

S U M M A R Y

AN ORDINANCE to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' by adding Secs. 61-2-152, 61-2-153, 61-2-154, 61-2-155, 61-2-156, 61-3-355, 61-3-356, 61-3-357 and 61-14-58.75 and amending Secs. 61-2-71, 61-3-351, 61-3-352, 61-3-353, 61-3-354, 61-9-44, 61-9-84, 61-9-104, 61-9-124, 61-10-24, 61-10-44, 61-10-64, 61-10-84, 61-10-104, 61-11-194, 61-11-304, 61-11-316, 61-12-79, 61-12-80, 61-12-92, 61-12-95, 61-12-96, 61-12-343, 61-12-443, 61-14-58.5, 61-16-131, 61-16-132, and Appendix A, Division 13: to create the medical marihuana facility review committee, to add medical marihuana provisioning centers as a conditional use in B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts outside of Gateway Radial Thoroughfare and Traditional Main Street overlay areas; to prohibit medical marihuana provisioning centers, processors, growers and secure transporters within drug-free zones; to discontinue accepting new applications for medical marihuana caregiver centers as of the effective date; to add medical marihuana growers as a conditional use in M1, M2, M3, M4, and M5; to add medical marihuana processors as a conditional use in B6, M1, and M2, M3, M4 and M5; to add medical marihuana safety compliance facilities as a conditional use in B4, B5, and B6, M1, M2, M3, M4 and M5; to add medical marihuana secure transporter facilities as a conditional use in B6, M1 M2, M3, M4 and M5; to add use regulations for medical marihuana facilities; to add definitions related to medical marihuana; and to provide certain non-substantive corrections.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE** to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' by adding
3 Secs. 61-2-152, 61-2-153, 61-2-154, 61-2-155, 61-2-156, 61-3-355, 61-3-356, 61-3-357 and 61-
4 14-58.75 and amending Secs. 61-2-71, 61-3-351, 61-3-352, 61-3-353, 61-3-354, 61-9-44, 61-9-
5 84, 61-9-104, 61-9-124, 61-10-24, 61-10-44, 61-10-64, 61-10-84, 61-10-104, 61-11-194, 61-11-
6 304, 61-11-316, 61-12-79, 61-12-80, 61-12-92, 61-12-95, 61-12-96, 61-12-343, 61-12-443, 61-
7 14-58.5, 61-16-131, 61-16-132, and Appendix A, Division 13: to create the medical marihuana
8 facility review committee, to add medical marihuana provisioning centers as a conditional use in
9 B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts outside of Gateway Radial
10 Thoroughfare and Traditional Main Street overlay areas; to prohibit medical marihuana
11 provisioning centers, processors, growers and secure transporter facilities within drug-free zones;
12 to discontinue accepting new applications for medical marihuana caregiver centers as of the
13 effective date; to add medical marihuana growers as a conditional use in M1, M2, M3, M4, and
14 M5; to add medical marihuana processors as a conditional use in B6, M1, and M2, M3, M4 and
15 M5; to add medical marihuana safety compliance facilities as a conditional use in B4, B5, and B6,
16 M1, M2, M3, M4 and M5; to add medical marihuana secure transporter facilities as a conditional
17 use in B6, M1 M2, M3, M4 and M5; to add use regulations for medical marihuana facilities; to
18 add definitions related to medical marihuana; and to provide certain non-substantive corrections.

19 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

20 **THAT:**

21 **Section 1.** Chapter 61 of the 1984 Detroit City Code, "Zoning," commonly known as the
22 Detroit Zoning Ordinance, is amended by adding Secs. 61-2-152, 61-2-153, 61-2-154, 61-2-155,
23 61-2-156, 61-3-355, 61-3-356, 61-3-357 and 61-14-58.75 and amending Secs. 61-2-71, 61-3-351,

1 61-3-352, 61-3-353, 61-3-354, 61-9-44, 61-9-84, 61-9-104, 61-9-124, 61-10-24, 61-10-44, 61-10-
 2 64, 61-10-84, 61-10-104, 61-11-194, 61-11-304, 61-11-316, 61-12-79, 61-12-80, 61-12-92, 61-
 3 12-95, 61-12-96, 61-12-343, 61-12-443, 61-14-58.5, 61-16-131, 61-16-132, and Appendix A,
 4 Division 13 as follows:

CHAPTER 61. ZONING.

ARTICLE II. REVIEW AND DECISION-MAKING BODIES

DIVISION 7. ADVISORY REVIEW COMMITTEES

Subdivision A. In General

Sec. 61-2-71. Advisory group structure

10 The chairpersons and membership rosters of certain advisory committees are summarized in
 11 Table 61-2-71.

Table 61-2-71. Advisory MMFRC structure.		
Advisory MMFRC	Chair-person	Members
<u>Floodplain Management Review</u>	<u>DEA</u>	<u>CPC; DEA; DPW; DWSD; PDD.</u>
<u>Hazardous Waste Facility Review</u>	<u>DEA</u>	<u>BSEED; CPC; DEA; DHD/EH; DPW/TE; DWSD; Fire; PDD; WCDoE; Representative of the hazardous waste industry, either a management facility operator or waste generator; Two representatives appointed by City Council.</u>
<u>Industrial Review</u>	<u>DEA</u>	<u>CPC; DEA; DWSD; Fire; GDRRA; DHD/EH; DPW/SW; P&DD; WCDoE.</u>
<u>Loft Review</u>	<u>P&DD</u>	<u>CPC; DEA; DHD/EH; DHD/LP; Fire; P&DD; WCDoE.</u>
<u>Hazardous Waste Facility Review</u>	<u>DEA</u>	<u>B&SE BSEED; CPC; DEA; DHD/EH; DPW/TE; DWSD; Fire; P&DD; WCDoE; Representative of the hazardous waste industry, either a management facility operator or waste generator; Two representatives appointed by City Council.</u>

<u>Medical Marihuana Facility Review</u>	<u>Law</u>	<u>Assessor, BSEED, CPC, DHD, DPD, Law, PDD</u>
Solid Waste Facility Review	DEA <u>DPW</u>	ARTICLE II. CPC; DEA; DHD/EH; DPW/SW; Fire; Pⅅ WCDoE; two <i>ad hoc</i> members.
Floodplain Management Review	DEA	CPC; DEA; DPW; DWSD; P&DD.
Wireless Telecommunications Site Review	Mayor's Office	B&SE <u>B&SE</u> BSEED; ITS; Law; P&DD, DPD; PLD; DPW; DOT; DWSD; CPC.

1
2 NOTE: ~~B&SE~~B&SEBSEED = Buildings, and Safety Engineering, and Environmental Department; CPC = City
3 Planning Commission; ~~DEA~~ = ~~Department~~ BSEED Division of Environmental Affairs; DHD = Detroit
4 Health and Wellness Promotion Department (~~DHD/EH~~ = Environmental Health Services Bureau;
5 ~~DHD/LP~~ = Lead poisoning control program); DOT = Department of Transportation; DPD = Detroit
6 Police Department; DPW = Department of Public Works (SW = Solid Waste Division, TE = Traffic
7 Engineering Division); DWSD = Detroit Water & Sewerage Department; Fire = Fire Marshall; GDRRA =
8 Greater Detroit Resource Recovery Authority; ITS = Information Technology Services; P&DD = Planning
9 and Development Department; PLD = Public Lighting Department; WCDoE = County of Wayne
10 Department of Environment.
11

12 **Subdivision J. Medical Marihuana Facility Review Committee**

13 **Sec. 61-2-152. Creation.**

14 There is hereby established a Medical Marihuana Facility Review Committee (“MMFRC”),
15 which shall perform its duties and exercise its powers as provided for in Sec. 61-2-152 through 61-2-
16 157 of this Code.

17 **Sec. 61-2-153. Personnel.**

18 The MMFRC shall consist of a staff member who is assigned from each of the departments
19 and agencies that are delineated in this section. The directors of the respective departments and the
20 heads of the respective agencies shall appoint a qualified representative to serve on the MMFRC, and
21 shall also appoint a qualified alternate representative who shall serve in the absence of the
22 representative:

23 (a) Assessor

1 (b) BSEED

2 (c) CPC

3 (d) DHD;

4 (e) DPD

5 (f) Law Department;

6 (g) PDD

7 (h) Other such departments or agencies, as deemed from time to time, by the chairperson as
8 appropriate to advise on a particular application.

9 **Sec. 61-2-154. Officers.**

10 The representative from the Law Department shall serve as chairperson of the MMFRC, and
11 shall designate a person to serve as secretary to keep minutes of MMFRC meetings and other relevant
12 records. The secretary is not required to be a MMFRC member.

13 **Sec. 61-2-155. Duties and functions.**

14 (a) The MMFRC shall serve in an advisory capacity to the Buildings, Safety Engineering and
15 Environmental Department (“BSEED”) and the Board of Zoning Appeals (“BZA”) by
16 reviewing and making recommendations, on behalf of each committee member’s respective
17 department, regarding the advisability of permitting the medical marihuana facilities listed in
18 this subsection below and as defined at Sec. 61-16-131. The MMFRC shall evaluate all
19 applicable regulations that apply to the establishment or operation of the following medical
20 marihuana facilities, and shall review and make recommendations on applications of this
21 type to BSEED and the BZA:

22 (1) Grower Facility

23 (2) Processor Facility

1 (3) Provisioning Center Facility

2 (4) Safety Compliance Facility

3 (5) Secure Transporter Facility

4 (b) The MMFRC shall review and investigate the following:

5 (1) A site plan in compliance with ARTICLE III, DIVISION 5 of this Chapter;

6 (2) A floor plan drawn to scale of the proposed facility interior;

7 (3) A comprehensive business plan detailing:

8 A. Operations

9 B. Security

10 C. Testing

11 D. Nuisance mitigation such as noise, vibration, smoke, odor, noxious gas, dust,
12 dirt, glare, heat, or other discharge or emission that may be harmful to adjacent
13 or surrounding land uses

14 E. Waste handling and disposal

15 F. Community relations

16 G. Recruitment and training of employees

17 H. Number of Detroit residents employed, or intended to be employed

18 (4) Property ownership information, specifically a deed. If the applicant intending to
19 operate the proposed medical marihuana facility is not the property owner, the
20 applicant must provide a notarized letter from the owner indicating consent to use the
21 subject property as a medical marihuana facility, and a deed;

- 1 (5) Business ownership information including the names and residential addresses of each
2 individual, member, shareholder, officer, director or partner that makes up the
3 ownership entity;
- 4 (6) City of Detroit income tax returns for the preceding three tax years for each natural
5 person that is part of the ownership entity, and corporate tax returns if applicable;
- 6 (7) Property tax clearance for the proposed location;
- 7 (8) Financial documentation demonstrating resources sufficient to meet the capitalization
8 requirement required for the facility by the State of Michigan pursuant to the MMFLA;
- 9 (9) Police Department history of the location and each natural person that is part of the
10 ownership entity;
- 11 (10) Estimated use of public services, electricity, sewage and water;
- 12 (11) The types of materials, substances, chemicals, machinery and equipment that will be
13 used by the facility;
- 14 (12) The proposed development's potential for impeding the normal and orderly
15 development of the surrounding property for uses that are permitted in the district,
16 and its potential to endanger the social, physical, or economic well-being of the area;
- 17 (13) The community benefits the applicant intends to provide, if any, defined for the
18 purpose of this section as any tangible service or investment that benefits the
19 surrounding neighborhood or the City in general;
- 20 (14) Any other document reasonably related to the application that may be requested by or
21 submitted to the MMFRC, including from the public at large.

1 **Sec. 61-2-156. Meetings, records, and procedures.**

2 (a) The MMFRC shall meet at the call of the chairperson so as to act satisfactorily upon all matters
3 properly coming before it. At the chairperson's direction, the MMFRC may consider
4 proposed uses individually or in a committee meeting.

5 (b) After review, which may include a site visit, each MMFRC member must communicate his or
6 her findings and recommendations to the chairperson in writing, which may be electronic,
7 who shall keep records of all such findings and recommendations. Each member shall
8 consider only those aspects that are relevant for the proposed use and relate to his or her
9 department's area of special competence, and may recommend conditions.

10 (c) Within sixty (60) days of receipt of the complete application packet, the chairperson shall
11 formulate a recommendation on behalf of the MMFRC and shall submit said reports together
12 with its recommendation to BSEED or the BZA as applicable. A recommendation of
13 approval must have the unanimous support of all MMFRC members. A recommendation of
14 denial must contain the specific reason or reasons for the denial. The MMFRC may request
15 additional time to review an application, and the lack of a recommendation from the MMFRC
16 shall be considered neither support nor opposition for the application

17 (d) The MMFRC shall recommend denial, approval, or approval with conditions on all
18 applications. When recommending approval for any use specified in Sec. 61-2-155(a) of this
19 Code, the MMFRC shall stipulate the following as a condition of approval: "That all applicable
20 licenses and/or permits that are required by other agencies and jurisdictions be obtained and
21 maintained as a condition of holding a permit from the Buildings, Safety Engineering and
22 Environmental Department."

1
2 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES**

3 **DIVISION 12. MEDICAL MARIHUANA CAREGIVER CENTERS AND**

4 **MEDICAL MARIHUANA FACILITIES**

5 **Sec. 61-3-351. Purpose; in general.**

6 (a) The purpose of this Division is to establish standards and procedures for the review and
7 approval of the City of Detroit in permitting the land use ~~category~~ categories of medical
8 marihuana caregiver centers and medical marihuana facilities and to prevent an over
9 concentration of like uses to allow for the diversification of commercial and retail offerings
10 along major and secondary corridors in order to:

11 (1) Serve and protect the health, safety and welfare of the general public through
12 reasonable limitations on land use as it relates to traffic, noise, light, air and water
13 quality, neighborhood and patient safety, security, and other health and safety
14 concerns;

15 (2) Regulate land used in the operation of activities authorized by the Michigan Medical
16 Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, and the Michigan
17 Medical Marijuana Facilities Licensing Act, being Public Act 281 of 2016, MCL
18 333.27101, *et seq.*;

19 (3) Establish land use restrictions that are fair and equitable for those interested in
20 establishing medical marihuana caregiver centers or medical marihuana facilities while
21 protecting adjacent properties from potential adverse effects;

1 (4) Provide reasonable regulation of land use pursuant to the city's general ~~police~~ zoning
2 power granted to cities by the Michigan Constitution of 1963 and the Home Rule City
3 Act, MCL 117.1 *et seq.*, as amended and the Michigan Zoning Enabling Act, MCL
4 125.3101 *et seq.*, as amended;

5 (b) Nothing in this division, or in any companion regulatory provisions adopted in any other
6 section of this Code is intended to prohibit, nor shall it be construed as prohibiting access to
7 health care or medical marihuana by registered medical marihuana patients;

8 (c) Nothing in this division, or in any companion regulatory provisions adopted in any other
9 provision of this Code, is intended to grant, nor shall it be construed as granting immunity
10 from criminal prosecution for:

11 (1) Cultivation, sale, consumption, use, distribution, manufacture or possession of
12 marihuana in any form not in compliance with the Michigan Medical Marihuana Act,
13 Initiated Law 1 of 2008, MCL 333.26421, *et seq* or the Michigan Medical Marijuana
14 Facilities Licensing Act, being Public Act 281 of 2016, MCL 333.27101 *et seq.*; or

15 (2) Any criminal prosecution under federal laws including seizure of property under the
16 Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*

17 **Sec. 61-3-352. Medical Marihuana Caregiver Centers and medical marihuana
18 facilities subject to this division.**

19 This Division applies to all medical marihuana caregiver centers and medical marihuana
20 facilities as defined in Sec. 61-16-1312 of this Code.

21 **Sec. 61-3-353. Definitions; meaning of terms.**

22 *Cultivation* or *cultivate* means (i) all phases of growth of marihuana from seed to harvest; or (ii)
23 preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.

1 *Drug-free zone*, as established in Sec. 38-11-42 of this Code and as defined for this Chapter, means
2 an area that is within one thousand (1,000) radial feet of the zoning lot of a(n):

- 3 ~~1. arcade, as defined in Sec. 61-16-33 of this Code;~~
- 4 2. child care center, as defined in Sec. 61-16-52 of this Code;
- 5 3. educational institution, as defined in Sec. 61-16-71 of this Code ;
- 6 4. library, as defined in Sec. 61-16-123 of this Code;
- 7 5. outdoor recreation facility, as defined in Sec. 61-16-144 of this Code and identified in
8 the City of Detroit 2017 Recreation Master Plan;
- 9 6. school, as defined in Sec. 61-16-171 of this Code;
- 10 7. youth activity center as defined in Sec. 61-16-212 of this Code;
- 11 8. public housing as defined in 42 USC 1437a(b)(1).

12 *Grower facility* means a location where a grower licensee that is a commercial entity located in this
13 state cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning
14 center.

15 *Licensee* means a person holding a state operating license and a city business license to operate a
16 medical marihuana facility.

17 *Medical marihuana* means any marihuana intended for medical use that meets all requirements for
18 medical marihuana contained in this Chapter, the ~~Michigan Medical Marihuana Act~~, MMMA,
19 MMFLA, and any other applicable law. This does not include ~~butane hash oil or~~ marihuana in any
20 form inconsistent with the definition of usable marihuana under the Act.

21 *Medical marihuana caregiver center* means a ~~medical marihuana business operated by a registered~~
22 ~~primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to registered~~
23 ~~qualifying patients as defined by the Act, or performs other activities pertaining to medical marihuana~~
24 ~~authorized by the Act~~ location operated or used by a primary caregiver to assist a qualifying patient

1 connected to the caregiver through the State of Michigan’s formal registration process in accordance
2 with the MMMA.

3 *Medical marihuana facility* means a location where a licensee operates one of the following
4 commercial entities located in this state and authorized by the MMFLA: grower, processor,
5 provisioning center, secure transporter, and safety compliance facility. A non-commercial location
6 used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State
7 of Michigan’s formal registration process in accordance with the MMMA is not a medical marihuana
8 facility.

9 *Michigan Medical Marihuana Facilities Licensing Act* or “*the MMFLA*” means Public Act 281 of 2016,
10 MCL 333.27101, *et seq*

11 *Michigan Medical Marihuana Act* or “*the MMMA*” means Initiated Law 1 of 2008, MCL 333.26421,
12 *et seq.*

13 *Processor facility* means a location where a processor licensee that is a commercial entity located in
14 this state purchases marihuana from a grower, extracts resin from the marihuana or creates a
15 marihuana-infused product for sale and transfer in packaged form to a provisioning center.

16 *Michigan Medical Marihuana Act* or “*the Act*” means Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

17 *Provisioning center facility* means a location where a provisioning center licensee that is a commercial
18 entity located in this state purchases marihuana from a grower or processor and sells, supplies or
19 provides marihuana to registered qualifying patients, directly or through the patients’ registered
20 primary caregivers. Provisioning center includes any commercial property where marihuana is sold at
21 retail to registered qualifying patients or registered primary caregivers. A non-commercial location
22 used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State
23 of Michigan’s formal registration process in accordance with the MMMA is not a provisioning center.

1 Safety compliance facility means a location where a safety compliance facility licensee that is a
2 commercial entity located in this state receives marihuana from a medical marihuana facility or
3 registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other
4 cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

5 Secure transporter facility means a location where a secure transporter licensee that is a commercial
6 entity located in this state stores marihuana, and from where it transports marihuana between
7 marihuana facilities for a fee.

8 **Sec. 61-3-354. Conditional Uses; Procedures; Waivers; Public Nuisance**
9 **Medical marihuana caregiver center procedures.**

10 (a) ~~Medical marihuana caregiver centers are permitted on a conditional basis in the B2, B4, M1,~~
11 ~~M2, M3, and M4 zoning districts, subject to the provisions of this Division, the conditional land use~~
12 ~~requirements of this Article, and the use regulations of Sec. 61-12-343 of this Code.~~ Applications for
13 medical marihuana caregiver centers will not be accepted after the effective date of this ordinance,
14 and:

15 (a) Any application for a medical marihuana caregiver center received by the Buildings, Safety
16 Engineering and Environmental Department on or before the effective date of this
17 ordinance, may be converted to one for a medical marihuana provisioning center facility,
18 without additional fee, subject to applicable zoning and any additional regulations set forth
19 for medical marihuana facilities in this Code, as amended, by the applicant submitting an
20 amended application on a form to be provided by the Department. Where an applicant has
21 not submitted an application to convert its application for a caregiver center to an
22 application for a provisioning center facility within forty-five (45) days of the effective date
23 of this ordinance, the application for the caregiver center shall be dismissed; and

1 (b) Legally established medical marihuana caregiver centers with a building permit or certificate
2 of occupancy on the effective date of this ordinance will become lawful nonconforming uses
3 on the effective date of this ordinance, and may convert to a provisioning center facility,
4 without consideration by the MMFRC, by submitting a change of use application, subject to
5 any additional regulations set forth for provisioning center facilities in this Code, as
6 amended; and

7 (c) Legally established medical marihuana caregiver centers that have pending or approved
8 applications for a provisioning center license from the State of Michigan must submit a
9 change of use application within thirty (30) days of the effective date of this ordinance;

10 (d) Legally established medical marihuana caregiver centers with a building permit or certificate
11 of occupancy on the effective date of this ordinance may convert to a medical marihuana
12 facility other than a provisioning center facility by submitting an application for a medical
13 marihuana facility, subject to applicable zoning and any additional regulations set forth for
14 medical marihuana facilities in this Code, as amended.

15 **Sec. 61-3-355 Permitted districts for medical marihuana facilities; Conditional**
16 **use; Restrictions**

17 (a) Medical marihuana facilities may be permitted on a conditional basis in the following zoning
18 districts in accordance with this Article, subject to the provisions of this Division and any
19 other applicable provisions of this Code, and all applicable state of Michigan requirements:

20 (1) Grower facilities may be permitted on a conditional basis in the M1, M2, M3, M4,
21 and M5 zoning districts;

22 (2) Processor facilities may be permitted on a conditional basis in the B6, M1, M2, M3,
23 M4, and M5 zoning districts;

1 ~~(3) A total of seventy-five (75) provisioning center facilities and MMCCs citywide may~~
2 ~~be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2~~
3 ~~zoning districts;~~

4 ~~(4) Safety compliance facilities may be permitted on a conditional basis in the B2, B4,~~
5 ~~B5, B6, M1, M2, M3, M4, M5 and SD2 zoning districts;~~

6 ~~(5) Secure transporter facilities may be permitted on a conditional basis in the B5, B6,~~
7 ~~M1, M2, M3, M4, and M5 zoning districts;~~

8 ~~(b) The Buildings, Safety Engineering, and Environmental Department shall not approve any~~
9 ~~request under this Chapter for a A medical marihuana caregiver center or provisioning~~
10 ~~center may not:~~

11 ~~(1) where be located in a drug-free zone, as defined in Sec. 61-3-353 of this Code, or~~
12 ~~where located within a Gateway Radial Thoroughfare overlay area or Traditional~~
13 ~~Main Street overlay area, (as provided in Article XI, Division 14 of this Chapter); or~~

14 ~~(2) where be located on a zoning lot in a B2, B4, B6, M1, M2, M3, or M4 zoning district~~
15 ~~less than:~~

16 ~~(A) One thousand (1,000) radial feet from any zoning lot occupied by any religious~~
17 ~~institution identified as exempt by the City Assessor; and or~~

18 ~~(B) One thousand (1,000) radial feet from any zoning lot with an unexpired~~
19 ~~conditional land use approval, building permit or certificate of occupancy for~~
20 ~~a occupied by another medical marihuana caregiver center or medical~~
21 ~~marihuana provisioning center facility; except that on land zoned M1, M2, M3,~~
22 ~~M4 or M5 farther than one hundred-fifty (150) feet from land zoned residential~~

1 or residential PD, the spacing requirement between medical marihuana
2 caregiver centers and/or medical marihuana provisioning center facilities shall
3 not apply; or

4 (C) One thousand (1,000) radial feet from any zoning lot occupied by a Controlled
5 Use, ~~(other than arcade).~~

6
7 (ec) A medical marihuana grower facility, medical marihuana processor facility, or medical
8 marihuana secure transporter may not be located in a drug-free zone, as defined in Sec. 61-3-
9 353 of this Code, or within a Traditional Main Street overlay area, as provided in Article XI,
10 Division 14 of this Chapter.

11 ~~(de) The applicant shall submit such documentation as requested by the Buildings, Safety~~
12 ~~Engineering and Environmental Department in order for the department to determine~~
13 ~~consistency or non-consistency with the locational specifications of subsections (bc) and (d)~~
14 ~~of this section. Determination of whether the permit application is complete shall be made in~~
15 ~~accordance with Sec. 61-3-5 of this Code.~~

16 (ed) The locational specifications ~~related to drug-free zones~~ of subsections (b)(1), (b)(2) and (c) of
17 this section may not be waived or modified by the Buildings, Safety Engineering and
18 Environmental Department, nor the Board of Zoning Appeals. Applications that are not
19 consistent with the locational specifications of subsections (b)(1), (b)(2) and (c) of this section,
20 which may be confirmed by the City Engineer, shall be considered ineligible for further
21 processing and shall be ~~dismissed~~ denied.

22 ~~(g) The locational specifications of subsection (c)(2) of this section may be modified by the~~
23 ~~Buildings, Safety Engineering and Environmental Department, subject to the approval criteria~~
24 ~~of Sec. 61-4-81 of this Code to be considered at the conditional land use hearing, provided the~~

1 ~~modification does not diminish the spacing requirement by more than ten percent (10%).~~
2 Requests for modification of the locational specifications of subsection (bc)(2) of this section
3 ~~that are denied by the Buildings, Safety Engineering and Environmental Department or that~~
4 ~~will diminish the spacing requirement by more than ten percent (10%) may be approved by~~
5 ~~the Board of Zoning Appeals in accordance with Sec. 61-4-89 and Sec. 61-3-219 of this Code.~~

6 ~~(f) The Buildings, Safety Engineering and Environmental Department shall schedule the~~
7 ~~conditional land use hearing required by this Article within thirty (30) days of site plan~~
8 ~~approval.~~

9 **Sec. 61-3-356. Medical marihuana facility procedures.**

10 (a) An applicant for a medical marihuana facility shall submit an application online through the
11 City's application portal. The application shall include the documents set forth in Section 61-
12 2-155(b) as attachments;

13 (b) Upon receipt of an application package, BSEED shall determine whether the proposed
14 location meets the locational specifications of Sec. 61-3-355. If it does not, the application
15 will be denied;

16 (c) Upon a determination that the proposed location meets the locational specifications of Sec.
17 61-3-355, BSEED will transfer the application package to the Medical Marihuana Facility
18 Review Committee ("MMFRC") in accordance with ARTICLE II, DIVISION 7, Subdivision
19 J of this Chapter;

20 (d) The MMFRC will consider the application in accordance with the provisions of ARTICLE II,
21 DIVISION 7, Subdivision J of this Chapter and make a recommendation to BSEED;

1 (e) Upon receipt of a recommendation from the MMFRC, site plan review will be conducted in
2 accordance with ARTICLE III, DIVISION 5 of this Chapter;

3 (f) Once the applicant's site plan is approved, a conditional land use hearing will be scheduled by
4 BSEED in accordance with ARTICLE III, DIVISION 7 of this Chapter.

5 **Sec. 61-3-357. Accessory Uses; Public Nuisance.**

6 ~~(ea)~~ Medical marihuana caregiver centers and medical marihuana facilities are not permitted as
7 accessory uses, nor may they include accessory uses; however, provisioning centers, growers
8 and processors may co-locate on the same premises, subject to the other applicable
9 regulations of this Code. The applicant may submit a joint application for any combination
10 of the three uses, but each shall be considered a separate principal use and each shall require
11 separate approval under this Code.

12 ~~(hb)~~ Any premises, building, or other structure in which a medical marihuana caregiver center or
13 medical marihuana facility is regularly operated or maintained in violation of the standards
14 included and incorporated in this Code shall constitute a public nuisance and shall be subject
15 to civil abatement proceedings initiated by the City of Detroit in a court of competent
16 jurisdiction, in addition to the penalties authorized by this Chapter. Any premises, building,
17 or other structure declared by the court to be a public nuisance shall be closed and the property
18 owner assessed the costs of abatement. Each day that a violation is permitted to exist or occur
19 on the premises shall constitute a separate occurrence or maintenance of the violation.

20 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

21 **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**
22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Sec. 61-9-44. Conditional other uses.

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Medical marihuana ~~caregiver provisioning centers~~ facility as provided for in ARTICLE III, DIVISION 12 of this Chapter, except such use shall not be permitted in any Traditional Main Street overlay area or on any zoning lot abutting a Gateway Radial Thoroughfare
- ~~(3) Medical marihuana safety compliance facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- (4) Signs as provided for in ARTICLE VI of this Chapter.

DIVISION 5. B4 GENERAL BUSINESS DISTRICT

Sec. 61-9-84. Conditional other uses.

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G. of this Chapter.
- (2) Aquaculture as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this Chapter
- (3) Aquaponics as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this Chapter
- (4) Hydroponics as provided for in ARTICLE VI of this Chapter
- ~~(5) Medical marihuana caregiver centers provisioning center facility,~~ as provided for in ARTICLE III, DIVISION 12 of this Chapter, except such use shall not be permitted in any Gateway Radial Thoroughfare or Traditional Main Street overlay area.
- ~~(6) Medical marijuana safety compliance facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~

1 (57) Signs as provided for in ARTICLE VI of this Chapter.

2

3 (68) Telecommunications building, private

4

5

6 **DIVISION 6. B5 MAJOR BUSINESS DISTRICT**

7

8 **Sec. 61-9-104. Conditional other uses.**

9

10 (1) Aquaculture as provided for in ARTICLE XII.DIVISION 3, Subdivision H of
11 this Chapter

12 (2) Aquaponics as provided for in ARTICLE XII.DIVISION 3, Subdivision H of this
13 Chapter

14 (3) Farmers market as defined in ARTICLE XVI.DIVISION 2, Subdivision G of this
15 Chapter

16 (4) Greenhouse as provided for in ARTICLE XII.DIVISION 3, Subdivision H of
17 this Chapter

18 (5) Heliports

19 (6) Hoophouse as provided for in ARTICLE XII.DIVISION 3, Subdivision H of this
20 Chapter

21 (7) Hydroponics as provided for in ARTICLE XII.DIVISION 3, Subdivision H of
22 this Chapter

23 (8) Medical marihuana provisioning center facility, as provided for in ARTICLE III,
24 DIVISION 12 of this Chapter

25 (9) Medical marihuana safety compliance facility as provided for in ARTICLE III,
26 DIVISION 12 of this Chapter

1 (10) Medical marihuana secure transporter facility as provided for in ARTICLE III,
2 DIVISION 12 of this Chapter

3
4 (811) Signs as provided for in ARTICLE VI of this Chapter.

5
6 (912) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this
7 Chapter

8 (4013) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of
9 this Chapter

10
11 **DIVISION 7. B6 GENERAL SERVICES DISTRICT**

12 **Sec. 61-9-124. Conditional other uses.**

13
14 (1) Ferry terminal

15 (2) Heliports

16 (3) Medical marihuana processor facility as provided for in ARTICLE III, DIVISION
17 12 of this Chapter

18 (4) Medical marihuana provisioning center facility as provided for in ARTICLE III,
19 DIVISION 12 of this Chapter, except such use shall not be permitted in any
20 Traditional Main Street overlay area

21 (5) Medical marihuana safety compliance facility as provided for in ARTICLE III,
22 DIVISION 12 of this Chapter

23 (6) Medical marihuana secure transporter facility as provided for in ARTICLE III,
24 DIVISION 12 of this Chapter, except such use shall not be permitted in any
25 Traditional Main Street overlay area

26 (37) Passenger transportation terminal

1 (48) Signs as provided for in ARTICLE VI of this Chapter.

2

3 **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

4 **DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT**

5 **Sec. 61-10-24. Conditional other uses.**

6 (1) Aircraft landing areas for winged aircraft

7 (2) Ferry terminal

8 ~~(3) Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12 of~~
9 this Chapter

10 ~~(4) Medical marihuana processor facility as provided for in ARTICLE III, DIVISION 12~~
11 of this Chapter

12 ~~(6)(5) Medical marihuana caregiver centers provisioning center facility as provided for in~~
13 ARTICLE III, DIVISION 12 of this Chapter

14 ~~(6) Medical marihuana safety compliance facility as provided for in ARTICLE III,~~
15 DIVISION 12 of this Chapter

16 ~~(7) Medical marihuana secure transporter facility as provided for in ARTICLE III,~~
17 DIVISION 12 of this Chapter

18 ~~(3)(8) Signs as provided for in ARTICLE VI of this Chapter~~

19 ~~(4)(9) Urban farm as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this~~
20 Chapter

21 ~~(5)(10) Urban garden as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this~~
22 Chapter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT

Sec. 61-10-44. Conditional other uses.

- (1) Ferry terminal
- (2) Heliports
- (3) Signs as provided for in ARTICLE VI of this Chapter.
- (4) Urban farm as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this Chapter
- (5) Urban garden as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this Chapter
- ~~(6) Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- ~~(7) Medical marihuana processor facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- ~~(68) Medical marihuana caregiver centers provisioning center facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- ~~(9) Medical marihuana safety compliance facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- ~~(10) Medical marihuana secure transporter facility as provided for in ARTICLE III, DIVISION 12 of this Chapter~~

DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT

Sec. 61-10-64. Conditional other uses.

- (1) Boat or ship yard: construction, repair, maintenance, dry dock
- (2) Docks, waterway shipping/freighters

- 1 (3) Ferry terminal
- 2 (4) Heliports
- 3 (5) Signs as provided for in Article VI of this Chapter.
- 4 (6) Urban farm as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
- 5 Chapter
- 6 (7) Urban garden as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
- 7 Chapter
- 8 ~~(8) Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12 of~~
- 9 ~~this Chapter~~
- 10 ~~(9) Medical marihuana processor facility as provided for in ARTICLE III, DIVISION 12~~
- 11 ~~of this Chapter~~
- 12 ~~(10) Medical marihuana caregiver centers provisioning center facility as provided for in~~
- 13 ~~ARTICLE III, DIVISION 12 of this Chapter~~
- 14 ~~(11) Medical marihuana safety compliance facility as provided for in ARTICLE III,~~
- 15 ~~DIVISION 12 of this Chapter~~
- 16 ~~(12) Medical marihuana secure transporter facility as provided for in ARTICLE III,~~
- 17 ~~DIVISION 12 of this Chapter~~

18 **DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT**

19 **Sec. 61-10-84. Conditional other uses.**

- 20 (1) Ferry terminal
- 21 (2) Heliports
- 22

- 23 (3) Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12 of
- 24 this Chapter
- 25 (4) Medical marihuana processor facility as provided for in ARTICLE III, DIVISION 12
- of this Chapter

1 ~~(65)~~ Medical marihuana ~~caregiver centers~~ provisioning center as provided for in ARTICLE
2 III, DIVISION 12 of this Chapter

3 ~~(6)~~ Medical marihuana safety compliance facility as provided for in ARTICLE III,
4 DIVISION 12 of this Chapter

5 ~~(7)~~ Medical marihuana secure transporter facility as provided for in ARTICLE III,
6 DIVISION 12 of this Chapter

7 ~~(38)~~ Signs as provided for in Article VI of this Chapter

8 ~~(42)~~ Urban farm as provided for in Article XII, Division 3, Subdivision H of this Chapter

9
10 ~~(510)~~ Urban garden as provided for in Article XII, Division 3, Subdivision H of this
11 Chapter

12 **DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT**

13 14 **Sec. 61-10-104. Conditional other uses.**

15 (1) Ferry Terminal

16
17 (2) Heliports

18
19 ~~(3)~~ Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12
20 of this Chapter

21 ~~(4)~~ Medical marihuana processor facility as provided for in ARTICLE III, DIVISION 12
22 of this Chapter

23 ~~(5)~~ Medical marihuana safety compliance facility as provided for in ARTICLE III,
24 DIVISION 12 of this Chapter

1 ~~(6)~~ Medical marihuana secure transporter facility as provided for in ARTICLE III,
2 DIVISION 12 of this Chapter

3 ~~(37)~~ Signs as provided for in Article VI of this Chapter

4 ~~(48)~~ Urban farm as provided for in Article XII, Division 3, Subdivision H of this Chapter

5 ~~(52)~~ Urban garden as provided for in Article XII, Division 3, Subdivision H of this Chapter

6

7 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND**
8 **OVERLAY AREAS**

9 **DIVISION 10. SD2—SPECIAL DEVELOPMENT DISTRICT,**
10 **MIXED-USE**

11
12 **Sec. 61-11-194. Conditional other uses.**

13 (1) Passenger transportation terminal

14 ~~(2)~~ Medical marihuana provisioning center as provided for in ARTICLE III, DIVISION
15 12 of this Chapter, except such use shall not be permitted in any Traditional Main
16 Street overlay area

17 ~~(3)~~ Medical marihuana safety compliance facility as provided for in ARTICLE III,
18 DIVISION 12 of this Chapter

19 ~~(24)~~ Signs as provided for in ARTICLE VI of this Chapter.

20 ~~(35)~~ Urban Garden not exceeding 0.5 acres in size as provide for in ARTICLE
21 XII.DIVISION 3.Subdivision H of this Chapter

22
23
24

DIVISION 14. OVERLAY AREAS

Subdivision A. Gateway Radial Thoroughfare Overlay Areas.

Sec. 61-11-304. Prohibitions and limitations.

(a) The following uses are prohibited on any zoning lot zoned B2 or B4 abutting any Gateway Radial Thoroughfare:

- (1) Confection manufacture;
- (2) Dental products, surgical, or optical goods manufacture;
- (3) Emergency shelter;
- (4) Go-cart track;
- (5) Ice manufacture;
- (6) Jewelry manufacture;
- (7) Lithographing;
- (8) ~~Medical marihuana caregiver provisioning center~~ facility and medical marihuana caregiver center, as provided for in Article III, Division 12 of this Chapter;

- (9) Motor vehicle washing and steam cleaning;
- (10) Motor vehicle services, major;
- (11) Motor vehicles, used, salesroom or sales lots;
- (12) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles;
- (13) Pawnshop;
- (14) Plasma donation center;
- (15) Pre-release adjustment center;
- (16) Radio, television, or household appliance repair shop;

- 1 (17) Rebound tumbling center;
- 2 (18) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or where
3 not located in a multi-story building having a mixed-use or multi-tenant
4 development; prohibition limited to Woodward Avenue only;
- 5 (19) Secondhand store and secondhand jewelry store;
- 6 (20) Signs, advertising;
- 7 (21) Substance abuse service facility;
- 8 (22) Taxicab dispatch and/or storage facility;
- 9 (23) Toiletries or cosmetic manufacturing;
- 10 (24) Tool, die, and gauge manufacturing;
- 11 (25) Trade services, general;
- 12 (26) Trailer coaches or boats, sale or rental, open air display;
- 13 (27) Trailers or cement mixers, pneumatic-tired, sales, rental or service;
- 14 (28) Vending machine commissary;
- 15 (29) Wearing apparel manufacturing;
- 16 (30) Wholesaling, warehousing, storage buildings, or public storage houses, except Gratiot
17 Avenue.
- 18 (b) Accessory parking lots or parking areas on zoning lots abutting a designated Gateway Radial
19 Thoroughfare that are not farther than the maximum distance specified in ARTICLE XIV,
20 DIVISION 1, Subdivision B of this Chapter shall be permitted by right subject to ARTICLE
21 XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision G, and
22 ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.
- 23 (c) Commercial parking lots or areas and accessory parking lots or areas on zoning lots abutting a
24 designated Gateway Radial Thoroughfare that are farther than the maximum distance specified
25 in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter, shall be reviewed as
26 Conditional Uses subject to ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV,
27 DIVISION 1, Subdivision G, and ARTICLE XIV, DIVISION 2, Subdivision C of this
28 Chapter.

1

Subdivision B. Traditional Main Street Overlay Areas.

2

Sec. 61-11-316. Prohibited use.

3

Medical marihuana caregiver centers, medical marihuana provisioning center facilities,

4

medical marihuana grower facilities and medical marihuana processor facilities, medical

5

marihuana secure transporter facilities are prohibited within any Traditional Main Street

6

Overlay Area.

7

Secs. 61-11-317 – 61-11-320. Reserved.

8

ARTICLE XII. USE REGULATIONS

9

DIVISION 1. USE TABLE

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3		S D 4	S D 5	
Subdivision F. Other Uses.																																
Sec. 61-12-80. Medical marihuana caregiver centers facilities	Medical marihuana caregiver centers																															ARTICLE III DIVISION 12, Sec. 61- 12-92: Sec. 61-12-95: Sec. 61-12- 343
	Medical marihuana grower facility																															ARTICLE III DIVISION 12, Sec. 61- 12-92: Sec. 61-12-95: Sec. 61-12- 343
	Medical marihuana processor facility																															

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)				
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3		S D 4	S D 5		
	<u>Medical marihuana provisioning center facility</u>								C		C	C	C	C	C	C	C											C					
	<u>Medical marihuana safety compliance facility</u>								C		C	C	C	C	C	C	C	C										C					
	<u>Medical marihuana secure transporter facility</u>												C	C	C	C	C	C															

1

DIVISION 2. GENERAL USE STANDARDS

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
<p>Sec. 61-12-92. Other uses—Spacing. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>			
<p>Adult uses/sexually oriented business</p>	<p>1000 radial feet</p>	<ul style="list-style-type: none"> - Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 <u>radial</u> feet; - Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 <u>radial</u> feet; - Elementary, middle, or high school: 1000 <u>radial</u> feet; - Park, playlot, playfield, playground, recreation center, youth activity center: 1000 <u>radial</u> feet; - Religious institution identified as exempt by the City Assessor: 1000 <u>radial</u> feet -Regulated Use: 1000 <u>radial</u> feet 	<p>Sec. 61-3-344</p>
<p>Sign, advertising</p>	<p>1000 feet, measured linearly</p>	<p>School site: 500 linear feet; public playground or public park: 500 linear feet; historic district: 500 linear feet</p>	<p>Sec. 61-6-52; Sec. 61-6-57; Sec. 61-12-95; Sec. 61-12-96</p>

<p>Medical marihuana caregiver center</p>	<p>1000 radial feet (except in M1, M2, M3 or M4 where 150 feet from land zoned R1, R2, R3, R4, R5, R6 or residential PD)</p>	<p>- Drug-free zone: 4000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet; Controlled Uses (other than arcades): 1000 radial feet. <u>Medical marihuana provisioning center: 1000 radial feet</u></p>	<p>Sec. 61-3-354; Sec. 61-12-95; Sec. 61-12-96; Sec. 61-12-343; Sec. 61-12-443</p>
<p><u>Medical marihuana provisioning center</u></p>	<p><u>1000 radial feet</u></p>	<p><u>Drug-free zone</u> <u>Religious institution identified as exempt by the City Assessor: 1000 radial feet;</u> <u>Controlled Uses (other than arcades): 1000 radial feet.</u> <u>Medical marihuana caregiver center: 1000 radial feet</u></p>	<p><u>Sec. 61-3-354; Sec. 61-3-353; Sec. 61-12-95; Sec. 61-12-96; Sec. 61-12-343; Sec. 61-12-344; Sec. 61-12-443</u></p>
<p><u>Medical marihuana grower, medical marihuana processor and medical marihuana secure transporter</u></p>		<p><u>Drug-free zone</u></p>	<p><u>Sec. 61-3-353</u></p>

1

2 **Sec. 61-12-95. Waiver of general spacing requirements.**

3

4 Except for Controlled Uses, ~~and medical marihuana caregiver centers~~, only the Board of

5 Zoning Appeals may adjust the spacing requirements between land uses, as provided for in the tables

6 in Sec. 61-12-89, Sec. 61-12-90, Sec. 61-12-91, Sec. 61-12-92, and Sec. 61-12-94 of this Code, as a

1 “locational variance” in accordance with the criteria specified in Sec. 61-4-81 of this Code and where
2 the proposed use satisfies all the following conditions:

3 (1) All other applicable regulations within this zoning ordinance or this Code will be
4 observed;

5 (2) The proposed use will not be contrary to the public interest or injurious to nearby
6 properties in the proposed location, and the spirit and intent of the purpose of the
7 spacing regulations will still be observed;

8 (3) The proposed use will not aggravate or promote a deleterious effect upon adjacent
9 areas through causing or encouraging blight, and will not discourage investment in the
10 adjacent areas or cause a disruption in neighborhood development; and

11 (4) The establishment of the use in the area will not be contrary to any program of
12 neighborhood conservation or interfere with any program of urban renewal.

13 The spacing and locational requirements for adult uses, as specified in Sec. 61-3-344 and
14 Sec. 61-12-92 of this Code, and medical marihuana facilities, as specified in Article III, Division 12 of
15 this Code, may not be waived. The “drug-free zone” spacing requirement for medical marihuana
16 caregiver centers, medical marihuana grower facilities, medical marihuana processor facilities and
17 medical marihuana provisioning centers, as specified in Sec. 61-3-354~~5~~ and Sec. 61-12-92 of this Code,
18 may not be waived; ~~the spacing requirement between medical marihuana caregiver centers and the~~
19 ~~“religious institution” and “Controlled Use” spacing requirements for medical marihuana caregiver~~
20 ~~centers may be modified by the Buildings, Safety Engineering and Environmental Department or the~~
21 ~~Board of Zoning Appeals as provided in Sec. 61-3-354(cf) of this Code.~~

22 **Sec. 61-12-96. Waiver of spacing from schools.**

1 (a) The prohibition that relates to the location of a use, referenced in the tables in Sec. 61-12-89
2 through Sec. 61-12-94 of this Code, within five hundred (500) radial feet of a school site may be
3 waived by:

4 (1) The Buildings, and Safety Engineering and Environmental Department, provided, that
5 the proposed use is at least four hundred-fifty (450) radial feet from the school site; or

6 (2) The Board of Zoning Appeals where the proposed use is less than four hundred fifty
7 (450) radial feet from the school site.

8 (b) The waiver of the prohibition is subject to a finding based on evidence presented at a public
9 hearing that the establishment of the use will not impede the normal and orderly development,
10 operation, and improvement of the school.

11 (c) Such waiver shall be documented by a statement of facts upon which such determination was
12 made and shall indicate that such use would not be injurious or harmful to the school.

13 (d) The prohibition that relates to the location of a medical marihuana caregiver centers, medical
14 marihuana grower facilities, medical marihuana processor facilities, medical marihuana secure
15 transporters, and medical marihuana provisioning centers, within one thousand (1,000) feet of
16 a school (among other uses specified in a “drug-free zone,” as defined in Sec. 61-3-353 of this
17 Code and referenced in the table of Sec. 61-12-92 of this Code) ~~shall~~must not be waived by
18 the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning
19 Appeals.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Other Uses—Miscellaneous

Sec. 61-12-343. Medical marihuana caregiver centers and medical marihuana facilities

Medical marihuana caregiver centers and medical marihuana facilities are subject to the following:

- ~~(1) Prior to the issuance of any permit to operate a medical marihuana caregiver center, and no later than December 31st of each subsequent year, the applicant or operator shall submit to the Buildings, Safety Engineering and Environmental Department a photocopy of the operator's valid and current registered primary caregiver's license issued by the State of Michigan in accordance with the General Rules of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421 *et seq.* Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation, of any medical marihuana caregiver center.~~
- (2a) Medical marihuana ~~caregiver centers~~ facilities shall be licensed as such by the State of Michigan and the City of Detroit Business License Center in accordance with Chapter 24 of this Code and such licensing shall be required prior to the opening for business, and as a condition for the continued operation, of any medical marihuana facility.
- (3b) All signage identifying a building as a medical marihuana caregiver center or medical marihuana facility must be removed within thirty (30) days of ceasing to do business

1 or physical abandonment of the premises of the medical marijuana caregiver center or
2 medical marihuana facility;

3 (4c) A medical marihuana caregiver center or medical marihuana facility ~~shall~~ must not
4 allow loitering inside or outside its premises, ~~consumption of medical marihuana in~~
5 ~~the premises,~~ and ~~shall~~ must take care to prevent the transmission of any odors from
6 the medical marihuana caregiver center or medical marihuana facility to the exterior of
7 the licensed premises;

8 (5d) Grower facilities are limited to a ground floor building footprint not to exceed fifteen
9 thousand (15,000) square feet, and on a parcel no larger than one (1) acre;

10 (e) Grower facilities may not grow medical marihuana outdoors;

11 (f) The provisions of Article III, Division 12 of this Chapter.

12 **Secs. 61-12-3434–61-12-350. Reserved.**

13
14 **DIVISION 6. TEMPORARY USES AND STRUCTURES**

15 **Subdivision B. Specific Temporary Uses Allowed**

16 **Sec. 61-12-443. Prohibited temporary uses.**

17 The following temporary uses are prohibited:

- 18 (1) Sales of fireworks as defined in Sec. 61-16-82 of this Code;
- 19 (2) Sales of firearms; ~~and~~
- 20 (3) Sales of any materials characterized by an emphasis on specified anatomical areas
21 or specified sexual activities as defined in Sec. 61-16-174 of this Code; and
- 22 (4) Medical marihuana caregiver centers and medical marihuana facilities.
- 23

1

ARTICLE XIV. DEVELOPMENT STANDARDS

2

SUBDIVISION B. OFF-STREET PARKING SCHEDULE "A"

<p>Sec. 61-14-56. Other uses.</p> <p>These other specified uses shall provide off-street parking as follows:</p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>			
<p>Sec. 61-14-58.5</p> <p>Medical Marihuana Caregiver <u>or</u> <u>Provisioning</u> Center Facility</p>	<p>Medical Marihuana Caregiver <u>or</u> <u>Provisioning</u> Center <u>Facility</u></p>	<p>1 per 200 square feet</p>	<p>same lot</p>
<p><u>Sec. 61-14-58.75</u></p> <p><u>Medical Marihuana</u> <u>Facilities</u></p>	<p><u>Medical marihuana grower facility</u> <u>Medical marihuana processor facility</u> <u>Medical marihuana safety compliance</u> <u>facility</u> <u>Medical marihuana secure transporter</u> <u>facility</u></p>	<p><u>2 per 3 employees, or 1 per 800</u> <u>square feet, whichever is fewer</u></p>	<p><u>100 feet</u></p>

3

4

5

ARTICLE XVI. DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. WORDS AND TERMS DEFINED

Subdivision L. Letter “M”	
Sec. 61-16-131. Words and terms (Ma-Mg).	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)	
Manufactured Housing Unit	A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a single dwelling unit.
Manufacturing and Production (Use Category)	<p>Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> •Very high-impact manufacturing or processing •High-impact manufacturing or processing •High/medium-impact manufacturing or processing •Low/medium-impact manufacturing or processing •Low-impact manufacturing or processing <p>Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.</p>
Manufacturing or Processing	See Manufacturing and Production (Use Category).
Marina	<p>Marina means a facility that offers service to the public or members of the marina for docking, loading, or other servicing recreational watercraft. Accessory uses include the following, provided they are for owners, crews, and guests:</p> <ul style="list-style-type: none"> •boat storage, •food and beverage facilities, including those for consumption of beer or alcoholic liquor on the premises, and •retail facilities <div style="text-align: right; border: 1px solid black; width: 20px; height: 20px; display: flex; align-items: center; justify-content: center; margin-left: auto;">Q</div>
<u>Marihuana or Marijuana</u>	That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
Massage Therapy Clinic	An establishment (excluding “adult physical culture establishments”) where a licensed or certified massage therapist provides massage in compliance with applicable provisions of Chapter 32 of this Code.
Master Deed	The condominium document recording the condominium project as approved by the City, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
Master Plan	The official “Master Plan of Policies” of the City of Detroit, as referenced in the Journal of City Council, August 5, 1992, Pages 1784-1787, as amended. The Master

	Plan of Policies specifies three levels of roadway under the “transportation” designation of the City of Detroit future general land use map: freeways, major thoroughfares, and secondary thoroughfares.
Measurement	See “Linear Measurement” and “Radial Measurement.”
Medical Marihuana	Marihuana intended for medical use that meets all requirements for medical marihuana contained in this Article, the Michigan Medical Marihuana Act <u>MMMA</u> , <u>MMFLA</u> , and any other applicable law. This shall not include butane hash oil or marihuana in any form inconsistent with the definition of usable marihuana under the Act.
<u>Medical Marihuana Caregiver Center</u>	A medical marihuana business operated by a registered primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to registered qualifying patients as defined by the Act, or performs other activities pertaining to medical marihuana authorized by the Act. A noncommercial location operated or used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan’s formal registration process in accordance with the <u>MMMA</u> .
<u>Medical Marihuana Facility (Use Category)</u>	A location at which a license holder is licensed to operate one of the following commercial entities authorized by the <u>MMFLA</u> and this Code: grower, processor, provisioning center, secure transporter, and safety compliance facility. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan’s formal registration process in accordance with the <u>MMMA</u> is not a medical marihuana facility. These uses include: <u>Medical marihuana grower facility</u> <u>Medical marihuana processor facility</u> <u>Medical marihuana provisioning center</u> <u>Medical marihuana safety compliance facility</u> <u>Medical marihuana secure transporter facility</u>
<u>Medical Marihuana Facilities Licensing Act or “MMFLA”</u>	Public Act 281 of 2016, MCL 333.27101, <i>et seq.</i>

<u>Medical Marihuana Grower</u>	A commercial entity licensed by the State of Michigan that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
<u>Medical Marihuana Processor</u>	A commercial entity licensed by the State of Michigan that purchases marihuana from a grower and extracts resin for the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
<u>Medical Marihuana Provisioning Center</u>	A commercial entity licensed by the State of Michigan that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.
<u>Medical Marihuana Safety Compliance Facility</u>	A commercial entity licensed by the State of Michigan that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
<u>Medical Marihuana Secure Transporter</u>	A commercial entity licensed by the State of Michigan that stores marihuana and transports marihuana between marihuana facilities for a fee.
Mercado	Open air sales of new retail goods, produce, handcrafts, and the like. For zoning purposes a Mercado shall be considered the same as a store of a generally recognized retail nature whose primary business is the selling of new merchandise.
<p>Sec. 61-16-132. Words and terms (Mh-Mm).</p> <p>(Ord. No. 11-05, §1, 5-28-05; (Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14)</p>	
Michigan Planning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801 <i>et seq.</i>
Michigan Zoning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101 <i>et seq.</i>
Michigan Medical Marihuana Act or "MMMA"	Initiated Law 1 of 2008, MCL 333.26421, <i>et seq.</i>
Micro Brewery	

	A facility licensed as such by the Michigan Liquor Control Commission that annually produces in total less than twenty thousand (20,000) barrels of beer and that may include therein the licensed brewery premises.
Microwave-receiving Antenna	An antenna, usually parabolic or quasi-parabolic in shape, the purpose of which is to receive signals transmitted from terrestrial transmitters.
Mixed-use building	A mixed-use building includes at least one use from at least two of the following general land use headings in the same building: Residential Uses as specified in <u>ARTICLE XII, DIVISION 1, Subdivision B</u> ; Public, Civic and Institutional Uses as specified in <u>ARTICLE XII, DIVISION 1, Subdivision C</u> ; Retail, Service and Commercial uses as specified in <u>ARTICLE XII, DIVISION 1, Subdivision D</u> ; Manufacturing and Industrial Uses as specified in <u>ARTICLE XII, DIVISION 1, Subdivision E</u> . A building shall also be deemed to be mixed-use where it includes both: (a) An "Office, business or professional" and (b) Any other retail use(s) specified in <u>Sec. 61-12-43 [Food and Beverage Service]</u> , <u>Sec. 61-12-47 [Recreation/entertainment, indoor]</u> , <u>Sec. 61-12-50 [Retail sales and service; sales-oriented]</u> or <u>Sec. 61-12-51 [Retail sales and service; service-oriented]</u> .

(Ord. No. 23-14, §1, 07-24-14)

1
2
3
4
5
6

APPENDIX A

Assignment of Specific Use Types to General Use Categories

Division 13. Letter "M"	
Specific Land Use	Use Category
<u>Medical marihuana grower facility</u>	<u>Medical marihuana facility</u>
<u>Medical marihuana processor facility</u>	<u>Medical marihuana facility</u>
<u>Medical marihuana provisioning center</u>	<u>Medical marihuana facility</u>
<u>Medical marihuana safety compliance facility</u>	<u>Medical marihuana facility</u>
<u>Medical marihuana secure transporter facility</u>	<u>Medical marihuana facility</u>

7

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

8

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit.

9

10

Section 4. This ordinance shall become effective on the eighth (8th) day after publication in

11

accordance with MCL 125.3401(6) and Section 4-118, paragraph 3, of the 2012 Detroit City Charter.

12

13

Approved as to form:

14

15

16

Lawrence T. García
Corporation Counsel

17

18

DRAFT