each registered caregiver operating in a non-residential communal caregiver facility is prohibited from collective growing operations, and may only engage in the medical use of marijuana described in this article, Chapters 5 and 9 of the City's Code of Ordinances, the City's zoning regulations, and the Act in an enclosed and locked sub-facility within the overall facility or premises that is equipped with security features that make it accessible only by a single, particular primary caregiver or the qualifying patients connected to that particular caregiver.

Non-residential primary caregiver facility. Means a medical marijuana caregiver facility where a single registered caregiver grows, cultivates, extracts, manufactures, processes, stores, distributes, and/or otherwise assists associated qualifying patients with their medical use of marijuana pursuant to this article, Chapters 5 and 9 of the City's Code of Ordinances, the City's zoning regulations, and the Act.

Primary caregiver or caregiver. Means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana defined under MCL 333.26423(k) of the Act, and who has been issued and possesses a valid registry identification card under the Act.

Principal residence. Means the one place where an owner of the property has his or her true, fixed, and permanent home to which, whenever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established, pursuant to MCL 211.7dd(c).

Qualifying patient or patient. Means a person who has been diagnosed by a physician as having a debilitating medical condition, as defined under MCL 333.26423(l) of the Act.

Registry identification card. Means the document issued by the Department that identifies a person as a registered qualifying patient or registered primary caregiver, as defined by the Act, MCL 333.26423(m).

Sec. 5-1386. - General regulations.

(a) *Permit and certificate of occupancy required: annual inspections.* No person shall be allowed to engage in caregiver activities within a medical marijuana caregiver facility without first obtaining the necessary inspections, paying the required fees, and obtaining the needed permit(s) and certificate of occupancy as provided in Chapters 5 and 9 of the Code of Ordinances and the City's zoning regulations. Inspections of medical marijuana caregiver facilities shall occur on an annual basis, and fees for such inspections shall be assessed as provided in Chapter 9.

(b) A primary caregiver may only grow, cultivate, extract, manufacture, process, store, distribute, and/or otherwise assist a connected qualifying patient with his or her medical use of marijuana in an industrial district for not more than five qualifying patients and the primary caregiver only, subject to the following general conditions:

- 1) A primary caregiver may only grow, cultivate, extract, manufacture, process, store, distribute, and/or otherwise assist an associated qualifying patient with his or her medical use of marijuana in an industrial district that is zoned as Industrial B, Industrial C, or Industrial D pursuant to the applicable zoning regulations;
- 2) The activity described in subsection (a)(1) is solely confined to the areas of an industrial property as provided for in this article, the City's zoning regulations, and the Act;
- 3) No marijuana may be sold or offered for sale on the premises, except as is produced on the premises by the primary caregiver for the qualifying patient or patients only;
- 4) The activity shall not generate noise or odors offensive to the surrounding area;
- 5) Locations within the permitted industrial districts used for the growing, cultivating, extracting, manufacturing, processing, storing, distributing, and/or otherwise assisting with the medical use of marijuana by caregivers, and locations used for the provision of assistance to patients by caregivers relating to the medical use of marijuana, shall be prohibited as follows:
 - i. Not allowed within 150 feet from a district zoned as residential; a church, synagogue, mosque, or other religious institution; or a public or private preschool, elementary school, middle school, or high school, ~~community college, and all other schools.~~

- ii. Measurements for purposes of this subsection shall be made from property boundary to property boundary.
- (c) *Leases.* All lease or rental agreements between the owner of a building, structure, facility, or premises being used for the activities authorized under this article and a lessor, or between the owner or lessor and the registered caregivers engaged in the activities authorized under this article within that building, structure, facility, or premises, shall include a provision in the lease or rental agreement that prohibits "collective growing operations" as that term is defined in this article. Copies of these lease agreements shall be provided to the Director of the Property Maintenance and Development Services Department, the City's Zoning Administrator, and the City's Corporation Counsel.
- (d) *Principal residence exemption for qualifying patients.* It is not the intent of this article to impose the regulations therein, including the requirement to obtain a permit, on qualifying patients that use their principal residence to grow, cultivate, or otherwise engage in the medical use of marijuana as allowed in the Act. There shall be not more than twelve (12) marijuana plants being cultivated at any one time per patient at a patient's principal residence used by such patient to cultivate marijuana for his or her personal use as permitted under the Act. If three or more occupants of the residence are qualifying patients as defined by the Act, and those patients are cultivating more than twenty-four (24) marijuana plants at the residence, the residence will be considered a facility pursuant to the regulations of this article and the zoning regulations and will be prohibited from operating within a residential district. Nothing in this subsection or this article shall prevent the City from imposing penalties authorized by the City Code and the zoning regulations on a qualifying patient if the growth, cultivation, or medical use of marijuana disturbs the peace, order, and tranquility of the neighborhood, or becomes a public nuisance or is otherwise determined to be detrimental to the public health, safety, or welfare of the City and its residents.

Sec. 5-1387. -Medical marijuana caregiver facility requirements.

- (a) A caregiver facility shall be located in a building within districts zoned as Industrial B, C, or D.
- (b) More than one primary caregiver may grow, cultivate, extract, manufacture, process, store, distribute, and/or otherwise assist an associated qualifying patient with his or her medical use of marijuana within a single building. Such a facility shall be referred to as a non-residential communal caregiver operation and is subject to the provisions of this article, Chapters 5 and 9 of the Code of Ordinances, the City's zoning regulations, and the Act.
- (c) All primary caregivers must possess a valid registration card issued by the Department and shall at all times comply with each and every provision of the Act, this article, Chapters 5 and 9 of the Code of Ordinances, the City's zoning regulations.

- (d) A primary caregiver may only grow, cultivate, manufacture, extract, deliver, transfer, store, distribute, and/or otherwise assist an associated qualifying patient with his or her medical use of marijuana within an "enclosed, locked facility," as that term is defined in this article. If more than one caregiver will be growing, storing, manufacturing, cultivating, distributing, or otherwise assisting an associated qualifying patient with his or her medical use of marijuana in a single building, collective growing operations are strictly prohibited. To avoid collective growing operations each primary caregiver may only engage in the medical use of marijuana described in the Act and this article in a separate enclosed and locked sub-facility within the overall building or facility that is equipped with security features that make it accessible only by a single, particular primary caregiver or the qualifying patients connected to that particular caregiver.
- (e) The hours of operation shall be restricted to between 7:00 a.m. and 11:00 p.m., Monday thru Sunday.
- (f) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., the Administrative Rules, R 333.101 et seq., and this article.
- (g) Within a caregiver facility there shall not be more than twelve (12) marijuana plants being cultivated at any one time per patient, and in no event more than sixty (60) marijuana plants being cultivated at any one time (which assumes cultivation for five patients) per registered caregiver, plus an additional twelve plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marijuana, for a maximum total of seventy-two (72) plants per registered caregiver.
- (h) In order to insulate children and other vulnerable individuals from such actions, all medical marijuana cultivation, and all assistance of a patient in the use of medical marijuana by a caregiver, shall occur within the confines of a building or facility permitted under this article, Chapters 5 and 9 of the Code of Ordinances, and the City's zoning regulations, and such activities shall occur only in locations not visible to the public and adjoining uses.
- (i) Medical marijuana growing or cultivation that occurs outside of the primary structure, or that occurs in an enclosed and locked facility that is located outdoors, may only occur in an enclosed, locked facility pursuant to the requirements of this article, the City's zoning regulations, and the Act.
- (j) No facility shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated; or any other nuisance that hinders the public health, safety, and welfare of the residents of the City.

- (k) The facility must have a ventilation system or unit(s) to prevent the emission of odors from escaping beyond the property line of the facility or premises. Such system must comply with all relevant code regulations and shall be subject to inspection and approval by the relevant City department as determined by the Director of Property Maintenance and Development Services Department or his/her designee.
- (l) The electrical and plumbing inspectors (and other inspector(s) within whose expertise an inspection is needed) must, after inspection, provide a report confirming that all lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marijuana plants is in accordance with applicable codes. Inspections shall occur on an annual basis as indicated in this article, Chapter 9, or as needed in the opinion of the Director of Property Maintenance and Development Services Department or his/her designee.
- (m) The caregiver facility shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises. Refusal to permit inspection may result in revocation or suspension of the certificate of occupancy and relevant permits.
- (n) The portion of the caregiver facility, such as the grow room(s), and the storage of any chemicals, such as herbicides, pesticides, fertilizers, and solvents, shall be subject to inspection and approval by the fire department to ensure compliance with the applicable Michigan Fire Protection Code.
- (o) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the caregiver facility in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marijuana are located.
- (p) No alcoholic beverage shall be sold, conveyed, or consumed on the premises of any caregiver facility. Nor shall any person be present on the premises of a caregiver facility while intoxicated and/or under the influence of alcohol or any controlled substance.
- (q) Persons under the age of 18 years of age are not permitted to be on the premises of any caregiver facility unless they possess a valid medical marijuana registry card issued by the State or another state.
- (r) A primary caregiver must maintain a list of its qualifying patients by registration number with the state. This list is subject to inspection during business hours by members of law enforcement and by members of the Department.

- (s) All litter must be removed from the premises on a daily basis, including the parking lot, sidewalk, and all areas visible to the public.
- (t) It shall be in violation of this article for any primary caregiver to employ any person to assist in the growing, storage, manufacture, cultivation, or medical use of marijuana.
- (u) Because the distribution of marijuana remains unlawful under federal law, and the Act authorizes "caregivers," and does not authorize any activity such as a "dispensary" (which is only authorized by the MMMFLA), the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver is known to patients. Accordingly, there shall be no signage identifying a caregiver use or a place at which medical marijuana is distributed.
- (v) If approved, all use of property shall be in accordance with the City's zoning regulations, Chapters 5 and 9 of the Code of Ordinances, the Act, and all other relevant regulations found in the Code of Ordinances.

Sec. 5-1388. -Existing facilities.

- (a) A facility that exists on the effective date of this article must make application for and receive approval to continue to operate pursuant to the City's zoning regulations and Chapters 5 and 9 of the Code of Ordinances; provided, an application shall be filed within fifteen days following the effective date of this division. If a timely application for a permit under zoning regulations and Chapters 5 and 9 is denied due to the minimum distance requirement standards, such facility shall have sixty (60) days from the date of application denial to cease operating at the denied site.
- (b) Failure to acquire permit(s) and certificate of occupancy in timely fashion. A facility that exists on the effective date of this division that fails to acquire the necessary permits and certificate of occupancy under the zoning regulations and Chapters 5 and 9 of the Code of Ordinances within sixty (60) days of the effective date shall cease operating at the existing site.

Sec. 5-1389. - Inspection of patient cultivation.

- (a) A patient who is exempt from the regulations of this article under the principal residence exemption as set forth in Section 5-1386(d) shall ensure that his or her cultivation of medical marijuana does not create a personal health or safety issue, or nuisance.

- (b) Upon the request of a patient who is cultivating medical marijuana, the Director of the Property Maintenance and Development Services Department, or his/her designee, shall confidentially coordinate electrical and plumbing inspectors (and other inspector(s) within whose expertise an inspection is needed) with regard to the site of such cultivation for the purpose of determining whether all lights, plumbing, equipment, and all other means used to facilitate the cultivation of marijuana plants is in accordance with applicable codes. In carrying out the provisions of this subsection, the name and address of the patient shall not be required. Such inspections shall be subject to the fees established in Chapter 9 of the Code of Ordinances.

Sec. 5-1390. - Other prohibited conduct.

- (a) At no time shall distribution include marijuana that has been altered or combined with another controlled substance.
- (b) No physician shall provide written certification in support of an application for a registry identification card unless a bona fide physician-patient relationship exists.
- (c) The transfer of marijuana between registered qualifying patients is strictly prohibited.

Sec. 5-1391. - Distribution.

- (a) The distribution of medical marijuana shall only occur in a medical marijuana caregiver facility or premises that has received the necessary permits and certificate of occupancy under the Code of Ordinances and the City's zoning regulations.
- (b) The distribution of medical marijuana shall only occur between the hours of 7:00 a.m. and 11:00 p.m. There shall be no distribution of medical marijuana between the hours of 11:00 p.m. and 7:00 a.m.
- (c) The amount of marijuana distributed to a qualifying patient shall not exceed 2.5 ounces as permitted by the Act. The weight shall be determined at the time of distribution without regard for the inclusion of stems, seeds, etc.

Sec. 5-1392. - Consumption.

Because the fundamental intent of the Act is to allow private and confidential use of marijuana for medical purposes, consumption and use of marijuana for medical purposes shall occur only in the home of a qualifying patient or in a medical marijuana caregiver facility.

Sec. 5-1393. - Penalties.

- (a) A person who violates this article is responsible for a misdemeanor punishable by up to 90 days in jail, a fine not to exceed \$500, or both in the discretion of the court, except where a specific penalty is otherwise provided.
- (b) Nothing in this article shall be deemed to prohibit the City from imposing other penalties authorized by the City's Code of Ordinances, including nuisance violations or any other legal action in a court of competent jurisdiction.

Sec. 5-1394. - Appeals.

- (a) *Application.* Any person aggrieved by any decision, ruling, interpretation, notice, or order of the Director of the Property Maintenance and Development Services Department, or his/her designee, regarding this article may appeal to the Building Board of Appeals, which board is empowered and authorized to hear and consider such appeal. Such appeal shall be taken within ten (10) days after the decision, ruling, interpretation, notice, or order complained of by filing with the director a written notice of appeal directed to the board, specifying the grounds thereof and the relief prayed for. The director shall transmit to the board all papers constituting the record upon which the decision, ruling, interpretation, notice, or order appealed from has been taken, that has been issued in connection with the enforcement of any provision of this article, or of any rule or regulation adopted pursuant thereto, that cannot be resolved by departmental appeal procedures may request and shall be granted a hearing on the matter before the building board of appeals; provided that such person shall file to the Property Maintenance and Development Services Department a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the decision, ruling, interpretation, notice, or order being appealed was issued or served. Upon receipt of such petition, the building board of appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. The Director of the Property Maintenance and Development Services Department shall transmit to the board all papers constituting the record upon which the decision, ruling, interpretation, notice, or order appealed from has been taken.

(b) *Scope and procedure of appeal.*

- 1) The appeal procedure is intended to provide limited relief from the requirements of this article in cases where a strict application of a particular requirement shall create an unnecessary hardship affecting a substantial property right. This procedure is intended to address extraordinary, exceptional, or unique situations that were not caused by an act or omission of the applicant or the applicant's predecessor in title, employee, or agent. Relief is not to be granted merely on the basis of inconvenience or financial burden.

- 2) The Building Board of Appeals shall hear and decide appeals where it is alleged there is an error in any interpretation, requirement, decision, or determination made by the Director of the Property Maintenance and Development Services Department, or his/her designee, in the enforcement or administration of this article.
- 3) Any appeal or variance from the requirements of the zoning ordinance shall be heard by the Zoning Board of Appeals pursuant to Section 32.05 of the zoning ordinance.

(e) *Variances.* A variance from the requirements of this article may be allowed only in cases where there is evidence of practical difficulty. In this case all of the following criteria shall be met. Increased costs in complying with the requirements of this article shall not be considered a basis for granting a variance, and the Building Board of Appeals may not approve or provide for a variance from the requirements of the Act.

- 1) *Exceptional circumstances or conditions:* There are exceptional or extraordinary circumstances or conditions applying to the property that do not generally apply to other caregiver facilities in the same zoning district or neighboring area, such as lot shape, abutting property issues, motorist safety, or scale of building or lot frontage;
 - 2) *Substantial property right:* A variance is necessary to preserve a substantial property right similar to that possessed by other caregiver facilities in the same zoning district.
 - 3) *Not self-created:* The immediate practical difficulty causing the need for the variance was not created by the applicant or any other person having an interest in the caregiver facility or property.
 - 4) *No substantial detriment:* Granting the variance will not be detrimental to the public welfare, be injurious to other properties or improvements, endanger public safety, or substantially impair property values in the area;
 - 5) *Master Plan, zoning ordinance, or this article:* A variance will be consistent with, and will not materially impair, the spirit and intent of the City Master Plan, zoning ordinance, or this article.
- (f) *Fee.* A fee of \$250.00, as specified in Chapter 9, Section 9-38, shall be paid to the City Treasurer at the time the appeal is filed.

(g) *Hearing.* At the hearing the petitioner shall be given an opportunity to be heard and to show why such decision, ruling, interpretation, notice, or order should be modified or withdrawn. The hearing shall be held at the next scheduled building board of appeals meeting or at a special meeting of the building board of appeals, not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner or the City, the building board of appeals may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in the judgment of the board the petitioner has submitted a good and sufficient reason for such postponement.

(h) *Action by appeal board.* After hearing, the building board of appeals shall sustain, modify, or withdraw the decision, ruling, interpretation, notice, or order, depending upon its findings to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with. If the board sustains or modifies such decision, ruling, interpretation, notice, or order, it shall be deemed to be an order.

Sec. 5-1395. - No vested rights.

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this division or any amendment of this division.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing Ordinance adopted on September 22, 2020 and published on September 30, 2020 effective the day following publication.

John B. O'Reilly, Jr., Mayor

George T. Darany, City Clerk

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: November 10, 2020

From: Kaltlyn Hines
Planning Director

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Council to offer a second reading and approval (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 §155.155l "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:



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 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.

"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
- 155.083 Required site development

Special Land Use Standards

- 155.111 Intent
- 155.112 Child and adult foster care facilities
- 155.113 Nursery schools, day nurseries and child care centers (not including dormitories)
- 155.114 Nursing and convalescent homes
- 155.115 Religious institutions
- 155.116 Senior housing, assisted living facility and similar types of housing for the elderly
- 155.117 Private noncommercial recreation area; institutional or community recreation centers
- 155.118 Golf courses
- 155.119 Colleges, universities and other institutions of higher learning
- 155.120 Business, trade, vocational and similar learning institutions
- 155.121 Townhomes and duplexes
- 155.122 Multiple-family dwellings (three stories or less)
- 155.123 Multiple-family dwellings (four stories or greater)
- 155.124 Mixed-use business and residential buildings
- 155.125 General hospitals
- 155.126 Automobile service stations
- 155.127 Vehicle washing facilities
- 155.128 Minor vehicle repair facilities
- 155.129 Major vehicle repair facilities
- 155.130 Carry-out, fast food, drive-through or drive-in restaurants
- 155.131 Motels or hotels
- 155.132 Self-storage facilities

- 155.133 Outdoor sales space for exclusive sale of new or pre-owned vehicles or house trailers
- 155.134 Outdoor sales of automobiles and other vehicles
- 155.135 Greenhouse and florist operations involving the growing, wholesaling, and/or retailing of plant materials
- 155.136 Open air business
- 155.137 Research and development facilities
- 155.138 Junk yards
- 155.139 Contractors' offices and yards
- 155.140 Manufactured housing communities
- 155.141 Outdoor theaters
- 155.142 Floodplain zones; National Flood Insurance Program
- 155.143 Standards for processing bio-diesel fuels
- 155.144 Tattoo establishments
- 155.145 Charitable gaming room
- 155.146 Standards for all medical marijuana facilities and recreational marijuana establishments
- 155.147 Commercial warehouse and wholesale operations
- 155.148 Medical marijuana provisioning centers
- 155.149 Temporary pop-up commercial use
- 155.149A Mobile food vending
- 155.149B Mobile food court or park
- 155.150 Medical marijuana processing facilities
- 155.150A Medical marijuana testing facilities
- 155.150B Medical marijuana transportation facilities
- 155.150C Medical marijuana cultivation facilities
- 155.150D Recreational marijuana grower establishment
- 155.150E Recreational marijuana retailer establishment
- 155.150F Recreational marijuana processing establishment
- 155.150G Recreational marijuana secure transporter
- 155.150H Recreational marijuana safety compliance establishment
- 155.150I Recreational marijuana microbusiness
- 155.150K Emergency Shelters

Alternative Development Options

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

Performance Standards

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

Nonconforming Uses and Structures

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

Regulated Uses

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

Wireless Communications Towers and Antennas

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

Location Restrictions

- 155.218 Theaters, assembly halls, concert halls, clubs and similar organizations
- 155.219 Reserved through § 155.229

Signs

- 155.231 Intent
- 155.232 Scope of requirements
- 155.233 Definitions
- 155.234 Review, action and inspection
- 155.235 Obsolete signs
- 155.236 Nonconforming signs
- 155.237 Alteration of signs
- 155.238 Compliance with the zoning code
- 155.239 Appeal to the Zoning Board of Appeals
- 155.240 Registration of sign contractors; licensing and bonding
- 155.241 General limitations and provisions
- 155.242 Structural requirements and mounting
- 155.243 Motorist visibility
- 155.244 Illumination
- 155.245 Measurement
- 155.246 Reserved
- 155.247 Reserved

155.248	Reserved
155.249	Reserved
155.250	Residential district signs
155.251	Business and office district signs
155.252	Industrial district signs
155.253	Tables and figures
155.254	Reserved
155.255	Severability clause
155.256	Waiver process
155.257	Reserved through § 155.259
Public Art	
155.261	Murals
155.262	Mural regulations
155.263	Reserved through § 155.269
Powers and Duties of Boards and Departments	
155.271	City Council
155.272	City Planning Commission
155.273	Community Development Department
155.274	Building Department
155.275	Zoning Board of Appeals
155.276	Reserved through § 155.279
Administration, Enforcement and Penalties	
155.281	Enforcement authority
155.282	Duties of the Building Official or other official responsible for code enforcement
155.283	Plot plan
155.284	Permit requirements
155.285	Certificate of occupancy and re-occupancy
155.286	Site plan review (all districts)
155.287	Standards for site plan approval
155.288	Procedures for special land use review
155.289	Standards for special land use approval
155.290	Special meetings
155.291	Public hearing notification requirements
155.292	Fee structure
155.293	Performance guarantee
155.294	Changes and amendments
155.295	Final inspection
155.296	Public nuisance and abatement
155.297	Owner's liability to punishment
155.298	Rights and remedies are cumulative
155.299	(Reserved)
155.300	Imposition of penalty does not exempt compliance with requirements
155.301	Severability
155.302	Savings
155.303	Validity
155.304	Time limitations on orders
155.305	Reserved through § 155.319

Repeal and Effective Date

155.321 Repeal

155.322 Effective date

155.999 Penalty

§ 155.029. 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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- 155.012 Enactment
- 155.013 Applicability and jurisdiction
- 155.014 Intent
- 155.015 Rules of interpretation and application
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- 155.031 Districts established
- 155.032 Zoning map
- 155.033 Interpretation of district boundaries
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- 155.042 RM Restricted Multiple-Family Dwelling District
- 155.043 RM-1 Multiple-Family Dwelling District
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- 155.046 B-2 Thoroughfare Mixed-Use District
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 - 155.061 Schedule of regulations
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 - 155.071 Intent
 - 155.072 Architectural features
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 - 155.075 Waste receptacle (dumpster), storage screening, or collection bins
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 - 155.077 Off-street parking
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 - 155.114 Nursing and convalescent homes
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 - 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
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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 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 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.

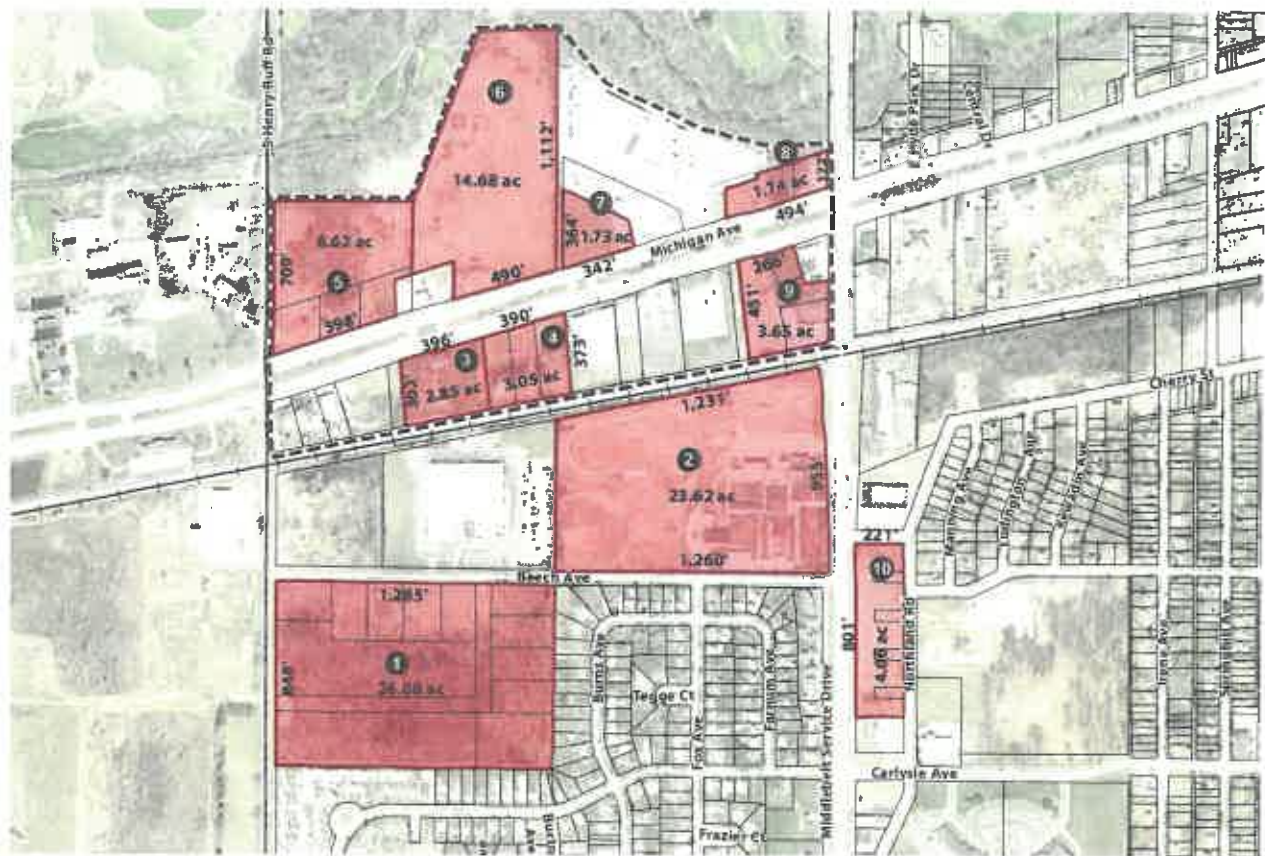
(H) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the recreational marijuana microbusinesses.

(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.

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 §155.155I, 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 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 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 within 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 through 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

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: December 2, 2020

From: Felicia Rutledge, City Clerk

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Consider approval of the proposed City Council meeting dates for the 2021 Calendar year in accordance with the City of Inkster current Charter.

Current Action X Emergency _____ Future _____

Funds Budgeted: If Yes _____ Account # _____ No _____ N/A _____

Mayor's Approval _____

RESOLUTION

RESOLVED BY THE COUNCIL OF THE CITY OF INKSTER:

WHEREAS, the City of Inkster City Council approves of the 2021 City Council meeting dates.

BE IT FURTHER RESOLVED that the regular City Council meeting dates for the **2021 calendar year** through December 2021 scheduled for **7:00 p.m.**, on the first and third Monday of each month (As stipulated in the City of Inkster Charter, Section 7.1) in the Council Chambers located at 26215 Trowbridge, Inkster, Michigan AND/OR BY VIRTUAL Meeting, are hereby established in accordance with the Open Meetings Act, being MCL 15.261,et,Seq.,whereas these meetings are conducted and open to the public as follows:

January 4, 2021
January 19, 2021 (Tuesday)
February 1, 2021
February 15, 2021
March 1, 2021
March 15, 2021
April 5, 2021
April 19, 2021
May 3, 2021
May 17, 2021
June 7, 2021
June 21, 2021

July 5, 2021
July 19, 2021
August 2, 2021
August 16, 2021
September 7, 2021 (Tuesday)
September 20, 2021
October 4, 2021
October 18, 2021
November 1, 2021
November 15, 2021
December 6, 2021
December 20, 2021

***Please note with the passing of the new charter, City Council meetings will begin at 7:00 p.m. on the 1st and 3rd Mondays; unless a Holiday is on that day.**

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

XI: PROTECTIVE RULES

MCL 15.233(3) states, in relevant part, that “[a] public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.”

Identifying Information. Requestors must comply with MCL 15.233(1), which states, in relevant part, that “[a] request from a person, other than an individual who qualifies as indigent under section 4(2)(a), must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual,” that “[a]n address must be written in compliance with United States Postal Service addressing standards,” and that “[c]ontact information must include a valid telephone number or electronic mail address.”

Affidavits. In addition to identifying themselves in compliance with MCL 15.233(1), the City may, prior to commencing processing of a request, require a requestor to make and submit to the FOIA Coordinator an affidavit under penalty of perjury that he or she is:

- In fact, the individual making the request; or
- That a request is not being made in conjunction with outside parties to circumvent or frustrate this rule or any other rule, prohibition, regulation, or policy.

Definitions. As defined by MCL 15.232(f)(ii), a “FOIA Coordinator” is “[a]n individual designated by a public body in accordance with section 6 to accept and process requests for public records under this act. For purposes of this section, “FOIA Coordinator” refers to the City’s FOIA Coordinator or any of his or her delegates.

Contact. The City’s FOIA Coordinator is the City Clerk. Therefore, any and all communications from a requestor regarding the status of a request must be directed to the City Clerk or, if he or she so delegates, a member of the Clerk’s Office (e.g., Deputy City Clerk). If the City appoints another individual as the FOIA Coordinator, any and all communications from a requestor, including those that pertain to the status of a request, must be directed to whoever serves as FOIA Coordinator.

Communications. Any request that includes the requestor's email address must confine his or her communications with the FOIA Coordinator to email. This is to ensure that, for the requestor's benefit, a record of the requestor's communications may be referenced during or after the request process.

All requests made via email must be sent directly to the FOIA Coordinator. The FOIA Coordinator is statutorily tasked with receiving and responding to requests, thereby obviating the need for requestors to electronically notify other City employees or agents of their requests.

Prohibited Contact. Requestors may not engage in FOIA-related conduct that disturbs, frustrates, or impedes execution of the City's day-to-day governance. The City may advance policies that prevent excessive and unreasonable interference with the discharge of its functions.

Once a requestor receives confirmation that the FOIA Coordinator is in receipt of his or her request, the requestor shall refrain from contacting the FOIA Coordinator regarding completion of said request or the timetable thereto. Once a request is received and acknowledged, a requestor is permitted to contact the FOIA Coordinator regarding the following:

- To respond to contact from the FOIA Coordinator;
- To amend, clarify, or cancel a request;
- To change or update contact information;
- To change preferred mode of transmittal (e.g., from fax to email);
or
- Any other reasonable topic that does not pertain to time or speed of processing of request and is not legal in nature.

Additionally, once a request is responded to, a requestor may not informally petition the City or any of its employees or agents, irrespective of the medium (e.g., email), for reconsideration. The FOIA statute details the procedures whereby a requestor may seek internal appellate or, if desired, judicial relief.

Legal Issues. Any and all legal issues, concerns, challenges, or interpretations of the Freedom of Information Act must be communicated in writing to the City Attorney.

Frequency of Requests. Excepting exceptionable circumstances, the existence of which shall be determined by the FOIA Coordinator or the City Attorney, a requestor shall not make more than three (3) requests within ten (10) business days. If, for example, a requestor emails three requests to the FOIA Coordinator on Monday, December 28, 2020 (the City would be closed on Friday, January 1, 2021), the requestor may not make any additional requests until the following Wednesday, January 6, 2021.

Additional Fees. If a requestor is actively engaged in litigation with the City stemming from alleged FOIA violations, the City reserves the right to require review of his or her subsequent requests by the City Attorney for a minimum time period of two (2) hours. The requestor must bear the costs of the City Attorney's review.

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: December 2, 2020

**From: Tracy-Ann Jennings,
Special Projects Director**

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Consider approval of one (1) of two (2) offers to purchase (Case # LD 20-16) one (1) commercial building and lot adjacent which are located on the east side of John Daly between Trowbridge St. and Carlisle Ave. and are legally described as 30D167 LOT 167 WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0167 000), and 30D138 139A 139B1* LOT 138 ALSO W 80 FT OF LOT 139--- WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0138 000), or 2407 John Daly and 2135 John Daly.

Current Action X Emergency Future

Funds Budgeted: If Yes X Account # 101.721.673.130 No N/A

Mayor's Approval _____

BACKGROUND INFORMATION

Zimcube, Inc./Guasia Jones and BBB3, LLC/John Bernard have made applications to purchase (Case # LD 20-16) one (1) commercial building and lot adjacent which are located on the east side of John Daly between Trowbridge St. and Carlisle Ave. and are legally described as 30D167 LOT 167 WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0167 000), and 30D138 139A 139B1* LOT 138 ALSO W 80 FT OF LOT 139—WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0138 000), or 2407 John Daly and 2135 John Daly. The City has had a Request for Proposals to purchase this property for redevelopment. Zimcube, Inc. is a Real Estate Investment Company specializing in modular-style homes in the State of Michigan. This mixed-use building will contain two (2) commercial spaces on the first floor, and 3 residential units on top. Each unit will be approx. 1,500 sqft and have atleast 2-4 bedrooms/1 bath. Each unit will be placed on the market for \$175,000.00. BBB3, LLC is looking to bring a Marijuana Compliance and Safety Lab to the City of Inkster for the testing of Medicinal and Recreational Marijuana, to ensure the FDA compliance the safety of the consumption of Marijuana products for the citizens of the City of Inkster and surrounding communities.

SCOPE OF SERVICES

Preparation and execution of purchase agreement, quit claim deed, property transfer affidavit, and recording the deed. It is highly recommended by the Planning Division that the applicant complete a title search of the property.

JUSTIFICATION

These parcels are located in the B-2, Thoroughfare Mixed-Use District and are in need of rehabilitation.

PROJECT OR IMPROVEMENT TASK

1. Develop a plan to address the City's current debt and legacy costs.
2. Improve and promote the image of Inkster.

COST

Zimcube, Inc./Guasia Jones put in a deposit of \$1,000.00, and is offering a total purchase price of \$25,400.00. BBB3, LLC/John Bernard put in a deposit of \$2,500.00, and is offering a total purchase price of \$50,000.00

RESOLUTION

Authorization is hereby given for the sale of one (1) commercial building and lot adjacent which are located on the east side of John Daly between Trowbridge St. and Carlisle Ave. and are legally described as 30D167 LOT 167 WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0167 000), and 30D138 139A 139B1* LOT 138 ALSO W 80 FT OF LOT 139— WESTWOOD SUB OF J. W. DALY FARM T2S R10E L41 P19 WCR (Property I.D. 44 020 02 0138 000), also known as 2407 John Daly and 2135 John Daly in the amount of \$XX,XXX.XX to Zimcube, Inc./Guasia Jones or BBB3, LLC/ John Bernard, subject to the following conditions:

Complete closing on the property within thirty (30) days by paying the balance of the price of the sale (\$XX,XXX.XX), paying the cost of recording the deed (\$36.00), entering into a purchase agreement and executing a property transfer affidavit.

Finally, it is highly recommended that the applicant complete a title search of the property.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:

**RFP RESPONSE FOR PARCELS: 44-020-02-0167-000
44-020-02-0138-000**

1. Company Name: BBB3, LLC
28033 Grand Duke Drive, Farmington Hills, MI 48334

Primary Contact: John Bernard
Address: 28033 Grand Duke Drive, Farmington Hills, MI 48334
Phone: 313/515-5200
Email: 111brj@gmail.com

Vendors: Agilent Technologies, Inc.
5301 Stevens Creek Blvd., Santa Clara, CA 95051

Jermor Plumbing & Heating, Inc.
15450 Dale Street, Detroit, MI 48223

Local Companies if possible

2. Timeframe: Restoration: 3 to 6 months

3. Expenses: Rehabilitation and Equipment Estimate: \$2,000,000.00+
including: Roofing, Plumbing, Electrical, Pavement, Security,
Audiovisual and miscellaneous systems

4. History: Commercial Restoration
Partner Hotel St Regis and parking lot, Detroit 2011-2018

5. Applicant: Primary Investor providing self-financing with no debt and liquid
Assets above project costs

**6. No members of the project team have any know conflicts of interest with the City of
Inkster, its officials or professional staff or any state or local officials.**

My Big Walk In Closet, corp

19926 Roselawn st.

Detroit, MI 48221

Contact info:

Zimcube Inc. / My Big Walk in Closet Corp mybigwalkincloset@gmail.com

Zimcubedetroit@gmail.com

(347) 833-8851

INKSTER CONTAINER HOME/COMMERCIAL SPQCE PROPOSAL

October 2020

Overview

Zimcube Inc/My Big Walk in Closet corp is a real estate investment company specializing in modular style homes in the state of Michigan (and expanding). We see an opportunity for a great partnership to develop the City of Inkster and provide cost efficient, modern and durable homes for future homeowners/renters as well as commercial spaces for the community.

We are currently building 12-16 modular homes in the Warren and Detroit areas of Michigan with a prospective completion date of April 2021. These homes will be similar to the homes that we will build in Inkster. We also plan to build modular commercial spaces for schools, restaurants and large chain grocery stores, department stores and etc.

Zimcube inc. is an all around entity that helps homeowners achieve the American dream through modular living. We have programs for potential

residents to rent to own and lease to own; credit restoration programs; first time homeowner classes and we also offer military discounts.

Our product is affordable, durable and modern and will help give Inkster an updated and more modern look. Following this project, many areas of Detroit/Inkster will be a world-class urban city with secure, attractive residential and commercial neighborhoods.

DEVELOPMENTAL PLANS:

1. **Obtain Several Lots in the City of Inkster:** We have requested to purchase a lot located on 26526 Trowbridge st and 2135 John Daly in which we will build a mixed use building. Parcel IDs: 4402002013800 , 44020020167000, 44020020139004.
2. **Build sustainable homes :** This mixed use building will contain 2 commercial spaces on the first floor and 3 residential units on top. Each unit will be about 1,500 sqft and have atleast 2-4 bedrooms and 1 bath. Each unit will be placed on the market for \$175,000 as well. An example is pictured below.



Proposed Scope

- 1. Residential - Traditional neighborhood development , including compact residential and mixed use commercial.**
- 2. Recreation - we plan to offer commercial space for recreational activities such as parks, community centers, and open fields for sporting events.**
- 3. Retail - Container commercial spaces can offer space for restaurants, shopping centers, small business spaces and department stores.**

Building Cost : The average container home will cost about \$50,000-80,000 to build from excavation to vertical build, depending on the finishes. We plan on building the first few homes on the Bayhan street lots , this Trowbridge lot and hope to extend the build to other areas of Inkster. The projected build time is 6-8 weeks for each house and we see a completion date of December 2021 to finish all lots. We will sell each unit for \$175,000

Financing: We have crowdfunded over \$190,000 to purchase our base containers, lots and materials. Here below if our proof of funds.

BANK OF AMERICA



MY BIG WALKIN CLOSET
CORP
8811 GLENWOOD AVENUE
BROOKLYN, NY 11238

Business Advantage

Customer service information

1.888.865.7265 or 800.241.4131

Bank of America, N.A.

Bank of America, N.A.
P.O. Box 24118
Tampa, FL 33622-4118

Your Business Fundamentals Checking

for August 1, 2020 to August 31, 2020

MY BIG WALKIN CLOSET CORP.

Account summary

Beginning balance on August 1, 2020	\$ 179,201.67	# of deposits/credits: 13
Deposits and other credits	67,025.00	# of withdrawls/debits: 46
Withdrawals and other debits	-63,313.05	# of times previous cycle: 1
Checks	-0.00	# of days in cycle: 31
Service fees	-3.78	Average ledger balance: \$ 194,083.78
Ending balance on August 31, 2020	\$ 182,920.61	*Monthly credits paid to you at your bank's discretion

Your Digital Tip

NEED IT'S LOWEST FEE

Need bills and coins? Get the latest app update.

Use the app to scan your bills and coins. The app will tell you if you need to update your app. It will also tell you if you need to update your app. It will also tell you if you need to update your app.

Download the app today. It's free. Visit bankofamerica.com/mobile

Invoice						
Thomas Construction 20000 Woodward Ave Detroit, MI 48221			Invoice Number 15-11271 Invoice Date 07/15/2019 Payment Terms Net 30 Days Invoice Amount 174,611.26 Created By G. Jones			
Billing Address Thomas 20000 Woodward Ave Detroit, MI			Shipping Address 20000 Woodward Ave Detroit, MI			
Item #	Item Name	Quantity	Unit Price	Taxable	Total	
1564	1" x 12" x 16" Plywood	100	16.0000		1600.00	
1565	2" x 4" x 8" Plywood	100	3.0000		300.00	
21	2" x 4" x 8" Plywood	100	2.0000	X	200.00	
22	2" x 4" x 8" Plywood	100	1.7500		175.00	
1320	1" x 12" x 16" Plywood	100	2.0000	X	200.00	
1564	1" x 12" x 16" Plywood	100	1.2000	X	120.00	
1562	2" x 4" x 8" Plywood	100	2.4800	X	248.00	
1561	1" x 12" x 16" Plywood	100	1.7500	X	175.00	
1561	2" x 4" x 8" Plywood	100	1.2000	X	120.00	
1047	1" x 12" x 16" Plywood	12000	1.0000	X	12000.00	
1051	USG Compound Ceiling	100	1.13700	X	113.70	
1052	1" x 12" x 16" Plywood	100	1.2000	X	120.00	
1129	2" x 4" x 8" Plywood	40000	4.50	X	1800.00	
1259	2" x 4" x 8" Plywood	18000	6.50	X	1170.00	
1171	1" x 12" x 16" Plywood	6000	6.50	X	390.00	

Cost Break Down:

Above is the invoice we created for a few single/multifamily family homes.

Completion plans:

Once each home is completed we will be selling them or renting them out and refinancing them.

Experience:

Our team has about 20 years of real estate construction, development and investing experience. We currently own a total of 10 properties in the Detroit area as well as Gary, Indiana.

Our architect : The architect that we will be using for this project is David Allen of D'Anna Associates located at 26520 Grandriver suite 101 Redford, MI 48240



CITY OF INKSTER

26215 Trowbridge St.
Inkster, MI 48141
www.cityofinkster.com

REQUEST FOR PROPOSALS LAND DEVELOPMENT

PROJECT SCOPE & TIMELINE:

The City of Inkster is soliciting proposals from qualified to develop one structure within the city on the following parcels: 44-020-02-0167-000, and 44-020-02-0138-000. The City is requesting formal proposals to develop mixed use retail

The objective of this Request for Proposal is to develop retail in accordance to the City of Inkster Masterplan.

The selected applicant will be expected to enter into a Developer Agreement with the City of Inkster. The development expectations will align with the below proposal requirements.

CITY CONTACT:

Dennis Black – Interim Special Projects Director
313-768-6071
dblack@cityofinkster.com

PROPOSAL SUBMITTAL DEADLINE & PROCESS:

Walkthroughs are scheduled for:

2407 John Daly.

Friday, August 28th, 2020 11AM – 2PM

OR

Monday, August 31st, 2020 11AM – 2PM

An electronic copy of the proposal must be received via email at dblack@cityofinkster.com. Proposals will be reviewed by an evaluation committee from various City departments and final approval will be given by City Council. Applications will be accepted until Friday, August 21st 2020 by 5pm via email ONLY.

SCOPE OF SERVICES REQUESTED:

Development of the following buildings:

2407 John Daly & Paved Lot

SELECTION CRITERIA:

1. Experience as related to land development.
2. Documented prior experience in handling project(s) of similar size and scope;
3. Meets qualifications set forth in this RFP.



CITY OF INKSTER

26215 Trowbridge St.
Inkster, MI 48141
www.cityofinkster.com

PROPOSAL REQUIREMENTS:

1. Firm name, address, primary contact person, telephone and e-mail contact information. Name and address of all vendor parties.
2. Describe restoration schedule and timeframe.
3. Provide estimate of rehabilitation expectation of expenses.
4. Provide history of commercial restoration
5. Describe the specific role the applicant will perform regarding the project. Joint ventures designed to provide an overall "team" approach are encouraged but any such partner(s) and their role need to be identified and described. The specific party in a joint venture who is responsible for this proposal must be identified.
6. Statement of any known conflicts of interest by members of the project team with the City, its officials and professional staff.

STANDARD TERMS AND CONDITIONS:

To enhance the City's understanding of the Proposals received and to allow reasonable interpretation of the Proposals, the City may request that the applicant submit explanation, substantiation or clarification of certain aspects of the submitted proposal. The City may request and allow applicants the opportunity to eliminate minor irregularities, informalities, or apparent clerical mistakes in submittal.

Proposals submitted are offers only, and the decision to accept or reject is a function of quality, reliability, capability, reputation, and expertise of the firms/individuals submitting proposals. Issuance of this RFP does not obligate the City to pay any costs incurred by a respondent in its submission of a proposal or making any necessary studies or designs for the preparation of that proposal, or for procuring or contracting for the services to be furnished under this RFP. The City reserves the right to accept the proposal that is, in its judgment, the best and most favorable to the interests of the City and to the public; to reject the proposal with the lowest consultant fee; to accept any item of any proposal; to reject any and all proposals; and to waive irregularities and informalities in any proposal submitted or in the RFP process; provided, however, that the waiver of any prior defect or informality shall not be considered a waiver of any future or similar defect or informality. Firms should not rely upon, or anticipate, such waivers in submitting their proposal. The City Council has the ultimate authority to approve any proposal and to authorize execution of the Agreement.

Date: December 2, 2020

**From: Tracy Jennings,
Special Projects Director**

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Consider approval of offer to purchase (Case # LD 20-17) one (1) vacant residential lot which is located on the east side of Harriet between Beech Ave. and Cherry Ave. and is legally described as 36D956 TO 962* LOTS 956 TO 962 INCL—DEARBORN ACRES SUB NO. 2 T2S R9E L 33 P 79 WCR-K-256.52 (Property I.D. 44 009 02 0956 301) in the amount of \$500.00 to Ruth E. Williams.

Current Action X Emergency Future

Funds Budgeted: If Yes X Account # 101.721.673.130 No N/A

Mayor's Approval _____

BACKGROUND INFORMATION

Ruth E. Williams has made the application to one (1) purchase residential lot which is located on the east side of Harriet between Beech Ave. and Cherry Ave. and is legally described as 36D956 TO 962* LOTS 956 TO 962 INCL--- DEARBORN ACRES SUB NO. 2 T2S R9E L 33 P 79 WCR-K-256.52 (Property I.D. 44 009 02 0956 301).

SCOPE OF SERVICES

Preparation and execution of purchase agreement, quit claim deed, property transfer affidavit, and recording the deed. It is highly recommended by the Planning Division that the applicant complete a title search of the property.

JUSTIFICATION

The parcel is a residential lot, and the applicant would like the additional land behind her business.

PROJECT OR IMPROVEMENT TASK

1. Develop a plan to address the City's current debt and legacy costs.
2. Improve and promote the image of Inkster.

COST

The applicant put in a deposit of \$100.00 and is offering the total purchase price of \$500.00.

RESOLUTION

Authorization is hereby given for the sale of one (1) vacant residential lot which is located on the east side of Harriet between Beech Ave. and Cherry Ave. and is legally described as 36D956 TO 962* LOTS 956 TO 962 INCL--- DEARBORN ACRES SUB NO. 2 T2S R9E L 33 P 79 WCR-K-256.52 (Property I.D. 44 009 02 0956 301) in the amount of \$500.00 to Ruth E. Williams, subject to the following conditions:

Complete closing on the property within thirty (30) days by paying the balance of the price of the sale (\$400.00), paying the cost of recording the deed (\$18.00), entering into a purchase agreement and executing a property transfer affidavit.

Finally, it is highly recommended that the applicant complete a title search of the property.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



Deposit/Administrative Fee Received \$ 100.00
 Date Received 10/2/2020
 Case # LD 00-17

CITY OF INKSTER
APPLICATION TO PURCHASE CITY-OWNED PROPERTY

APPLICANT INFORMATION (Please Print Clearly)

Applicant's Name **Ruth E Williams**
 Applicant's Address **29501 Glenwood Inkster, Michigan 48141**
 Applicant's Phone Number: **734-635-6000**
 Proposed Owner's Name (as indicated on deed): **Same**

PROPERTY INFORMATION — Purchase Offer \$500.00

Property Location: **East side of Harriet Street/Avenue**
Between Beech Street/Avenue Cherry Street/Avenue
 Tax ID, Legal Description, and Address If Structure **44009020956301**
36D956 TO 962 LOTS 956 TO 962 INCL—DEARBORN ACRE
SUB NO. 2 T2S R9E L 33 P 79 WCR-K-256.52

Parcel Size: **245 (Width) X 111(Length) Current Residential**

☐ **Additional Parcels/Lots (attach Request for Additional Property Form)**

Summary of Proposed Use: The buyer wants additional land behind business
Use additional sheets as needed.

I understand and accept as evidenced by the good-faith deposit of \$100.00 for the offer to purchase city-owned property. I also understand that the offer to purchase is subject to acceptance and approval by the City of Inkster City Council. I further understand that the Council can reject the offer in the best interest of the City, but that acceptance of this offer binds me to the specific use of the property as provided by the codes and ordinances of the City.

NOTE: All City-owned property is sold "AS IS". The City is not responsible for clear

Applicant's Signature *Ruth E Williams*
 Date 10/22/2020
 Broker's Signature *Stephanie Boyles*

Date 10/21/2020



LETTER OF GOOD STANDING

Date: 10/22/2020

In accordance with the City of Inkster Land Sale policy designed to ensure a buyer's ability to develop, use and maintain City-owned property in a manner acceptable to the City, the City of Inkster must verify that the buyer is in "good standing". Good standing means that the buyer(s) is/are not delinquent in real or personal property taxes, water assessments or other property-related assessments with the City of Inkster. Property-related assessments may include, but are not limited to, board-up charges, clean-up charges, weed cutting charges and other miscellaneous property maintenance charges. In addition, the buyer shall not own property that is being foreclosed upon, abandoned or otherwise code-deficient and all properties owned by the buyer must have a valid certificate of occupancy. The buyer shall not own any unsafe structures and is shall not be in default of a previous Purchase Agreement with the City.

I, Ruth E Williams (buyer's printed name), certify having read, understand and agree to the aforementioned statement on the meaning of "Good Standing."

I, ^{Authentic}
Stephanie Taylor (buyer's signature), certify that I am in "Good Standing" with the City of Inkster.



AFFIDAVIT

Parcel ID # 44009020956301 Harriet Street Inkster, Michigan
48141 One Parcel (Vacant Lot)

I, Ruth E Williams, have read the requirements for the purchase of the above-noted parcel and hereby agree to notify city of Inkster Planning Division, Zoning, Engineering and Building Departments regarding all requirements to build a residential dwelling. And once purchase pay taxes on time and keep parcel clean from any debris and maintain lawn maintenance.

Ruth E Williams

Printed Name

Investor

Title

Authorizer

[Signature]

10/22/2020

Signature

Authorizer

10/22/2020

Stephanie Taylor

Real Estate Broker Signature

and between the City of Inkster, a Michigan Municipal Corporation, located at 26215 Trowbridge, Inkster, Michigan 48141, ("Seller") Ruth E Williams, located 29501 Glenwood St Inkster, Michigan 48141, ("Purchaser"):

The undersigned purchaser, hereby agrees to purchase the following land situated in the City of Inkster, Wayne County, Michigan described as follows:

26D956 TO 962* LOTS 956 TO 962 INCL -- DEARBORN ACRES SUB NO. 2 T2S R9E L 33 P 79 WCB-K-256.52

Parcel ID: 44000020926301

IN CONSIDERATION OF THE COVENANTS and AGREEMENTS contained in this Purchase Agreement, the parties hereto agree as follows:

CONDITIONS SUBSEQUENT TO THE SALE OF PROPERTY

1. All property taxes must be kept current on the Property.
2. Within 15 days of the closing, the Buyer must secure the Property and ensure that all debris, trash or other materials have been removed from the outside yard area and that the grass, yard, shrubs, plantings, etc have been trimmed or removed.
3. Within 180 days of closing, the Buyer must apply for and receive a Final Certificate of Occupancy for any structure on the property (if applicable).
4. The Property shall comply with all other local ordinances regarding property maintenance and conditions.
5. The failure of the Purchaser to comply with these conditions or to cure the default within 30 days of written notice of the failure to comply may result in the City filing a reverter action in Wayne County Circuit Court seeking to rescind the purchase and requesting that title to the Property revert to the City. In addition to losing title to the Property, the Purchaser shall forfeit the purchase price for the Property.

SALE OF PROPERTY

1. The Seller will execute a Quit Claim for the aforementioned property, within 30 days of approval by the Inkster City Council. Upon Closing of the aforesaid property, a Quit Claim Deed will be provided to the Purchaser by the Seller for recording at the Wayne County Register of Deeds at the Purchaser's expense.
2. The aforementioned property is sold in "As Is Condition" and the Seller makes no warranties, representations or guarantees as to the condition of the aforementioned property. This provision also applies to property identified as condemned, dangerous, or uninhabitable.
3. The Purchaser, at its own expense, shall be responsible for obtaining a policy of title insurance, hazard insurance and all necessary permits to bring the property into compliance with all applicable local and state laws, any and all required licenses and a Certificate of Occupancy (if required).
4. The Purchaser shall complete closing within 30 days by paying the balance of the price of the sale, paying the cost of recording the deed and executing a property transfer affidavit.

PURCHASE PRICE

1. The Purchaser shall pay the Sum of Five Hundred Dollars (\$500.00) USD for the aforesaid property, as follows:
2. Down payment One Hundred Dollars USD (\$100.00)

CLOSING

1. Closing on the aforesaid property shall take place at the City of Inkster offices located at 26215 Trowbridge, Inkster, MI 48141 within 30 days of Council approval of this Purchase Agreement.
2. Purchaser shall remit the balance of purchase price by CERTIFIED CHECK OR MONEY ORDER at the time of closing.

ADDITIONAL CONDITIONS (If Any):

The buyer is requesting the Deposit returned if Offer is not accepted.

Purchasers Initials: REW

Sellers Initials: _____

PURCHASER:

By: Ruth E Williams

By:  10/21/2020
Its: Investor

Purchaser's Address: 29501 Glenwood
Inkster, Michigan 48141
Telephone No: 313-734-635-8000

IN PRESENCE OF:

Murray's Real Estate Services LLC
Stephanie Taylor or Peggy Bishop
Broker Signature 

10/21/2020 02:12:00 PM EDT

Dated: 10/21/2020

ACCEPTANCE TO THE OFFER ABOVE BY THE NAMED SELLER: The foregoing offer is accepted in accordance with the terms stated.

SELLERS:

CITY OF INKSTER

By: _____ L.S.

Its: _____

Seller's Address: 26215 Trowbridge
Inkster, MI 48141
Telephone No: 313-583-4232

IN PRESENCE OF:

Dated: _____

NOTICE: IT IS RECOMMENDED THAT ALL PARTIES TO THIS PURCHASE AGREEMENT SEEK THE ASSISTANCE OF A LAWYER OR OTHER QUALIFIED PERSON.

Wayne County Public Records - Full Detail Report

Location & Ownership

Property Address: City/State/Zip:	Harrison Inkster, Michigan, 48141	Property ID:	44005021041000
Owner Name: Taxpayer Address: City/State/Zip:	City Of Inkster 25215 Trowbridge Street Inkster, Michigan, 48141-2479	Lat/Long: Census Tract: Block Group:	42.283370 / -83.319742
City/Village/Town: Subdivision: MLS Area: Legal Description:	Inkster DEARBORN ACRES SUB NO 2 00000 - Inkster 25N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R3E L33 P79 WCR	School District: Property Category: Land Use:	Taylor Government 703 - EXEMPT - COUNTY, CITY, TWP, VILL

Photos

Taxes

<u>Year</u>	<u>Season</u>	<u>Total Ad Val</u>	<u>Admin Fee</u>	<u>Amount</u>	<u>CVT</u>	<u>Tot Municipal</u>
2020	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2019	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2019	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2018	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2018	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2017	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2017	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2016		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Assessments

<u>Year</u>	<u>Taxable Val</u>	<u>State Ex Val</u>	<u>Homestead</u>	<u>Tot Taxes</u>
-------------	--------------------	---------------------	------------------	------------------

Transfer Information

<u>Recorder</u>	<u>Recording</u>	<u>Record Date</u>	<u>Recd Date</u>	<u>Sale Price</u>	<u>Recd Type</u>	<u>Liberty/Price</u>
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Other Recordings

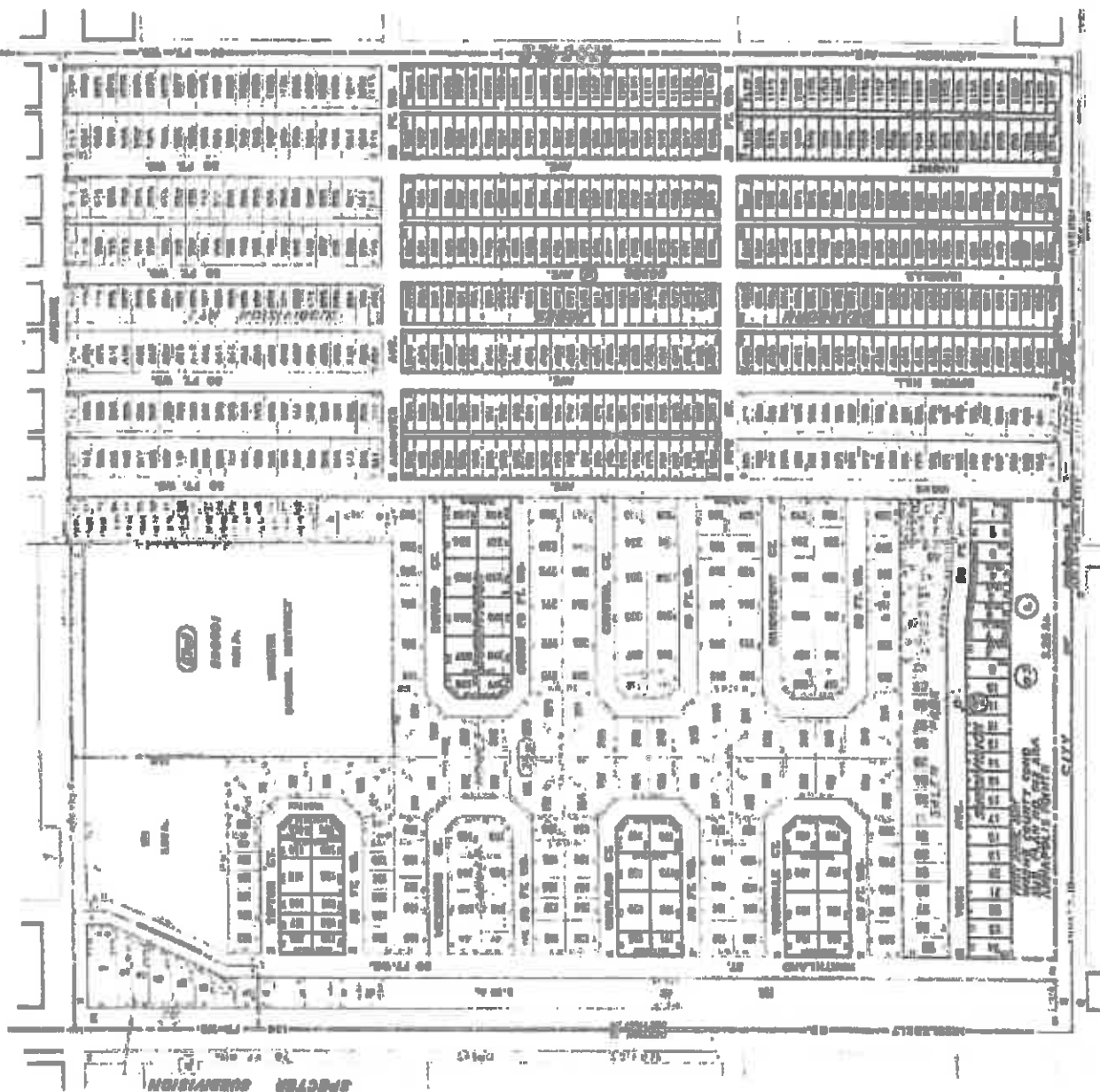
<u>Officer</u>	<u>Officer</u>	<u>Record Date</u>	<u>Rec Date</u>	<u>Amount</u>	<u>Rec Type</u>	<u>Liberty/Price</u>
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Characteristics

Year Built:	1960	Pool:	
Architecture Level:	1 Story	Garage Year Built:	
Water:		Garage Capacity:	2
#1 Porch/Dimensions:	/	Storm Sewer:	
#2 Porch/Dimensions:	/	Land Dimension:	140.00X111.00
Topography:		Land Sqft:	15551
Irregular:		Acres:	0.36

Search for MLS Listings

Click Arrow for Property History



K.M. IN SECTION 36
CITY OF INKSTER
T. 2 S. R. 9 E.
WAYNE COUNTY, MICHIGAN



Map data ©2020, Map data ©2020



Carlisle St & Harriet St

Inkster, MI 48141

Intersection
Intersection



Directions



Save



Nearby



Send to your
phone



Share

Photos

Date: December 2, 2020

**From: Tracy Jennings,
Special Projects Director**

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Consider approval of offer to purchase (Case # LD 20-18) one (1) vacant residential lot which is located on the west side of Harrison between Beech St. and Cherry St. and is legally described as 25N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR (Property I.D. 44 009 02 1041 000) in the amount of \$500.00 to Sherita Chatmon.

Current Action X Emergency Future

Funds Budgeted: If Yes X Account # 101.721.673.130 No N/A

Mayor's Approval _____

BACKGROUND INFORMATION

Sherita Chatmon has made the application to one (1) purchase residential lot which is located on the west side of Harrison between Beech St. and Cherry St. and is legally described as 25N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR (Property I.D. 44 009 02 1041 000).

SCOPE OF SERVICES

Preparation and execution of purchase agreement, quit claim deed, property transfer affidavit, and recording the deed. It is highly recommended by the Planning Division that the applicant complete a title search of the property.

JUSTIFICATION

The parcel is a residential lot, and the applicant would like the additional land behind her home.

PROJECT OR IMPROVEMENT TASK

1. Develop a plan to address the City's current debt and legacy costs.
2. Improve and promote the image of Inkster.

COST

The applicant put in a deposit of \$100.00 and is offering the total purchase price of \$500.00.

RESOLUTION

Authorization is hereby given for the sale of one (1) vacant residential lot which is located on the west side of Harrison between Beech St. and Cherry St. and is legally described as 25N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR (Property I.D. 44 009 02 1041 000) in the amount of \$500.00 to Sherita Chatmon, subject to the following conditions:

Complete closing on the property within thirty (30) days by paying the balance of the price of the sale (\$400.00), paying the cost of recording the deed (\$18.00), entering into a purchase agreement and executing a property transfer affidavit.

Finally, it is highly recommended that the applicant complete a title search of the property.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



Deposit/Administrative Fee Received _____

Date Received 10/21/2020

Case # LD 20-18

**CITY OF INKSTER
APPLICATION TO PURCHASE CITY-OWNED PROPERTY**

APPLICANT INFORMATION (Please Print Clearly)

Applicant's Name **Sherita Chatmon**

Applicant's Address **3427 Harriet Inkster, Michigan 48141**

Applicant's Phone Number: **734-444-9331**

Proposed Owner's Name (as indicated on deed): **SAME**

PROPERTY INFORMATION - Purchase Offer \$500.00

Property Location: **West side of Harrison Street/Avenue**

Between Beech Street/Avenue Chestnut Street/Avenue

Tax ID, Legal Description, and Address if Structure **44009021/041000**

25N1041 TO 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR

Parcel Size: **140 (Width) X 111 (Length) Current Residential**

☐ **Additional Parcels/Lots (attach Request for Additional Property Form)**

Summary of Proposed Use: Additional Property behind her House.

Use additional sheets as needed

I understand and accept as evidenced by the good-faith deposit of \$100.00 for the offer to purchase city-owned property. I also understand that the offer to purchase is subject to acceptance and approval by the City of Inkster City Council. I further understand that the Council can reject the offer in the best interest of the City, but that acceptance of this offer binds me to the specific use of the property as provided by the codes and ordinances of the City.

NOTE: All City-owned property is sold "AS IS". The City is not responsible for clear title.

10/23/2020

Applicant's Signature **Stephanie Taylor** **10/23/2020**

Date

Broker's Signature _____



LETTER OF GOOD STANDING

10/23/2020

Date: _____

In accordance with the City of Inkster Land Sale policy designed to ensure a buyer's ability to develop, use and maintain City-owned property in a manner acceptable to the City, the City of Inkster must verify that the buyer is in "good standing". Good standing means that the buyer(s) is/are not delinquent in real or personal property taxes, water assessments or other property-related assessments with the City of Inkster. Property-related assessments may include, but are not limited to, board-up charges, clean-up charges, weed cutting charges and other miscellaneous property maintenance charges. In addition, the buyer shall not own property that is being foreclosed upon, abandoned or otherwise code-deficient and all properties owned by the buyer must have a valid certificate of occupancy. The buyer shall not own any unsafe structures and is shall not be in default of a previous Purchase Agreement with the City.

I, Sherita Chatmon (buyer's printed name), certify having read, understand and agree to the aforementioned statement on the meaning of "Good Standing."

I,  (buyer's signature), certify that I am in "Good Standing" with the City of Inkster.



AFFIDAVIT

Parcel ID # 44009021041000 Harrison Street Inkster, Michigan
48141 Vacant Parcel

I, Sherita Chatmon, have read the requirements for the purchase of the above-noted parcel and hereby agree to notify city of Inkster Planning Division, Zoning, Engineering and Building Departments regarding all requirements to build a residential dwelling. And once purchase pay taxes on time and keep parcel clean from any debris and maintain lawn maintenance.

Sherita Chatmon

Printed Name

Owner Occupant

Title
Sherita Chatmon 10/23/2020
10/23/2020 6:58:07 PM EST
Signature
Stephanie Taylor 10/23/2020
10/23/2020 6:58:07 PM EST
Real Estate Broker Signature

and between the City of Inkster, a Michigan Municipal Corporation, located at 26215 Trowbridge, Inkster, Michigan 48141, ("Seller") Sherita Chatmon, located 3427 Harriet Inkster, Michigan 48141, ("Purchaser"):

The undersigned purchaser, hereby agrees to purchase the following land situated in the City of Inkster, Wayne County, Michigan described as follows:

26N1041 TO 1044 LOTS 1041 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L33 P79 WCR
Parcel ID:44009021041000

IN CONSIDERATION OF THE COVENANTS and AGREEMENTS contained in this Purchase Agreement, the parties hereto agree as follows:

CONDITIONS SUBSEQUENT TO THE SALE OF PROPERTY

1. All property taxes must be kept current on the Property.
2. Within 15 days of the closing, the Buyer must secure the Property and ensure that all debris, trash or other materials have been removed from the outside yard area and that the grass, yard, shrubs, plantings, etc have been trimmed or removed.
3. Within 180 days of closing, the Buyer must apply for and receive a Final Certificate of Occupancy for any structure on the property (if applicable).
4. The Property shall comply with all other local ordinances regarding property maintenance and conditions.
5. The failure of the Purchaser to comply with these conditions or to cure the default within 30 days of written notice of the failure to comply may result in the City filing a reverter action in Wayne County Circuit Court seeking to rescind the purchase and requesting that title to the Property revert to the City. In addition to losing title to the Property, the Purchaser shall forfeit the purchase price for the Property.

SALE OF PROPERTY

1. The Seller will execute a Quit Claim for the aforementioned property, within 30 days of approval by the Inkster City Council. Upon Closing of the aforesaid property, a Quit Claim Deed will be provided to the Purchaser by the Seller for recording at the Wayne County Register of Deeds at the Purchaser's expense.
2. The aforementioned property is sold in "As Is Condition" and the Seller makes no warranties, representations or guarantees as to the condition of the aforementioned property. This provision also applies to property identified as condemned, dangerous, or uninhabitable.
3. The Purchaser, at its own expense, shall be responsible for obtaining a policy of title insurance, hazard insurance and all necessary permits to bring the property into compliance with all applicable local and state laws, any and all required licenses and a Certificate of Occupancy (if required).
4. The Purchaser shall complete closing within 30 days by paying the balance of the price of the sale, paying the cost of recording the deed and executing a property transfer affidavit.

PURCHASE PRICE

1. The Purchaser shall pay the Sum of Five Hundred Dollars (\$500.00) USD for the aforesaid property, as follows:
2. Down payment One Hundred Dollars USD (\$100.00)

CLOSING

1. Closing on the aforesaid property shall take place at the City of Inkster offices located at 26215 Trowbridge, Inkster, MI 48141 within 30 days of Council approval of this Purchase Agreement.
2. Purchaser shall remit the balance of purchase price by CERTIFIED CHECK OR MONEY ORDER at the time of closing.

ADDITIONAL CONDITIONS (If Any):

The buyer is requesting the Deposit returned if Offer is not accepted.

Purchasers Initials: STC

Sellers Initials: _____

PURCHASER:

By: Sherita Chatmon

By: 
Its: Owner Occupant

Purchaser's Address: 3427 Harriet
Inkster, Michigan 48141
Telephone No: 734-444-9331

IN PRESENCE OF:

Murray's Real Estate Services LLC
Stephanie Taylor or Peggy Bishop
Broker Signature Stephanie Taylor

Dated: _____

10/23/2020

10/23/2020 9:02:11 PM EDT

ACCEPTANCE TO THE OFFER ABOVE BY THE NAMED SELLER: The foregoing offer is accepted in accordance with the terms stated.

SELLERS:
CITY OF INKSTER

By: _____ L.S.

Its: _____

Seller's Address: 26215 Trowbridge
Inkster, MI 48141
Telephone No: 313-563-4232

IN PRESENCE OF:

Dated: _____

**NOTICE: IT IS RECOMMENDED THAT ALL PARTIES TO THIS PURCHASE AGREEMENT SEEK
THE ASSISTANCE OF A LAWYER OR OTHER QUALIFIED PERSON.**

Wayne County Public Records - Full Detail Report

Location & Ownership

Property Address:	Harrison	Property ID:	44009021041600
City/State/Zip:	Inkster, Michigan, 48141		
Owner Name:	City Of Inkster	Lat/Long:	42.285370 / -83.318742
Taxpayer Address:	28215 Trowbridge Street	Census Tract:	
City/State/Zip:	Inkster, Michigan, 48141-2476	Block Group:	
City/Village/Town:	Inkster	School District:	Taylor
Subdivision:	DEARBORN ACRES SUB NO 2	Property Category:	Government
MLS Area:	05080 - Inkster	Land Use:	703 - EXEMPT - COUNTY, CITY, TWP, VILL
Legal Description:	28N1041 TO 1844 LOTS 1541 TO 1044 INCL DEARBORN ACRES SUB NO. 2 T2S R9E L3S P70 WCR		

Photos

Taxes

Year	Status	Total Ad Val	Admin Fee	Acctmt	CVT	Tot Personal
2020	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2019	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2019	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2018	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2018	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2017	W	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2017	S	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2016		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Assessments

Year	Taxable Val	State As Val	Homestead	Tot Taxes
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Transfer Information

Recorder	Recorder	Record Date	Recd Date	Sale Price	Deed Type	Libar/Page
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Other Recordings

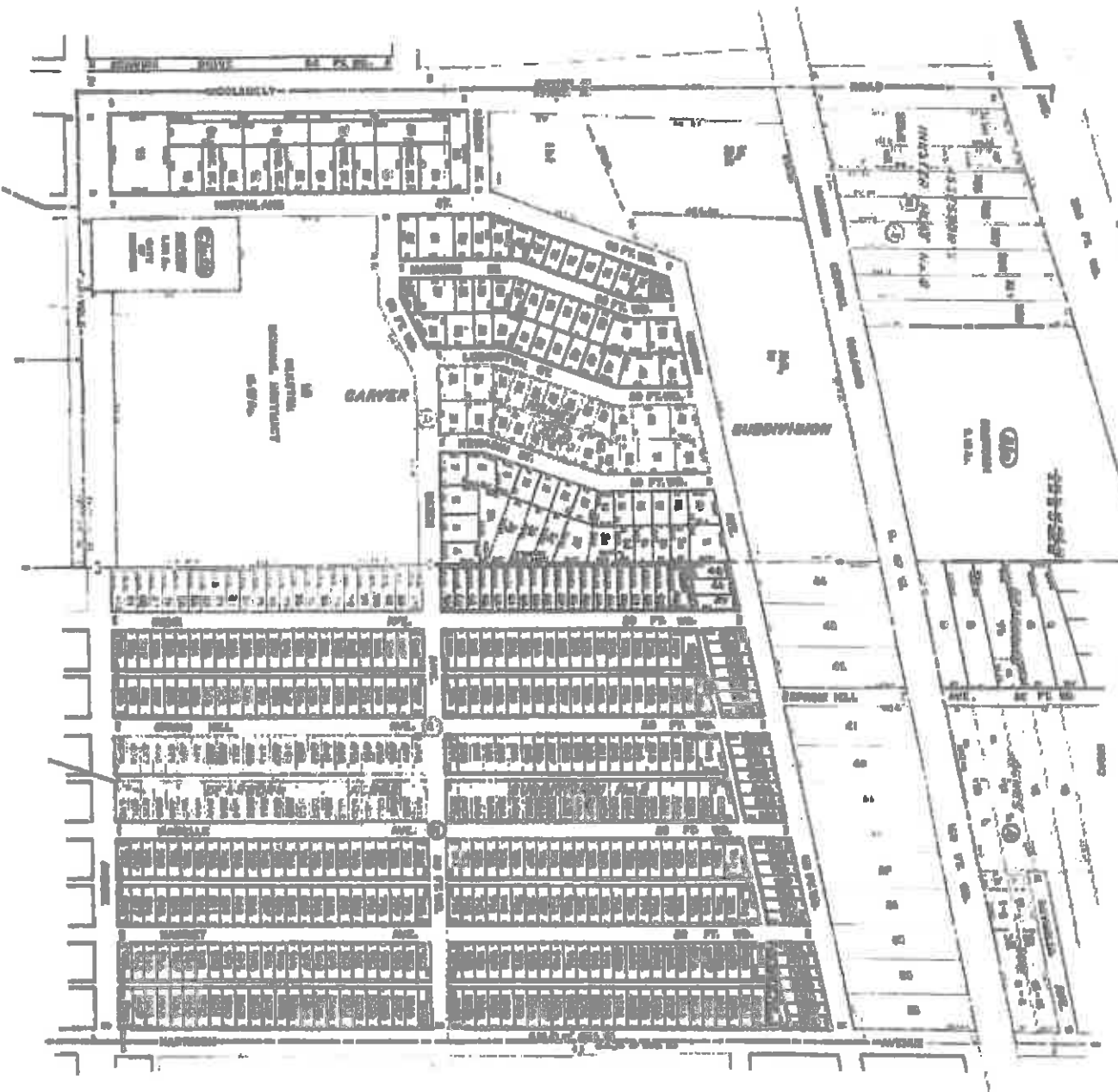
Officer	Officer	Record Date	Rec Date	Amount	Doc Type	Libar/Page
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Characteristics

Year Built:	1960	Pool:	
Architecture Level:	1 Story	Garage Year Built:	
Water:		Garage Capacity:	2
#1 Porch/Dimensions:	/	Storm Sewer:	
#2 Porch/Dimensions:	/	Land Dimension:	140.00X111.00
Topography:		Land Sqft:	15551
Irregular:		Acres:	0.36

Search for MLS Listings

Click Arrow for Property History



24, 1/4 SECTION 23
CITY OF NUSTER
T. 2 S. R. 9 E.
WAYNE COUNTY, MICHIGAN

DEPARTMENT OF LAND MANAGEMENT AND BUDGET
ASSESSMENT AND REGISTRATION DIVISION
3000 COUNTY OF WAYNE, STATE OF MICHIGAN
LANSING, MICHIGAN 48201

Google Maps

Harrison St & Beech St

44009021041000



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

50 N

UNITED STATES POSTAL SERVICE		POSTAL MONEY ORDER	
Order Number	26646016915	Post Office	48130
Post Office	2025-10-27	Post Office	48130
Amount	\$100.00	Post Office	48130
One Hundred Dollars and 00/100			
Pay to	CITY OF INKSTER	Pay to	Shenita Chatman
Address	26215 Townsend	Address	3427 Hamlet
	Ink, MI 48141		
Pay to	Pinckney, Pa. 19074		
SEE REVERSE WARNING - NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS			
000000800 21		000000800 21	

REQUEST FOR COUNCIL ACTION

To: Patrick Wimberly, Mayor

Date: December 2, 2020

From: Tracy-Ann Jennings,
Special Projects Director

Date for Council Consideration: December 7, 2020

ACTION REQUESTED: Consider approval of offer to purchase (Case # LD 20-15) three (3) adjacent vacant residential lots which are located on the east side of Bayhan between Trowbridge St. and Carlisle Ave. and are legally described as 30J 1011 TO 1014 LOTS 1011 TO 1014 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1011 302), 30J1015 LOTS 1015 TO 1020 WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1015 304), and 30J1021-1023 LOTS 1021 TO 1023 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1021 302) in the amount of \$28,650.00 to Zimcube, Inc./Guasia Jones.

Current Action ☒ Emergency ☐ Future ☐

Funds Budgeted: If Yes ☒ Account # 101.721.673.130 No ☐ N/A ☐

Mayor's Approval _____

BACKGROUND INFORMATION

Zimcube, Inc./Guasia Jones has made the application to purchase 3 adjacent residential lots which are located on the east side of Bayhan between Trowbridge St. and Carlisle Ave. and are legally described as 30J 1011 TO 1014 LOTS 1011 TO 1014 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1011 302), 30J1015 LOTS 1015 TO 1020 WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1015 304), and 30J1021-1023 LOTS 1021 TO 1023 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1021 302). The City has had a Request for Proposals to purchase this property for Land Development. Zimcube, Inc. is a Real Estate Investment Company specializing in modular-style homes in the State of Michigan. They are looking to provide cost efficient, modern and durable homes for future homeowners/renters as well as commercial spaces for the City of Inkster.

SCOPE OF SERVICES

Preparation and execution of purchase agreement, quit claim deed, property transfer affidavit, and recording the deed. It is highly recommended by the Planning Division that the applicant complete a title search of the property.

JUSTIFICATION

These parcels are residential lots, located in the R1-B, One Family Residential Zone and are in need of Land Development.

PROJECT OR IMPROVEMENT TASK

1. Develop a plan to address the City's current debt and legacy costs.
2. Improve and promote the image of Inkster.

COST

The applicant put in a deposit of \$300.00, and is offering a total purchase price of \$28,650.00.

RESOLUTION

Authorization is hereby given for the sale of three (3) vacant residential lots which are located on the east side of Bayhan between Trowbridge St. and Carlyle Ave. and are legally described as 30J 1011 TO 1014 LOTS 1011 TO 1014 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1011 302), 30J1015 LOTS 1015 TO 1020 WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1015 304), and 30J1021-1023 LOTS 1021 TO 1023 INCL WESTWOOD SUB OF VAN ALSTINE FARM T2S R10E L40 P29, 30 WCR (Property I.D. 44 022 01 1021 302), also known as Vacant Lots Bayhan, in the amount of \$28,650.00 to Zimcube, Inc./Guasia Jones, subject to the following conditions:

Complete closing on the property within thirty (30) days by paying the balance of the price of the sale (\$28,350.00), paying the cost of recording the deed (\$54.00), entering into a purchase agreement and executing a property transfer affidavit.

Finally, it is highly recommended that the applicant complete a title search of the property.

Resolved by _____

Seconded by _____

Yes:

No:

Absent:



CITY OF INKSTER

26215 Trowbridge St.
Inkster, MI 48141
www.cityofinkster.com

REQUEST FOR PROPOSALS LAND DEVELOPMENT

PROJECT SCOPE & TIMELINE:

The City of Inkster is soliciting proposals from qualified developers to develop ten (10) units within the city on the following parcels: 44-022-01-1011-302, 44-022-01-1015-304, and 44-022-01-1021-302. Combined 2.5 acres, and 109,270 square feet. Units will be built in the R1-B zone, and should conform with the City of Inkster Master Plan, and the City of Inkster Residential Target Market Analysis.

The City is requesting formal proposals to develop single family residential units.

The selected applicant will be expected to enter into a Developer Agreement with the City of Inkster. The development expectations will align with the below proposal requirements.

Sale of land will be \$28,650, for the accepted proposal.

CITY CONTACT:

Dennis Black – Interim Special Projects Director
313-768-6071
dblack@cityofinkster.com

PROPOSAL SUBMITTAL DEADLINE & PROCESS:

We encourage drive-by visits of the property.

If you would like to schedule a meeting please send email to dblack@cityofinkster.com.

An electronic copy of the proposal must be received via email at dblack@cityofinkster.com. Proposals will be reviewed by an evaluation committee from various City departments and final approval will be given by City Council. Applications will be accepted until Friday, August 28th, 2020 by 5pm via email ONLY.

SCOPE OF SERVICES REQUESTED:

Development of the following buildable lots: 44-022-01-1011-302, 44-022-01-1015-304, and 44-022-01-1021-302

SELECTION CRITERIA:

1. Experience as related to land development.
2. Documented prior experience in handling project(s) of similar size and scope;
3. Meets qualifications set forth in this RFP.



PROPOSAL REQUIREMENTS:

1. Firm name, address, primary contact person, telephone and e-mail contact information. Name and address of all vendor parties.
2. Describe restoration schedule and timeframe.
3. Provide estimate of rehabilitation expectation of expenses.
4. Provide history of commercial restoration
5. Describe the specific role the applicant will perform regarding the project. Joint ventures designed to provide an overall "team" approach are encouraged but any such partner(s) and their role need to be identified and described. The specific party in a joint venture who is responsible for this proposal must be identified.
6. Statement of any known conflicts of interest by members of the project team with the City, its officials and professional staff.

STANDARD TERMS AND CONDITIONS:

To enhance the City's understanding of the Proposals received and to allow reasonable interpretation of the Proposals, the City may request that the applicant submit explanation, substantiation or clarification of certain aspects of the submitted proposal. The City may request and allow applicants the opportunity to eliminate minor irregularities, informalities, or apparent clerical mistakes in submittal.

Proposals submitted are offers only, and the decision to accept or reject is a function of quality, reliability, capability, reputation, and expertise of the firms/individuals submitting proposals. Issuance of this RFP does not obligate the City to pay any costs incurred by a respondent in its submission of a proposal or making any necessary studies or designs for the preparation of that proposal, or for procuring or contracting for the services to be furnished under this RFP. The City reserves the right to accept the proposal that is, in its judgment, the best and most favorable to the interests of the City and to the public; to reject the proposal with the lowest consultant fee; to accept any item of any proposal; to reject any and all proposals; and to waive irregularities and informalities in any proposal submitted or in the RFP process; provided, however, that the waiver of any prior defect or informality shall not be considered a waiver of any future or similar defect or informality. Firms should not rely upon, or anticipate, such waivers in submitting their proposal. The City Council has the ultimate authority to approve any proposal and to authorize execution of the Agreement.

1

My Big Walk In Closet, corp

19926 Roselawn st.

Detroit, MI 48221

Contact info:

Zimcube Inc. / My Big Walk in Closet Corp mybigwalkincloset@gmail.com

(347) 833-8851

INKSTER CONTAINER HOME PROPOSAL

October 2020



C

Overview

Zimcube Inc/My Big Walk in Closet corp is a real estate investment company specializing in modular style homes in the state of Michigan (and expanding). We see an opportunity for a great partnership to develop the City of Inkster and provide cost efficient, modern and durable homes for future homeowners/renters as well as commercial spaces for the community.

We are currently building 12-16 modular homes in the Warren and Detroit areas of Michigan with a prospective completion date of April 2021. These homes will be similar to the homes that we will build in Inkster. We also plan to build modular commercial spaces for schools, restaurants and large chain grocery stores, department stores and etc.

Zimcube inc. is an all around entity that helps homeowners achieve the American dream through modular living. We have programs for potential residents to rent to own and lease to own; credit restoration programs; first time homeowner classes and we also offer military discounts.

Our product is affordable, durable and modern and will help give Inkster an updated and more modern look. Following this project, many areas of Inkster will be a world-class urban city with secure, attractive residential and commercial neighborhoods.

DEVELOPMENTAL PLANS:

1. **Obtain Several Lots in the City of Detroit:** We have requested to purchase 3 parcels on on Bayhan St in which we will build about 10-15 single family container town homes. Parcel #s- 44022011015304 , 44022011021302, 44022011011302
2. **Bulld sustainable single/multi family homes :** We plan on building a row of multifamily homes/condos within this specific areas of Inkster. Each unit will be about 1,500 sqft and have atleast 2-4 bedrooms and 1 bath. We will build a variety of 3-5 bed and 2 bath homes as well. An example is pictured below.



Proposed Scope

1. **Residential - Traditional neighborhood development , including compact residential and mixed use commercial.**
2. **Recreation - we plan to offer commercial space for recreational activities such as parks, community centers, and open fields for sporting events.**
3. **Retail - Container commercial spaces can offer space for restaurants, shopping centers, small business spaces and department stores.**

Building Cost : The average container home will cost about \$50,000-80,000 to build from excavation to vertical build, depending on the finishes. We plan on building the first few homes on the Bayhan street lots and hope to extend the build to other areas of Inkster. The projected build time is 6-8 weeks for each house and we see a completion date of December 2021 to finish both lots. We will sell each unit for \$175,000

Financing: We have crowdfunded over \$190,000 to purchase our base containers, lots and materials. Here below if our proof of funds.

BANK OF AMERICA

1001
 1001

MY BIG WALKIN CLOSET
 CORP.
 8611 GLENWOOD AVENUE
 BROOKLYN NY 11238

Business Advantage

Customer service information

1-800-832-8888

bankofamerica.com

Bank of America, N.A.
 P.O. Box 27116
 Tampa, FL 33627-5116

Your Business Fundamentals Checking

for August 1, 2020 to August 31, 2020

Account number: 3750 1796 0800

MY BIG WALKIN CLOSET CORP.

Account summary

Beginning balance on August 1, 2020	\$178,301.87	# of deposits/credits: 53
Deposits and other credits	\$7,035.80	% of withdrawals/credits: 5%
Withdrawals and other debits	-\$2,313.06	# of days in cycle: 31
Checks	-0.00	Average ledger balance: \$184,023.78
Service fees	-\$2.70	Year-to-date checks, deposits, and other debits
Ending balance on August 31, 2020	\$183,025.61	



Your Digital Tip

Need bills and coins? Get the latest app update.

Use the new features provided using our Mobile Banking app for the latest updates and more. Your account information is secure. A full review is available. Download the app today. It's free. Visit bankofamerica.com/GoMobile

Invoice Number	789654321
Invoice Date	2023-10-27
Payment Terms	Net 30 Days
Invoice Amount	\$1,234.56
Created By	J.Doe@ABC.com

Billing Address
Trinity
751-235-7555
On-line N/A

Shipping Address
2.051.0 Tivoli, f; n,

[illegible]

Above is the invoice we created for a few single/multifamily family homes.

Once each home is completed we will be selling them or renting them out and refinancing them.

P176

Our team has about 20 years of real estate construction, development and investing experience. We currently own a total of 10 properties in the Detroit area as well as Gary, Indiana.

Our architect : The architect that we will be using for this project is David Allen of D'Anna Associates located at 26520 Grandriver suite 101 Redford, MI 48240