

Alton James
Chairperson
Lauren Hood, MCD
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director

City of Detroit
CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Brenda Goss Andrews
Damion W. Ellis
David Esparza, AIA, LEED
Frederick E. Russell, Jr.
Donovan Smith
Angy Webb
Henry Williams

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HONORABLE CITY COUNCIL

RE: A text amendment to amend Chapter 50 of the 2019 Detroit City Code, Zoning, Article II, Division 6 – *Review and Decision-Making Bodies*; Article III, Division 12 – *Medical Marijuana Caregiver Centers and Medical Marijuana Facilities*; Article IX, Division 3 – *B2 Local Business and Residential District*; Article IX, Division 5 – *B4 General Business District*; Article IX, Division 6 – *B5 Major Business District*; Article IX, Division 7 – *B6 General Services District*; Article X, Division 2 – *M1 Limited Industrial District*; Article X, Division 3 – *M2 Restricted Industrial District*; Article X, Division 4 – *M3 General Industrial District*; Article X, Division 5 – *M4 Intensive Industrial District*; Article X, Division 6 – *M5 Special Industrial District*; Article XI, Division 2 – *PD Planned Development District*; Article XI, Division 10 – *SD2 Special Development District, Mixed Use*; Article XI, Division 14 – *Overlay Areas*; Article XII, Division 1 – *Use Table*; Article XII, Division 2 – *General Use Standards*; Article XII, Division 3 – *Specific Use Standards*; Article XII, Division 6 – *Temporary Uses and Structures*; Article XIV, Division 1 – Subdivision B – *Off-Street Parking Schedule A*; and Article XVI, Division 2 – *Words and Terms Defined* (**RECOMMEND APPROVAL**)

The City Planning Commission (CPC) has completed its review and deliberations on the proposed text amendments submitted by the Office of Councilmember James Tate (District 1) pertaining to Medical Marijuana Facilities and Adult-Use Marijuana Establishments. Please see the attached copy of the public hearing notice showing the summary of the ordinance as published.

BACKGROUND

In November 2008, Michigan voters passed a ballot initiative allowing the lawful sale and use of marijuana for medical purposes referred to as the “Medical Marijuana Act Initiated Law 1 of 2008.” This ballot initiative had widespread support amongst voters with a 63% approval of Michigan voters statewide and 75.6% of Detroit voters.

The passage of this act resulted in the proliferation of unlicensed and unregulated medical marijuana dispensaries and facilities throughout the city of Detroit, largely due to the lack of statutory regulation and oversight by the state, county and local government.

In November 2012, the electorate of the City of Detroit voted to enact a citizen-initiated ballot initiative which would allow for the legal possession and consumption of one ounce of marijuana or less on private property by an adult, aged 21 or older. This initiative passed with 65% voting yes.

In 2015 the Detroit City Council voted on the “Medical Marihuana Caregiver Center” ordinance (Ord. No. 31-15, effective 3/1/2016), which was enacted to amend the text of Chapter 61 of the 1984 Detroit City Code, “Zoning,” by defining “Medical Marihuana Caregiver Center” and creating regulations to stem the proliferation of and otherwise regulate such establishments in the City of Detroit. At the time of enactment, approximately 214 unlicensed and unregulated medical marijuana facilities had been established within the boundaries of the City of Detroit.

In 2016, the Michigan legislature enacted Public Acts, 281, 282, and 283, which allowed for the licensure of five medical marijuana facility types, the production and sale of marijuana infused products, and the creation of a tracking system to monitor the products from “seed to sale.” This series of legislation has collectively been referred to as the Medical “Facilities Licensing Act” (MMFLA).

PA 281 is an act to: license and regulate medical marijuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities; provide for the powers and duties of certain state and local governmental officers and entities; create a medical marijuana licensing board; provide for interaction with the statewide monitoring system for commercial marijuana transactions; create an advisory panel; provide immunity from prosecution for marijuana-related offenses for persons engaging in marijuana-related activities in compliance with this act; prescribe civil fines and sanctions and provide remedies; provide for forfeiture of contraband; provide for taxes, fees, and assessments; and, to require the promulgation of rules.

In accordance with Public Act 281 (MMFLA), in order for a resident to obtain a state license, the municipality in which they wish to operate must opt into the state’s licensing scheme. The opt-in provisions have been implemented through what was previously Chapter 24 (now Chapter 20-Licensing), of the Detroit City Code, as a result of the November 7, 2017 ballot initiative – Proposal A. Proposal B, which sought to regulate the various land uses allowed through the MMFLA through zoning regulation, was ultimately struck down by Chief Judge Colombo of the 3rd Circuit Court and found to be in violation of the Michigan Zoning Enabling Act.

On February 14, 2018, the Detroit City Council passed a 180-day moratorium on the acceptance of new medical marijuana facility applications for the purpose of allowing the City Planning Commission time to review and provide recommendations on new language provided by the Office of Council Member James Tate in regards to regulations for medical marijuana facilities.

At the request of City Planning Commissioner Gregory Pawlowski (Feb. 2017- Feb. 2020), CPC staff convened two working group meetings including members of City Council staff, City department representatives, as well as members of the medical marijuana industry regarding developing the regulatory scheme for medical marijuana within the City of Detroit. Ultimately, Council Member Tate submitted a memorandum dated May 9, 2018, formally referring a revised draft ordinance to amend Chapter 61 of the 1984 Detroit City Code, Zoning, by amending Article II, Division 7 – *Review and Decision-Making Bodies* and Article III, Division 12, *Medical Marihuana Caregiver Centers*, to promulgate regulations for medical marijuana Facilities. Ordinance No. 20-18 was enacted on October 14, 2018.

In November 2018, the Michigan electorate enacted Proposal 1 – The Michigan Regulation and Taxation of Marijuana Act to legalize recreational marijuana possession, cultivation, and consumption by adults 21 years of age or older in the State of Michigan. The initiative was

approved with 56% of the statewide vote, and was approved by the electorate of the City of Detroit with 69% voting yes.

SOCIAL EQUITY AND THE ADULT-USE MARIJUANA ORDINANCE

After the passage of Proposal 1, the Office of Councilmember James Tate convened a working group to develop an ordinance specific to social equity to ensure that Detroiters, Detroit being one of the communities identified by the State as having been disproportionately impacted in terms of drug enforcement, benefit directly from the legalization of the adult-use cannabis industry. The product of the working group resulted in the adult-use marijuana provisions of the Detroit Business Licensing Ordinance under Chapter 20 of the 2019 Detroit City Code, Health Article VI – Medical *Marijuana Facilities* (Ord. No. 2020-44 effective 1/11/21). Under the provisions of the ordinance, Detroit residents who would like to participate in the recreational cannabis industry have the option to become certified as a Detroit Legacy applicant by CRIO (Civil Rights Inclusion & Opportunity Department) beginning January 19, 2021. To qualify as a Detroit Legacy applicant, individuals must currently reside in the city of Detroit, and be able to document that they:

- Lived in Detroit for 15 of the last 30 years, or
- Lived in Detroit for 13 of the last 30 years and are low income, or
- Lived in Detroit for ten of the last 30 years and have a marijuana conviction or have a parent with a marijuana conviction.

On Tuesday, November 24, 2020, the Detroit City Council passed the Medical Marijuana Facilities and Adult-Use Marijuana Establishments ordinance authorizing the Buildings, Safety Engineering, and Environmental Department (BSEED) to issue business licenses for co-location, and adult-use marijuana establishments including grower, processor, retailer, secure transporter, safety compliance facility, microbusiness, marijuana event organizer, temporary marijuana event, and designated consumption establishments. The ordinance also requires that:

- Detroit Legacy applicants get a minimum of 50% of all newly created adult-use marijuana business licenses for retailers, growers, processors, microbusinesses, designated consumption, and marijuana event organizers issued in Detroit.
- There will be a six-week exclusive early licensing period for Detroit Legacy applicants.
- Detroit Legacy applicants be able to purchase city-owned land at 25% of fair market value; and
- The City work with philanthropy and private lenders to develop sources of funding and expertise to back Detroit-owned marijuana business start-ups.

PROPOSED ZONING PROVISIONS

In order to fully effectuate adult-use marijuana facilities and accommodate the newly passed licensing provisions, new terms are being added to Chapter 50 to delineate adult-use facilities from medical marijuana facilities, as well as adding terms and permissibility for new adult-uses. Below is an analysis and summary of the provisions of the proposed text amendments to Chapter 50.

Article II, Division 6 – Review and Decision-Making Bodies

The passage of the 2018 “Medical Marijuana Facilities” zoning provisions allowed the City of Detroit to expand the number of review and decision-making bodies to include the “Medical

Marihuana Facility Review Committee.” The review committee served in the capacity of making comprehensive, multi-departmental recommendations prior to the statutorily required public hearing for conditional land uses. The committee was comprised of representatives from BSEED, Health, Detroit Police Department (DPD), Law, CPC, Planning and Development Department (PDD), and the Office of the Assessor. The rationale behind the creation of the committee was to avoid procedural errors and omissions which might result in litigation against the city. The final reviews of the Medical Marihuana Facility Review Committee in its current iteration took place on January 7, 2021.

With the passage of the “Adult Use Marijuana Business Licensing” provisions of Chapter 20 (Ord. No. 2020-44 effective 1/11/21), the Medical Marihuana Facility Review Committee and its responsibilities as codified in the Zoning Ordinance, Secs. 50-2-242 through 50-2-246, are being recommended to be stricken. The review for such facilities has shifted to Licensing under the Detroit City Code. The review of these facilities will be conducted by the Marijuana License Review Committee overseen by the CRIO rather than the Law Department. Additionally, the composition of the Marijuana License Review Committee differs from that of the Medical Marihuana Facility Review Committee and includes the Office of the Chief Financial Officer, the Office of the Assessor, BSEED, Office of the Chief Financial Officer/Treasury, Health Department, Law Department, Police Department, and any such departments, agencies, or individuals as deemed appropriate by the chairperson, on a case by case basis.

The Commission will note that under the previous iteration of the Medical Marihuana Facilities Review Committee, the scope and utility of that review and decision-making body extended beyond reviewing an entity’s financial capability, and focused partially on an organization’s compliance with land use, zoning, setbacks, screening, and community benefits. The two agencies previously tasked with these elements of the review were the PDD, and CPC. In CPC’s summation, these two departments provided a check to the interpretations offered by BSEED on issues which would often be discussed at either the special land use hearings or before the Board of Zoning Appeals. The Commission believes that the inclusion of both PDD and CPC on the Marijuana License Review Committee would be beneficial by these agencies continuing to review components of each application appropriate to their expertise.

Article III, Division 12 – Medical and Adult-Use Provisions

The ordinance as proposed amends Article III, Division 12 - *Medical Marihuana Caregiver Centers and Medical Marihuana Facilities*. The title of the division shall be changed to *Medical Marijuana Facilities and Adult-Use Marijuana Establishments*. With the passage of the 2020 Licensing Ordinance provisions, the land use of “Medical Marihuana Caregiver Center” has become a non-conforming use. Upon approval of the 2017 Medical Marihuana Facilities licensing provisions, the Buildings, Safety Engineering, and Environmental Department no longer accepts applications for “Medical Marihuana Caregiver Centers” nor issues renewals for such facilities. The intent is to phase out the land use in support of State-regulated medical marijuana establishments.

The general purpose of the revision of Article III is to regulate both medical marijuana facilities and adult-use marijuana establishments, to prevent concentration of these uses in order to better ensure the diversification of commercial and retail offerings along major and secondary corridors.

Additionally, references to the Michigan Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016, MCL 333.27101 *et seq.*) and, the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018, MCL 333.27951 *et seq.*) have been added to this section.

With the drafting of this ordinance a uniformed spelling of “Marijuana” has been adopted for utilization in all future ordinances and correspondence.

In regards to Sec. 50-3-531(c)(2)(d), the language requiring the Buildings, Safety Engineering and Environmental Department to maintain a list of locations of medical marijuana facilities that are licensed by the State of Michigan on the City of Detroit website is recommended to be stricken.

In Sec. 50-3-532 – “Medical Marihuana Caregiver Centers and medical marihuana facilities subject to this division,” the language has been revised to strike the references to “Marihuana Caregiver Centers and medical marijuana” and replace the language with the terms “marijuana,” and “adult-use marijuana establishments.”

In Sec. 50-3-533 – “Definitions; the meaning of terms” has been expanded and several definitions added to this section related to newly permissible business uses. Below is a summary of the revisions and/or additions proposed for this section:

- The definition of *Adult-use marijuana establishment* has been newly added; as a location where a licensee operates one of the following commercial entities or activities under the authority of the MRTMA: grower, processor, retailer, secure transporter, safety compliance facility, marijuana microbusiness, excess marijuana grower, marijuana event organizer, temporary marijuana event, or designated marijuana consumption establishment, or any other type of marijuana-related business licensed to operate in accordance with the MRTMA.
- The definition of *Co-location* has been revised to 1) include adult-use marijuana establishment in addition to medical marijuana facility where more than one licensee is authorized by the State of Michigan to operate; and, 2) specify that co-location applies to one building, and not multiple buildings on a single parcel.
- The definition of *Cultivation* or *cultivate* has been revised to change the spelling of “marihuana” to “marijuana.”
- The definition of a *Designated marijuana consumption establishment* has been newly added; as a location where a licensee that is licensed as a designated marijuana consumption establishment under the MRTMA and Chapter 20, Article VI of this Code operates a commercial entity that allows adults 21 years of age and older to consume marijuana products at a commercial location designated by the state operating license.
- The definition of *Drug-free zone* in Sec. 50-3-533(d)(4) has been revised to reference “outdoor recreation facilities as defined in Sec. 50-16-324 of this Code, other than parkways and parklots.”
- The definition of *Equivalent licenses* has been newly added, meaning any of the following held by a single licensee:
 - (1) A marijuana grower license, of any class, issued under the MRTMA and a grower license, of any class, issued under the MMFLA;
 - (2) A marijuana processor license issued under the MRTMA and a processor license under the MMFLA;

- (3) A marijuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA;
 - (4) A secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA; or
 - (5) A safety compliance facility license issued under the MRTMA and a safety compliance facility license issued under the MMFLA.
- The definition of *Licensee* has been revised by striking “marihuana” and adding “marijuana facility or a marijuana establishment.”
- The definition of *Medical marijuana grower facility* has been revised to state *Marijuana grower facility*, meaning a location where a licensee that is licensed as a marijuana grower under the MRTMA or a grower under the MMFLA, and as a grower under Chapter 20, Article VI of this Code, operates a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale or transfer to a medical marijuana facility or adult-use marijuana establishment.
- The definition of *Marijuana microbusiness* has been newly added meaning, a location where a licensee that is licensed as a marijuana microbusiness under the MRTMA and Chapter 20, Article VI of this Code operates a commercial entity that cultivates not more than 150 marijuana plants, or more as allowed by the State of Michigan, processes and packages marijuana, and sells or otherwise transfers marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other adult-use marijuana establishments or medical marijuana facilities.
- The definition of *Medical marihuana processor facility* has been revised to state *Marijuana processor facility*, meaning a location where a licensee that is licensed as a marijuana processor under the MRTMA or a processor under the MMFLA, as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the state of Michigan that obtains marijuana from a medical marijuana facility or adult-use marijuana establishment and processes marijuana for sale and transfer in packaged form to a medical marijuana facility or adult-use marijuana establishment.
- The definition of *Marijuana retailer establishment* has been newly added meaning, a location where a licensee that is licensed as a marijuana retailer under the MRTMA and Chapter 20, Article VI of this Code operates a commercial entity that obtains marijuana from adult-use marijuana establishments and sells or transfers marijuana to individuals who are 21 years of age or older and to other adult-use marijuana establishments.
- The definition of *Marijuana retail/provisioning facility* has been newly added meaning, a marijuana retailer establishment or a medical marijuana provisioning center facility.
- The definition of *Medical marihuana safety compliance facility* has been revised to state “*Marijuana safety compliance facility*” meaning, a location where a licensee that is licensed as a safety compliance facility under the MRTMA or the MMFLA, as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the state of Michigan that tests marijuana for contaminants and potency or as required by the MRTMA or the MMFLA for a primary caregiver, medical marijuana facility, or adult-use marijuana establishment.

- The definition of *Medical marihuana secure transporter facility* has been revised to state “*Marijuana secure transporter facility*” meaning, a location where a licensee that is licensed as a secure transporter facility under the MRTMA or the MMFLA, as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the state of Michigan that stores marijuana, and transports marijuana between medical marijuana facilities or adult-use marijuana establishments for a fee.
- The definition of *Medical marihuana* has been revised to state “*Medical marijuana.*”
- The definition of *Medical marihuana caregiver center* has been stricken.
- The definition of *Medical marihuana facility* has been revised to “*Medical marijuana facility.*”
- The definition of *Medical marihuana provisioning center facility* has been revised to state “*Medical marijuana provisioning center facility*” meaning, a location where a licensee that is licensed as a provisioning center under the MMFLA and Chapter 20, Article VI of this Code operates a commercial entity located in the state of Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to qualifying patients, directly or through the registered primary caregivers of patients. Medical marijuana provisioning center facility includes any commercial property where medical marijuana is sold at retail to qualifying patients or primary caregivers. A medical marijuana caregiver center is not a medical marijuana provisioning center facility for purposes of this chapter.
- The definition of *Michigan Regulation and Taxation of Marihuana Act* or “*the MRTMA*” has been newly added meaning, the Initiated Law 1 of 2018, MCL 333.27951, et seq.

Sec. 50-3-534 – “Medical marijuana caregiver center procedures,” has been revised to reiterate that applications for medical marijuana caregiver centers will not be accepted after the effective date of the revised ordinance. Language pertaining to procedures for processing medical marijuana caregiver center applications have been stricken from this section.

Sec. 50-3-535 – “Permitted districts for medical marijuana facilities and adult-use marijuana establishments; Conditional use; Restrictions,” is amended to state,

“Notwithstanding anything to the contrary in this Code, all of the below uses may be located in PD zoning districts, excluding residential PD districts, with the appropriate approvals under this Code:”

Newly added to Subsection (a) of this section are the land uses of *Designated marijuana consumption establishment* which may be permitted on a conditional basis in B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts, and *Marijuana microbusinesses* which may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts. The land use of *Medical marijuana provisioning center* has been replaced with *Marijuana retail/provisioning facilities*. Additionally, the language which limits the number of provisioning center facility licenses to 75 has been stricken from this section, noting that the licensing limitation is now included in Chapter 20, Article VI of the City Code.

Designated marijuana consumption establishments were created to give cannabis consumers places to legally consume cannabis other than on private property. They are commercial spaces where

adults can legally consume marijuana products-sometimes being referred to as cannabis cafes or cannabis lounges.

The intent of Marijuana microbusinesses is to give an opportunity to more entrepreneurs to be able to enter the marijuana industry on a small scale, in a vertically-integrated facility, by allowing growing of up to 150 cannabis plants, processing, and retail, all in the same facility. These businesses cannot acquire marijuana or marijuana products from other growers, processors or retailers, and, may not sell to other retailers.

Also in Subsection (b) of this section, the three-part prohibition against locating (1) within a drug-free zone, (2) within a Gateway Radial Thoroughfare overlay area or Traditional Main Street overlay area, or (3) on a zoning lot that is located less than “1,000 radial feet from a zoning lot occupied by any religious institution identified as exempt by the City Assessor,” any zoning lot “with an unexpired conditional land use approval, building permit, or certificate of occupancy for a marijuana retail/provisioning facility or a marijuana microbusiness,” or within “1,000 feet of any zoning lot occupied by a Controlled Use,” has been extended to designated consumption establishments, marijuana retail/provisioning facilities and marijuana microbusinesses.

The prohibition against locating within a drug-free zone is also extended to marijuana grower, marijuana processor, designated marijuana consumption establishment, and marijuana secure transporter facilities.

Newly added to this section are subsections “e” and “f” which read:

- (e) If a property has previously received zoning approval for a medical marijuana facility or adult-use marijuana establishment, no further approval is required under this chapter to operate a business under an equivalent license, as defined in Section 50-3-533 of this Code, at the property, although a new business license under Chapter 20, Article VI of this Code and state operating license are required prior to commencing operation.
- (f) If the Department establishes that a use posing a restriction under this section has been abandoned or has ceased all operations for at least one year, the Department may disregard the locational specifications of subsections (b)(1), (b)(2), (b)(3), or (c) of this section, excluding uses that are closed due to the Covid-19 pandemic.

Sec. 50-3-536 – “Medical marihuana facility procedures” has been revised to state *Medical marijuana facility and adult-use marijuana establishment procedures* and to make reference to medical marijuana facilities and adult-use marijuana establishments. This section has also been revised by striking references to the Medical marihuana Facility Review Committee and application requirements.

Sec. 50-3-357 – “Accessory Uses; Public Nuisance” - provides that marijuana establishments are not permitted as accessory uses, and must not include accessory uses. However, multiple types of medical marijuana facilities and adult-use marijuana establishments may co-locate in the same building as separate principal uses of the premises.

Article IX, Business District Amendments

The proposed ordinance amends Article IX, Division’s 3, 5, 6 and 7, which comprise the use lists for the B2 – Local Business and Residential District, B4 – General Business District, B5 – Major

Business District, and B6 General Services District zoning classifications by adding the new uses of Designated marijuana consumption establishment, Marijuana microbusiness, Marijuana retail/provisioning facility, and Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter. These divisions are also revised by striking “Medical marihuana,” and replacing the language with “Marijuana” where appropriate, and by adding “adult-use marijuana retailer establishment” where appropriate as reflected in Secs. 50-9-54, 50-9-114, 50-9-144, and 50-9-174.

Article X, Industrial District Amendments

The proposed ordinance amends Article X, Division’s 2, 3, 4, 5, and 6, which comprise the use lists for the M1 – Limited Industrial District, M2 – Restricted Industrial District, M3- General Industrial District, M4 – Intensive Industrial District, and M5 – Special Industrial District zoning classifications by striking references to Medical marihuana caregiver centers as provided for in Article III, Division 12, of this chapter, and adding the new uses of Designated marijuana consumption establishment, Marijuana grower facility as provided for in Article III, Division 12 of this chapter, Marijuana microbusiness, Marijuana processor facility as provided for in Article III, Division 12 of this chapter, Marijuana retail/provisioning facility, Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter, and Marijuana secure transporter facility as provided for in Article III, Division 12 of this chapter.

Sec. 50-10-144 – Special Industrial District does not permit the two aforementioned new uses, however, it does revise the permissible land uses associated with processing, safety compliance, and secure transporter facilities.

Article XI, Special Development District and Overlay Areas Amendments

Additionally, the proposed ordinance amends Article XI, Division’s II, and X which comprises the legislative intent of the PD - Planned Development District and the use lists for the SD2 – Special Development District zoning classifications by reiterating that Marijuana-related uses, as specified in Sec. 50-12-110 of this Code, are not permitted on land zoned PD established as a residential planned development.

Designated marijuana consumption establishment, Marijuana retail/provisioning facility, and Marijuana microbusiness are newly added to the conditional use list of the SD2 zoning classification under Sec. 50-11-244. Additionally, this section is also revised by striking “Medical marihuana,” and replacing the language with “Marijuana” where appropriate.

The proposed ordinance amends Article XI, Division 14 – Overlay Areas by newly adding Designated marijuana consumption establishment, Marijuana retail/provisioning facility, and Marijuana microbusiness as prohibited on any zoning lot zoned B2 or B4 abutting any Gateway Radial Thoroughfare.

Sec. 50-11-386 – “Traditional Main Street Overlay Areas.” This section prohibits designated marijuana consumption establishments, marijuana microbusinesses, or marijuana retail/provisioning facilities from locating within any Traditional Main Street Overlay Area.

Article XII, Use Table

The proposed ordinance amends Article XII, Division 1, Use Table, by adding the newly revised and/or added land uses to their respective category of Medical Marijuana Facilities and Adult-Use Marijuana Establishments as denoted in Sec. 50-12-110.

Article XII, General Use Standards & Specific Use Standards

The proposed amendments to Article XII, Division 2 – General Use Standards, amend Sec. 50-12-132 – Other uses – Spacing, by striking the section pertaining to *Medical marijuana caregiver center* and specifying the spacing requirements for the other associated marijuana-related uses.

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Adult uses/sexually oriented business	1000 radial feet	<ul style="list-style-type: none"> - Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 radial feet; - Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 radial feet; - Elementary, middle, or high school: 1000 radial feet; - Park, playlot, playfield, playground, recreation center, youth activity center: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet -Regulated Use: 1000 radial feet 	See: <u>Section 50-3-504</u>
Medical marijuana caregiver center	1000 radial feet	<ul style="list-style-type: none"> Drug free zone Religious institution identified as exempt by the City Assessor: 1000 radial feet; Controlled Uses: 1000 radial feet. Medical marijuana provisioning center: 1000 radial feet 	Sec. 50-3-534; Sec. 50-12-135; Sec. 50-12-136; Sec. 50-12-413; Sec. 50-12-563
<u>Designated marijuana consumption establishment</u>	1000 radial feet	<ul style="list-style-type: none"> <u>Drug free zone</u> <u>Religious institution identified as exempt by the City Assessor: 1000 radial feet</u> <u>Marijuana retail/provisioning center facility: 1000 radial feet</u> 	

		<u>Marijuana microbusiness:</u> <u>1000 feet</u> <u>Controlled uses: 1000</u> <u>radial feet</u>	
<u>Marijuana grower facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>
<u>Marijuana microbusiness</u>	<u>1000 radial feet</u>	<u>Drug free zone</u> <u>Religious institution</u> <u>identified as exempt by the</u> <u>City Assessor: 1000 radial</u> <u>feet</u> <u>Marijuana</u> <u>retail/provisioning center</u> <u>facility: 1000 radial feet</u> <u>Designated marijuana</u> <u>consumption</u> <u>establishment: 1000 feet</u> <u>Controlled uses: 1000</u> <u>radial feet</u>	
<u>Marijuana processor</u> <u>facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>
<u>Marijuana</u> <u>retail/provisioning facility</u>	<u>1000 radial feet</u>	<u>Drug-free zone</u> <u>Religious institution</u> <u>identified as exempt by the</u> <u>City Assessor: 1000 radial</u> <u>feet</u> <u>Designated marijuana</u> <u>consumption</u> <u>establishment: 1000 feet</u> <u>Marijuana microbusiness:</u> <u>1000 radial feet</u> <u>Controlled uses: 1000</u> <u>radial feet</u>	
<u>Marijuana secure</u> <u>transporter facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>

Additionally, Sections 50-12-135 – “Waiver of general spacing requirements,” and 50-12-136 – “Waiver of spacing from schools,” state explicitly that spacing requirements may not be waived.

The proposed amendments to Article XII, Division 3 – “Specific Use Standards,” amend the language reflecting “Medical marihuana caregiver center” to reflect “Marijuana” where appropriate and to incorporate “adult-use marijuana establishment” where appropriate.

Newly added to Sec. 50-12-413 – “Medical marijuana facilities and adult-use marijuana establishments” are subsections (3), and (4).

Subsection (3) specifies that a marijuana grower facility may operate only in a commercial or industrial building that has a building footprint that does not exceed 30,000 square feet and that is located on a parcel no larger than three acres; a marijuana grower facility may operate in a multi-story building, subject to applicable height limitations. A marijuana grower facility may operate in a building that has a building footprint that exceeds 30,000 square feet but does not exceed 50,000 square feet, regardless of height, and is located on a parcel no larger than five acres only if that marijuana grower facility is co-located with another medical marijuana facility or another adult-use marijuana establishment.

Subsection (4) states that marijuana grower facilities may not grow outdoors.

Article XII, Division 6 – “Temporary Uses and Structures,” strikes the references to *Medical marihuana caregiver centers* and *medical marihuana facilities* and replaces them with *Medical marijuana facilities and adult-use marijuana establishments*.

Article XIV, Parking

Article XIV, Subdivision B – Off-Street Parking Schedule A, is revised as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
Medical marihuana Caregiver Center or Medical marihuana Provisioning Center Facility <u>Medical marijuana Facilities and Adult-Use Marijuana Establishments</u>	Medical marihuana caregiver center or medical marihuana Marijuana retail/provisioning center facility	1 per 200 square feet	same lot
	<u>Designated marijuana consumption establishment</u> Medical marihuana Marijuana grower facility <u>Marijuana microbusiness</u> Medical marihuana Marijuana processor facility Medical marihuana Marijuana safety compliance facility Medical marihuana Marijuana secure transporter facility	2 per 3 employees, or 1 per 800 square feet, whichever is fewer	100 feet

Article XVI, Words and Terms

Finally, Article XVI, Division 2 – “Words and Terms Defined,” is proposed to be revised by amending and adding several definitions. The existing terms, including the word “Marihuana,” have been revised to read “Marijuana,” and *Adult-use marijuana establishment*, *Co-location (marijuana)*, *Cultivation or cultivate (marijuana)*, *Designated marijuana consumption establishment*, *Drug-free zone*, *Equivalent licenses (marijuana)*, *Licensee (marijuana)*, *Marijuana grower facility*, *Marijuana microbusiness*, *Marijuana processor facility*, *Marijuana retailer establishment*, *Marijuana retail/provisioning facility*, *Marijuana safety compliance facility*, *Marijuana secure transporter facility*, *Medical marijuana facility*, *Medical marijuana Provisioning Center Facility*, *Michigan Medical Marihuana Facilities Licensing Act or “MMFLA,”* and *Michigan Regulation and Taxation of Marijuana Act or “MRTMA”* definitions are newly added to this section.

The proposed revisions to the Zoning Ordinance are anticipated to move in tandem with an amendatory ordinance for the Chapter 20 – “Business Licensing” provision so the definitions of Adult-Use Marijuana Consumption Establishment coincide with one another.

COMMUNITY CONCERNS AND RECOMMENDATIONS

In March 2020 the Greenacres/Woodward Civic Association (GWCA) submitted a detailed list of suggested changes to both the Business Licensing (Chapter 20) and Zoning Ordinance (Chapter 50) provisions pertaining to Adult-use Marijuana establishments. There were two specific recommendations related to zoning regulations that the GWCA requested the working group to consider.

First, the GWCA requested that, in an effort to stop the over-concentration of marijuana-related facilities along Eight Mile Road and Woodward Avenue, new regulations be drafted to prohibit the establishment of retail marijuana establishments, marijuana micro-businesses, adult-use marijuana designated consumption establishments, and temporary marijuana events along the “Major Corridor Overlay Area.” Designated “Major Corridor Overlay Areas” are defined in Sec. 50-11-402 as:

(1) Woodward. All zoning lots abutting Woodward Avenue between the center line of West McNichols and the center line of West Wight Mile Road;

(2) Eight Mile Road. All zoning lots abutting Eight Mile Road.

The Detroit Zoning Ordinance only prohibits sexually oriented businesses in this manner along the Major Corridor Overlay Areas. Such a prohibition may, in fact, have the opposite effect sought by the GWCA, which would be the greater distribution of marijuana-related facilities throughout the City of Detroit. The current zoning and spacing regulations imposed upon existing medical marijuana establishments are the same regulations proposed for adult-use marijuana establishments. Presently spacing restrictions are in place throughout the City of Detroit which prohibit dispensary type facilities from locating within 1,000 radial feet of each other, drug free zones, schools, daycare centers, parks, regulated uses and the like. The city’s Business Licensing ordinance only permits a limited number of *Retail* and/or *Medical marihuana provisioning center facility* licenses, i.e., 75 each. At present, approximately 48 of the permissible 75 licenses for *Medical marijuana provisioning center facilities* have been issued by the city since the passage and enactment of the Medical Marihuana Facilities licensing provisions.

Under the state law regulating the operation and taxation of such establishments (MRTMA), facilities are permitted to co-locate on the same premises. It is fully expected that many of the existing establishments along Eight Mile Road and Woodward Avenue which currently hold state licenses for medical marijuana will likely be licensed for adult-use marijuana sales as well. Presently each of these establishment casts a 1,000-foot radial shadow prohibiting other such establishments from proliferating in an area. If the requested amendment were to be enacted, 1) the City of Detroit would be acting contrary to the spirit and intent of the statute which encourages co-location; 2) existing, as well as, future facility owners would have to seek out primary or secondary facilities throughout the city in closer proximity to historically residential neighborhoods and commercial corridors.

The second zoning request submitted by GWCA is to amend the current Traditional Main Street Overlay Area on Livernois Avenue by extending the boundaries from its current end point at St. Martin Avenue to West Eight Mile Road. This latter recommendation has already been undertaken by the Commission and acted on by City Council as a part of the most recent text amendments (Ord. No. 2020-21) to address needed changes to the Traditional Main Street Overlay areas involving off-parking allowances, and the expansion of area boundaries along West Grand River, Livernois Avenue, Warren Avenue, and Van Dyke Avenue. While the intent of this most recent text

amendment was not to expressly prohibit marijuana related establishment from locating along the Livernois Avenue Traditional Mainstreet Overlay Area corridor, the resulting effect has yielded the petitioners' desired outcome.

An additional recommendation was submitted by a member of the public, a District-2 resident, requesting a spacing restriction of 500 radial feet from all land zoned residential. In conducting a cursory review of this recommendation it would appear that every major and secondary thoroughfare within the City of Detroit would be affected, nearly prohibiting any such facility from being established. It is ill-advised to pursue such a recommendation considering that any municipality, village or township, which lawfully allows a principal land use, must also allow conditions in which that land use may be established. If the petitioner's recommendation were enacted the City of Detroit would find itself exceedingly vulnerable to litigation.

Among the many reasons a spacing restriction from land zoned residential, outside of the Residential PD, has not been pursued is the fact that under state law a resident in a single-family detached home, or any other residential domicile could theoretically legally possess up to 84 marijuana plants. A typical single-family detached home has a required side setback of as little as four-feet. The average required rear setback from commercial property along a major or secondary thoroughfare is 30 feet.

An additional recommendation regarding spacing from residential properties was submitted by the Office of Councilmember Castañeda-López. The recommendations have risen from concerns expressed revolving around the fact that there are many single-family residential neighborhoods throughout the City of Detroit which are zoned industrial. Presently the draft ordinance permits marijuana grower facilities, marijuana processor facilities, marijuana safety compliance facilities, and marijuana secure transporter facilities to potentially cluster in industrially zoned districts which may be adjacent to residential communities. The Councilmember's request is for no more than two such facilities being located within 1,000 feet of each other in order to prevent an overconcentration of any such uses in one particular area.

Concerns were raised at the CPC's presentation on the draft ordinance at the meeting of January 28, 2021. Specifically, the Commission raised concerns about the utilization of "curbside" pickup at retail and/or provisioning establishments as well as the elimination of an active list of state licensed facilities from the City of Detroit's website.

In regards to the Commission's concerns over the utilization of "curbside" and/or "drive-thru" operation, CPC staff was able to identify several examples of facilities in the State of Michigan which operated both "curbside" and/or "drive-thru" facilities. In speaking with law enforcement and licensing agencies in Ann Arbor, Michigan, Ypsilanti, Michigan, Kalamazoo, Michigan, and Grand Rapids, Michigan, the Commission received no negative reports regarding the "curbside" or "drive-thru" operations of these facilities associated with larceny, theft, or any other violent crime resulting in loss of property or life. Regardless, after further conversation with the sponsor of the ordinance, Councilmember Tate, it has been determined that the language regarding "drive-thru" and "curbside" sales be stricken from the ordinance.

In regards to the Commission's request that a state issued list of licensed facilities be maintained on the City's website, the newly established "detroitmeansbusiness.org" website has both interactive maps showing potentially available parcels for marijuana related uses as well as the location of licensed marijuana facilities within the City of Detroit.

PUBLIC HEARING RESULTS

On Thursday, February 4, 2021, CPC held the statutorily required public hearing on this matter. There were over 100 members of the public in attendance, 17 of which spoke during public comment. The Commission thought it prudent that the individual comments and concerns expressed by the members of the public be known to Your Honorable Body, and thus have been included in this section of the report.

The first caller expressed concerns over “marijuana events” being allowed within the City of Detroit and the impacts that such events will have on public safety. Additionally, they requested that a 1,000-foot spacing buffer be put in place for all marijuana-related uses adjacent to residential communities. Commission staff indicated that while “marijuana events” are licensed by the City of Detroit, they are not a land use. Commission staff noted that the consumption of marijuana prior to operating a motor vehicle is illegal, as is the consumption of marijuana while operating a motor vehicle. Under the provisions of Chapter 20 – Article VI, prior to a permit being issued for a marijuana event, the City Council is required to vote to authorize any such event. In regards to the 1,000-foot spacing buffer, the same rationale as to why a 500-foot spacing buffer from land zoned residential is unfeasible applies.

The second caller expressed concerns over the lack of community engagement pertaining to proposed text amendment. While the statutory notice and public hearing requirements of the Zoning Enabling Act have been met, many members of the public remain unfamiliar with the content of the proposed text amendment.

The third caller stated their support for the proposed text amendment, however, requested that the Commission consider a spacing exemption for the Eastern Market district considering that the current spacing provisions preclude any marijuana establishment from locating in the footprint of the market area.

The fourth caller stated their support for the proposed text amendment, however, requested that the Commission consider lifting the spacing requirement that marijuana facilities be located greater than 1,000 feet away from Controlled Uses, i.e., liquor stores.

The fifth caller stated their support for the proposed text amendment, however, requested that the Commission consider a spacing exemption for the Eastern Market district as well.

The sixth caller stated their support for the proposed text amendment, however, requested that the Commission consider allowing marijuana-related uses in the Eastern Market area.

The seventh caller stated their support for the proposed text amendment, however, they too requested that the Commission consider allowing marijuana-related uses in the Eastern Market area by allowing a spacing exemption.

The eighth caller inquired about which marijuana-related land uses would be allowed in the B2 (Local Business District) zoning classification. The caller also wanted verification that “public housing” was still included in the definition of “Drug free zone.” CPC staff indicated that designated marijuana consumption establishments, marijuana retail/provisioning facilities, marijuana microbusinesses, and marijuana safety compliance facilities are permissible in the B2 zoning classification. CPC staff also reiterated that public housing is still included in the definition of a “Drug free zone”.

The ninth caller also expressed their concerns over “marijuana events” and public safety. They indicated that they reside in Council District 3 which has a substantial amount of industrial zoned land and were concerned about over-concentration of marijuana-related uses and the impact they might have on property values and quality of life.

The tenth caller reiterated their desire to see an amendment to the Major Corridor Overlay Area which would prohibit adult-use marijuana establishments from being about to locate anywhere along 8 Mile Road, or Woodward Avenue from W. McNichols to Eight Mile Road.

The eleventh caller stated that the Eastern Market Corporation is in support of allowing marijuana-related uses within the footprint of the market, and requested that the Commission consider a spacing exemption from Controlled Uses, specifically for the Eastern Market area.

The twelfth caller expressed their concerns regarding the over-concentration of such uses in the Livernois and Joy Road area. They stated their concern over the renovation of a former church building located at 8305 Livernois into a marijuana-related facility. The caller also wanted reassurance that “Metro Detroit” residing outside of the city could not qualify for “Legacy Detroiter” certification. It was reiterated that they could not.

The thirteenth caller inquired if allowing co-location was a violation of the City’s 1,000-foot spacing requirement. It was stated that co-location is allowed and does not trigger the 1,000 foot spacing requirement. The caller also objected to “M” zoning classifications being referred to as “Marijuana Districts.” CPC staff reiterated that the “M” zoning classification stands for “Industrial” and not “Marijuana.” The caller’s final request was that a neighborhood opt-out form be created for communities that don’t want marijuana-related facilities. It was reiterated that all marijuana-related uses are conditional, and that all residents and property owners within 300 radial feet would have an opportunity to voice their concerns, support, or opposition at the statutorily required special land use hearing.

The fourteenth caller stated their support for the proposed text amendment, however, requested that the spacing restrictions for marijuana microbusinesses from religious institutions Controlled Uses be stricken to make more land available for such uses.

The fifteenth caller expressed their desire to see a community opt-out provision added and that the process be expedited.

The sixteenth caller expressed concerns over the correlation between marijuana consumption and employability, stating that the unemployment rate within the City of Detroit was so high because many individuals attempting to enter the workforce cannot because of their use of marijuana.

The seventeenth and final caller expressed concerns over the permissibility of allowing adult-use marijuana, considering that it is listed as a Schedule I Narcotic by the Federal Government, and, siting the hiring requirements for the Detroit Housing Commission, which is Federally-funded prohibit the possession and utilization of marijuana.

RECOMMENDATION

On Thursday, February 4, 2021 (the Morning of Friday, February 5, 2021) the City Planning Commission voted 6-1 to recommend approval of the proposed text amendments submitted by the

Office of Councilmember James Tate (District 1) pertaining to Medical Marijuana Facilities and Adult-Use Marijuana Establishments, specifically to amend Chapter 50 of the 2019 Detroit City Code, Zoning, Article II, Division 6 – *Review and Decision-Making Bodies*; Article III, Division 12 – *Medical Marijuana Caregiver Centers and Medical Marijuana Facilities*; Article IX, Division 3 – *B2 Local Business and Residential District*; Article IX, Division 5 – *B4 General Business District*; Article IX, Division 6 – *B5 Major Business District*; Article IX, Division 7 – *B6 General Services District*; Article X, Division 2 – *M1 Limited Industrial District*; Article X, Division 3 – *M2 Restricted Industrial District*; Article X, Division 4 – *M3 General Industrial District*; Article X, Division 5 – *M4 Intensive Industrial District*; Article X, Division 6 – *M5 Special Industrial District*; Article XI, Division 2 – *PD Planned Development District*; Article XI, Division 10 – *SD2 Special Development District, Mixed Use*; Article XI, Division 14 – *Overlay Areas*; Article XII, Division 1 – *Use Table*; Article XII, Division 2 – *General Use Standards*; Article XII, Division 3 – *Specific Use Standards*; Article XII, Division 6 – *Temporary Uses and Structures*; Article XIV, Division 1 – *Subdivision B – Off-Street Parking Schedule A*; and Article XVI, Division 2 – *Words and Terms Defined*.

The provisions of the Licensing Ordinance for Adult Use Marijuana are scheduled to go into effect on April 1, 2021 to accommodate the receipt of applications for residents certified as “Legacy Detroiters.”

Respectfully submitted,

ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr, Director
George A. Etheridge, Staff
Kathryn L. Underwood, MUP, Staff
M. Rory Bolger, Ph.D., FAICP, Staff

Attachments:
Ordinance

cc: Council Member James Tate
Lawrence T. Garcia, Corporation Counsel, Law Department
Tonja Long, Law
Kimberly James, Law
Daniel Arking, Law
David Bell, Director, BSEED
Katy Trudeau, Interim Director, PDD

Attachments

S U M M A R Y

THIS ORDINANCE amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by repealing Article II, *Review and Decision-Making Bodies*, Division 6, *Advisory Review Committees*, Subdivision J, *Medical Marihuana Facility Review Committee*, Section 50-2-261, *Creation*, Section 50-2-262, *Personnel*, Section 50-2-263, *Officers*, Section 50-2-264, *Duties and functions*, and Section 50-2-265, *Meetings, records and procedures*; and by amending Article II, *Review and Decision-Making Bodies*, Division 6, *Advisory Review Committees*, Subdivision A, *In General*, Section 50-2-91, *Advisory group structure*; Article III, *Review and Approval of Procedures (Part 1)*, Division 12, *Medical Marihuana Caregiver Centers and Medical Marihuana Facilities*, Section 50-3-531, *Purpose; in general*, Section 50-3-532, *Medical marihuana caregiver centers and medical marihuana facilities subject to this division*, Section 50-3-533, *Definitions; meaning of terms*, Section 50-3-534, *Medical marihuana caregiver center procedures*, Section 50-3-535, *Permitted districts for medical marihuana facilities; conditional use; restrictions*, Section 50-3-536, *Medical marihuana facility procedures*, and Section 50-3-537, *Accessory uses; public nuisance*; Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*, Section 50-9-54, *Conditional other uses*, Division 5, *B4 General Business District*, Section 50-9-114, *Conditional other uses*, Division 6, *B5 Major Business District*, Section 50-9-144, *Conditional other uses*, and Division 7, *B6 General Services District*, Section 50-9-174, *Conditional other uses*; Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-24, *Conditional other uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-54, *Conditional other uses*, Division 4, *M3 General Industrial District*, Section 50-10-84, *Conditional other uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-114, *Conditional other uses*, and Division 6, *M5 Special Industrial District*, Section 50-10-144, *Conditional other uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 2, *PD Planned Development District*, Section 50-11-13, *Use regulations*, Division 10, *SD2 – Special Development District, Mixed-use*, Section 50-11-244, *Conditional other uses*, and Division 14, *Overlay Areas*, Subdivision A, *Gateway Radial Thoroughfare Overlay Areas*, Section 50-11-364, *Prohibitions and limitations*, and Subdivision B, *Traditional Main Street Overlay Areas*, Section 50-11-386, *Prohibited use*; Article XII, *Use Regulations*, Division 1, *Use Table*, Subdivision F, *Other Uses*, Section 50-12-110, *Medical marihuana facilities*, Division 2, *General Use Standards*, Section 50-12-132, *Other uses – spacing*, Section 50-12-135, *Waiver of general spacing requirements*, Section 50-12-136, *Waiver of spacing from schools*, Division 3, *Specific Use Standards*, Subdivision I, *Other Users – Miscellaneous*, Section 50-12-413, *Medical marihuana caregiver centers and medical marihuana facilities*, and Division 6, *Temporary Uses and Structures*, Subdivision B, *Specific Temporary Uses Allowed*, Section 50-12-563, *Prohibited temporary uses*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision B, *Off-Street Parking Schedule "A"*, Section 50-14-69, *Medical marihuana caregiver centers and medical marihuana facilities*; and Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*, Subdivision B, *Letter "A"*, Section 50-16-111, *Words and terms (Aa—Ag)*, Subdivision D, *Letter "C"*, Section 50-16-153, *Words and terms (Cn—Cs)*, Section 50-16-154, *Words and terms (Ct—Cz)*, Subdivision E, *Letter "D"*, Section 50-16-171, *Words and terms (Da—Dg)*, Section 50-16-172, *Words and terms (Dh—Dz)*, Subdivision F, *Letter "E"*, Section 50-16-191, *Words and terms (Ea—Ez)*, Subdivision K, *Letters "K" Through "L"*, Section 50-16-283, *Words and terms (Lh—Lm)*, Subdivision L, *Letter "M"*, Section 50-16-301, *Words and terms (Ma—Mg)*, and Section 50-16-302 *Words and terms (Mh—*

Mm), to abolish the medical marijuana facility review committee, to add marijuana retailer establishment, designated marijuana consumption establishment, and marijuana microbusiness as conditional uses in B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts; to add marijuana safety compliance facility as a conditional use in B2, B4, B5, B6, M1, M2, M3, M4, M5, and SD2 zoning districts; to add marijuana secure transporter facility as a conditional use in B5, B6, M1 M2, M3, M4, and M5 zoning districts; to add marijuana processor facility as a conditional use in B6, M1, M2, M3, M4, and M5 zoning districts; to add marijuana grower facility as a conditional use in M1, M2, M3, M4, and M5 zoning districts; to specify marijuana-related land uses as a legislatively approved use on land zoned PD, where established as a non-residential PD; to amend the list of prohibited uses in Gateway Radial Thoroughfare overlay areas to include adult-use marijuana retailer establishments and marijuana microbusinesses; to amend the list of prohibited uses in Traditional Main Street overlay areas to include adult-use designated consumption establishment, adult-use marijuana retailer establishment, marijuana grower facility, marijuana microbusiness, marijuana processor facility, and marijuana secure transporter facility; to add use regulations for adult-use marijuana establishments; to add definitions related to adult-use marijuana; and to make certain non-substantive corrections.

BY COUNCIL MEMBER _____:

1 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by
2 repealing Article II, *Review and Decision-Making Bodies*, Division 6, *Advisory Review*
3 *Committees*, Subdivision J, *Medical Marihuana Facility Review Committee*, Section 50-2-261,
4 *Creation*, Section 50-2-262, *Personnel*, Section 50-2-263, *Officers*, Section 50-2-264, *Duties and*
5 *functions*, and Section 50-2-265, *Meetings, records and procedures*; and by amending Article II,
6 *Review and Decision-Making Bodies*, Division 6, *Advisory Review Committees*, Subdivision A, In
7 General, Section 50-2-91, *Advisory group structure*; Article III, *Review and Approval of*
8 *Procedures (Part 1)*, Division 12, *Medical Marihuana Caregiver Centers and Medical Marihuana*
9 *Facilities*, Section 50-3-531, *Purpose; in general*, Section 50-3-532, *Medical marihuana caregiver*
10 *centers and medical marihuana facilities subject to this division*, Section 50-3-533, *Definitions;*
11 *meaning of terms*, Section 50-3-534, *Medical marihuana caregiver center procedures*, Section 50-
12 3-535, *Permitted districts for medical marihuana facilities; conditional use; restrictions*, Section
13 50-3-536, *Medical marihuana facility procedures*, and Section 50-3-537, *Accessory uses; public*
14 *nuisance*; Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential*
15 *District*, Section 50-9-54, *Conditional other uses*, Division 5, *B4 General Business District*,
16 Section 50-9-114, *Conditional other uses*, Division 6, *B5 Major Business District*, Section 50-9-
17 144, *Conditional other uses*, and Division 7, *B6 General Services District*, Section 50-9-174,
18 *Conditional other uses*; Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial*
19 *District*, Section 50-10-24, *Conditional other uses*, Division 3, *M2 Restricted Industrial District*,
20 Section 50-10-54, *Conditional other uses*, Division 4, *M3 General Industrial District*, Section 50-
21 10-84, *Conditional other uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-114,
22 *Conditional other uses*, and Division 6, *M5 Special Industrial District*, Section 50-10-144,

1 *Conditional other uses; Article XI, Special Purpose Zoning Districts and Overlay Areas, Division*
2 *2, PD Planned Development District, Section 50-11-13, Use regulations, Division 10, SD2 –*
3 *Special Development District, Mixed-use, Section 50-11-244, Conditional other uses, and Division*
4 *14, Overlay Areas, Subdivision A, Gateway Radial Thoroughfare Overlay Areas, Section 50-11-*
5 *364, Prohibitions and limitations, and Subdivision B, Traditional Main Street Overlay Areas, 50-*
6 *11-386, Prohibited use; Article XII, Use Regulations, Division 1, Use Table, Subdivision F, Other*
7 *Uses, Section 50-12-110, Medical marihuana facilities, Division 2, General Use Standards,*
8 *Section 50-12-132, Other uses – spacing, Section 50-12-135, Waiver of general spacing*
9 *requirements, Section 50-12-136, Waiver of spacing from schools, Division 3, Specific Use*
10 *Standards, Subdivision I, Other Users – Miscellaneous, Section 50-12-413, Medical marihuana*
11 *caregiver centers and medical marihuana facilities, and Division 6, Temporary Uses and*
12 *Structures, Subdivision B, Specific Temporary Uses Allowed, Section 50-12-563, Prohibited*
13 *temporary uses; Article XIV, Development Standards, Division 1, Off-Street Parking, Loading,*
14 *and Access, Subdivision B, Off-Street Parking Schedule "A", Section 50-14-69, Medical*
15 *marihuana caregiver centers and medical marihuana facilities; and Article XVI, Rules of*
16 *Construction and Definitions, Division 2, Words and Terms Defined, Section 50-16-302, Words*
17 *and terms (Mh-Mm), Subdivision L, Letter "M", Section 50-16-301, Words and terms (Ma—Mg),*
18 *and Section 50-16-302 Words and terms (Mh—Mm), to add marijuana retailer establishment,*
19 *designated marijuana consumption establishment, and marijuana microbusiness as conditional*
20 *uses in B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts; to add marijuana safety*
21 *compliance facility as a conditional use in B2, B4, B5, B6, M1, M2, M3, M4, M5, and SD2 zoning*
22 *districts; to add marijuana secure transporter facility as a conditional use in B5, B6, M1 M2, M3,*
23 *M4, and M5 zoning districts; to add marijuana processor facility as a conditional use in B6, M1,*

1 M2, M3, M4, and M5 zoning districts; to add marijuana grower facility as a conditional use in M1,
2 M2, M3, M4, and M5 zoning districts; to specify marijuana-related land uses as a legislatively
3 approved use on land zoned PD, where established as a non-residential PD; to amend the list of
4 prohibited uses in Gateway Radial Thoroughfare overlay areas to include adult-use marijuana
5 retailer establishments and marijuana microbusinesses; to amend the list of prohibited uses in
6 Traditional Main Street overlay areas to include adult-use designated consumption establishment,
7 adult-use marijuana retailer establishment, marijuana grower facility, marijuana microbusiness,
8 marijuana processor facility, and marijuana secure transporter facility; to add use regulations for
9 adult-use marijuana establishments; to add definitions related to adult-use marijuana; and to make
10 certain non-substantive corrections.

11 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
12 **THAT:**

13 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning, Article II, Review and*
14 *Decision-Making Bodies, Division 6, Advisory Review Committees, Subdivision J, Medical*
15 *Marihuana Facility Review Committee, Section 50-2-261, Creation, Section 50-2-262, Personnel,*
16 *Section 50-2-263, Officers, Section 50-2-264, Duties and functions, and Section 50-2-265,*
17 *Meetings, records and procedures* be repealed; and Article II, *Review and Decision-Making*
18 *Bodies, Division 6, Advisory Review Committees, Subdivision A, In General, Section 50-2-91,*
19 *Advisory group structure; Article III, Review and Approval of Procedures (Part 1), Division 12,*
20 *Medical Marihuana Caregiver Centers and Medical Marihuana Facilities, Section 50-3-531,*
21 *Purpose; in general, Section 50-3-532, Medical marihuana caregiver centers and medical*
22 *marihuana facilities subject to this division, Section 50-3-533, Definitions; meaning of terms,*
23 *Section 50-3-534, Medical marihuana caregiver center procedures, Section 50-3-535, Permitted*

1 *districts for medical marihuana facilities; conditional use; restrictions, Section 50-3-536, Medical*
2 *marihuana facility procedures, and Section 50-3-537, Accessory uses; public nuisance; Article IX,*
3 *Business Zoning Districts, Division 3, B2 Local Business and Residential District, Section 50-9-*
4 *54, Conditional other uses, Division 5, B4 General Business District, Section 50-9-114,*
5 *Conditional other uses, Division 6, B5 Major Business District, Section 50-9-144, Conditional*
6 *other uses, and Division 7, B6 General Services District, Section 50-9-174, Conditional other*
7 *uses; Article X, Industrial Zoning Districts, Division 2, M1 Limited Industrial District, Section*
8 *50-10-24, Conditional other uses, Division 3, M2 Restricted Industrial District, Section 50-10-54,*
9 *Conditional other uses, Division 4, M3 General Industrial District, Section 50-10-84, Conditional*
10 *other uses, Division 5, M4 Intensive Industrial District, Section 50-10-114, Conditional other uses,*
11 *and Division 6, M5 Special Industrial District, Section 50-10-144, Conditional other uses; Article*
12 *XI, Special Purpose Zoning Districts and Overlay Areas, Division 2, PD Planned Development*
13 *District, Section 50-11-13, Use regulations, Division 10, SD2 – Special Development District,*
14 *Mixed-use, Section 50-11-244, Conditional other uses, and Division 14, Overlay Areas,*
15 *Subdivision A, Gateway Radial Thoroughfare Overlay Areas, Section 50-11-364, Prohibitions*
16 *and limitations, and Subdivision B, Traditional Main Street Overlay Areas, 50-11-386, Prohibited*
17 *use; Article XII, Use Regulations, Division 1, Use Table, Subdivision F, Other Uses, Section 50-*
18 *12-110, Medical marihuana facilities, Division 2, General Use Standards, Section 50-12-132,*
19 *Other uses – spacing, Section 50-12-135, Waiver of general spacing requirements, Section 50-12-*
20 *136, Waiver of spacing from schools, Division 3, Specific Use Standards, Subdivision I, Other*
21 *Users – Miscellaneous, Section 50-12-413, Medical marihuana caregiver centers and medical*
22 *marihuana facilities, and Division 6, Temporary Uses and Structures, Subdivision B, Specific*
23 *Temporary Uses Allowed, Section 50-12-563, Prohibited temporary uses; Article XIV,*

Development Standards, Division 1, Off-Street Parking, Loading, and Access, Subdivision B, Off-Street Parking Schedule "A", Section 50-14-69, Medical marihuana caregiver centers and medical marihuana facilities; and Article XVI, Rules of Construction and Definitions, Division 2, Words and Terms Defined, Section 50-16-302, Words and terms (Mh-Mm), Subdivision L, Letter "M", Section 50-16-301, Words and terms (Ma—Mg), and Section 50-16-302 Words and terms (Mh—Mm) be amended, as follows:

CHAPTER 50. ZONING.

ARTICLE II. REVIEW AND DECISION-MAKING BODIES

DIVISION 6. ADVISORY REVIEW COMMITTEES

Subdivision A. In General

Sec. 50-2-91. Advisory group structure

The chairpersons and membership rosters of certain advisory committees are summarized in Table 50-2-91.

Table 50-2-91. Advisory ~~MMFRC~~ Committee structure.

Advisory MMFRC Committee	Chair-person	Members
Floodplain Management Review	DEA	CPC; DEA; DPW; DWSD; PDD.
Hazardous Waste Facility Review	DEA	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.
Industrial Review	DEA	CPC; DEA; DWSD; Fire; GDRRA; DHD/EH; DPW/SW; Pⅅ WCDoE.
Loft Review	P&DD	CPC; DEA; DHD/EH; DHD/LP; Fire; Pⅅ WCDoE.
Medical Marihuana Facility Review	Law	Assessor, BSEED, CPC, DHD, DPD, DPW, Fire, Law, PDD
Solid Waste Facility Review	DPW	CPC; DEA; DHD/EH; DPW/SW; Fire; Pⅅ WCDoE; two <i>ad hoc</i> members.
Wireless Telecommunications Site Review	Mayor's Office	BSEED; ITS; Law; PDD, DPD; PLD; DPW; DOT; DWSD; CPC.

NOTE: **BSEED** = Buildings, Safety Engineering, and Environmental Department; **CPC** = City Planning Commission; **DEA** = BSEED Division of Environmental Affairs; **DHD** = Detroit Health Department; **DOT**

= Department of Transportation; **DPD** = Detroit Police Department; **DPW** = Department of Public Works (SW = Solid Waste Division, **TE** = Traffic Engineering Division); **DWSD** = Detroit Water & Sewerage Department; **Fire** = Fire Marshall; **GDRRA** = Greater Detroit Resource Recovery Authority; **ITS** = Information Technology Services; **P&DD** = Planning Department; **PLD** = Public Lighting Department; **WCDoe** = County of Wayne Department of Environment.

Subdivision J. Medical Marihuana Facility Review Committee ~~REPEALED~~

~~Sec. 50-2-261. Creation.~~

~~There is hereby established a Medical Marihuana Facility Review Committee (“MMFRC”), which shall perform its duties and exercise its powers as provided for in Sec. 50-2-261 through 50-2-265 of this Code.~~

~~Sec. 50-2-262. Personnel.~~

~~The MMFRC consists of a staff member who is assigned from each of the departments and agencies that are identified in this section. The directors of the respective departments and the heads of the respective agencies shall each appoint a qualified representative to serve on the MMFRC, and shall also appoint a qualified alternate representative who serves in the absence of the representative. Upon the appointment of the MMFRC members, the Law Department shall provide to the City Council, by way of the City Clerk’s office, a report including the department, names, titles, and contact information for all MMFRC members and alternates, and shall provide regular updates of changes in the membership of the MMFRC. The respective departments and agencies that must appoint representatives to the MMFRC are as follows:~~

~~(1) — Assessor~~

~~(2) — BSEED~~

~~(3) — CPC~~

~~(4) — DHD~~

~~(5) — DPD~~

1 ~~(6) — DPW~~

2 ~~(7) — Fire~~

3 ~~(8) — Law Department~~

4 ~~(9) — PDD~~

5 ~~(10) — Such other departments or agencies as deemed appropriate by the chairperson to~~
6 ~~advise on a particular application~~

7 **~~Sec. 50-2-263. Officers.~~**

8 ~~The representative from the Law Department serves as chairperson of the MMFRC, and~~
9 ~~shall designate a person to serve as secretary to keep minutes of MMFRC meetings and maintain~~
10 ~~other relevant files and records as directed. The secretary is not required to be a MMFRC member.~~

11 **~~Sec. 50-2-264. Duties and functions.~~**

12 ~~(a) — The MMFRC serves in an advisory capacity to the Buildings, Safety Engineering~~
13 ~~and Environmental Department (“BSEED”) and the Board of Zoning Appeals (“BZA”) by~~
14 ~~reviewing and making recommendations regarding the advisability of permitting the medical~~
15 ~~marihuana facilities listed in this subsection, each as defined in Sec. 50-16-301 of this Code:~~

16 ~~(1) — Medical marihuana grower facility~~

17 ~~(2) — Medical marihuana processor facility~~

18 ~~(3) — Medical marihuana provisioning center facility~~

19 ~~(4) — Medical marihuana safety compliance facility~~

20 ~~(5) — Medical marihuana secure transporter facility~~

21 ~~(b) — For each medical marihuana facility application, the MMFRC shall evaluate all~~
22 ~~applicable regulations that apply to the establishment or operation of the proposed medical~~
23 ~~marihuana facility and shall review and make recommendation regarding the application to~~

~~BSEED or the BZA, as applicable. In performing this function, the MMFRC shall review and investigate the following:~~

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

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

~~(3) A comprehensive business plan detailing:~~

~~a. Operations~~

~~b. Security~~

~~c. Testing~~

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

~~e. Waste handling and disposal~~

~~f. Community relations~~

~~g. Recruitment and training of employees~~

~~h. Number of Detroit residents employed, or intended to be employed~~

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

~~(5) Business ownership information including the names and residential addresses of each individual, member, shareholder, officer, director or partner that makes up the ownership entity;~~

- 1 ~~(6) — City of Detroit income tax returns for the preceding three tax years for each natural~~
2 ~~person that is part of the ownership entity, and corporate tax returns if applicable;~~
- 3 ~~(7) — Property tax clearance for the proposed location;~~
- 4 ~~(8) — Financial documentation demonstrating resources sufficient to meet the~~
5 ~~capitalization requirement required for the facility by the State of Michigan~~
6 ~~pursuant to the MMFLA;~~
- 7 ~~(9) — Police Department history of the location and each natural person that is part of the~~
8 ~~ownership entity;~~
- 9 ~~(10) — Estimated use of public services, electricity, sewage, and water;~~
- 10 ~~(11) — The types of materials, substances, chemicals, machinery, and equipment that will~~
11 ~~be used by the facility;~~
- 12 ~~(12) — The proposed development's potential for impeding the normal and orderly~~
13 ~~development of the surrounding property for uses that are permitted in the district,~~
14 ~~and its potential to endanger the social, physical, or economic well-being of the~~
15 ~~area, including but not limited to health impacts, truck routes used to access the~~
16 ~~facility, and blight violation history of the property and/or property owner;~~
- 17 ~~(13) — The community benefits the applicant intends to provide, if any, defined for the~~
18 ~~purposes 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~~
21 ~~the MMFRC.~~

1 **Sec. 50-2-265. Meetings, records and procedures.**

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

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

11 (c) — ~~The MMFRC shall recommend denial, approval, or approval with conditions of~~
12 ~~each application. A recommendation to approve, with or without conditions, must have the~~
13 ~~unanimous support of all MMFRC members. If MMFRC members do not unanimously support~~
14 ~~approval, the MMFRC must recommend denial. In every recommendation of approval, the~~
15 ~~MMFRC shall stipulate the following as a condition of approval: "That all applicable licenses~~
16 ~~and/or permits that are required by other agencies and jurisdictions be obtained and maintained as~~
17 ~~a condition of holding a permit from the Buildings, Safety Engineering and Environmental~~
18 ~~Department." In every recommendation of denial, the MMFRC shall provide the specific reason~~
19 ~~or reasons for the recommendation.~~

20 (d) — ~~Within sixty (60) days after receipt of the complete application, the chairperson~~
21 ~~shall formulate the MMFRC's recommendation and shall submit such recommendation to BSEED~~
22 ~~or the BZA as applicable. The MMFRC may request additional time to review an application, and~~

1 the lack of a recommendation from the MMFRC must be considered to be neither support nor
2 opposition for the application.

3 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)**

4 **DIVISION 12. MEDICAL ~~MARIHUANA~~ CAREGIVER CENTERS AND**

5 **~~MEDICAL MARIHUANA~~ MARIJUANA FACILITIES AND ADULT-USE**

6 **MARIJUANA ESTABLISHMENTS**

7 **Sec. 50-3-531. Purpose; in general.**

8 (a) The purpose of this ~~D~~ivision is to establish standards and procedures for the
9 review and approval of the City of Detroit in permitting the land use ~~category~~ categories of medical
10 ~~marihuana caregiver centers and medical marihuana~~ marijuana facilities and adult-use marijuana
11 establishments, ~~and~~ to prevent an over concentration of like uses, and ~~to allow for~~ ensure the
12 diversification of commercial and retail offerings along major and secondary corridors in order to:

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

17 (2) Regulate land used in the operation of activities authorized by the Michigan
18 Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*
19 ("MMMA"), ~~and~~ the Michigan Medical Marihuana Facilities Licensing Act, being
20 Public Act 281 of 2016, MCL 333.27101, *et seq.* ("MMFLA"), and the Michigan
21 Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL
22 333.27951 *et seq.* ("MRTMA");

1 (3) Establish land use restrictions that are fair and equitable for those interested in
2 establishing medical ~~marihuana caregiver centers or medical marihuana~~ marijuana
3 facilities and adult-use marijuana establishments, while protecting adjacent
4 properties from potential adverse effects;

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

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

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

15 (1) Cultivation, sale, consumption, use, distribution, manufacture or possession of
16 ~~marihuana~~ marijuana in any form not in compliance with the Michigan Medical
17 Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.* ("MMMA"), or
18 the Michigan Medical Marihuana Facilities Licensing Act, being Public Act 281 of
19 2016, MCL 333.27101 *et seq.* ("MMFLA"), or the Michigan Regulation and
20 Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq.*
21 ("MRTMA"); or

22 (2) Any criminal prosecution under federal laws including seizure of property under
23 the Federal Controlled Substances Act, 21 U.S.C. ~~See~~ § 801 *et seq.*

(d) ~~The Buildings, Safety Engineering and Environmental Department shall maintain a list of locations of medical marihuana facilities that are licensed by the State of Michigan on the City of Detroit's website.~~

Sec. 50-3-532. Medical ~~Marihuana~~ Caregiver Centers and medical marihuana marijuana facilities and adult-use marijuana establishments subject to this division.

This Division applies to all medical ~~marihuana caregiver centers and medical marihuana~~ marijuana facilities and adult-use marijuana establishments, as defined in ~~Sec. 50-16-301~~ Section 50-3-533 of this Code.

Sec. 50-3-533. Definitions; meaning of terms.

Adult-use marijuana establishment means a location where a licensee operates one of the following commercial entities or activities under the authority of the MRTMA: grower, processor, retailer, secure transporter, safety compliance facility, marijuana microbusiness, excess marijuana grower, marijuana event organizer, temporary marijuana event, or designated marijuana consumption establishment, or any other type of marijuana-related business licensed to operate in accordance with the MRTMA.

Co-location means a practice where more than one licensee is authorized by the State of Michigan to operate a medical ~~marihuana~~ marijuana facility or an adult-use marijuana establishment at the same location in one building, in accordance with the applicable rules promulgated by the State of Michigan and the license requirements of Chapter 20, Article VI of this Code.

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

1 Designated marijuana consumption establishment means a location where a licensee that
2 is licensed as a designated marijuana consumption establishment under the MRTMA and Chapter
3 20, Article VI of this Code operates a commercial entity that allows adults 21 years of age and
4 older to consume marijuana products at a commercial location designated by the state operating
5 license.

6 Drug-free zone, for the purpose of this Chapter, means an area that is within ~~one thousand~~
7 ~~(1,000)~~ radial feet of ~~the~~ a zoning lot of a(n):

- 8 (1) child care center, as defined in ~~See. Section~~ Section 50-16-152 of this Code;
- 9 (2) educational institution, as defined in ~~See. Section~~ Section 50-16-191 of this Code;
- 10 (3) library, as defined in ~~See. Section~~ Section 50-16-283 of this Code;
- 11 (4) outdoor recreation facility, as defined in ~~See. Section~~ Section 50-16-324 of this Code, other
12 than parkways and parklots and identified in the City of Detroit 2017 Recreation
13 Master Plan;
- 14 (5) school, as defined in ~~See. Section~~ Section 50-16-381 of this Code;
- 15 (6) youth activity center as defined in ~~See. Section~~ Section 50-16-462 of this Code;
- 16 (7) public housing as defined in 42 USC § 1437a(b)(1).

17 Equivalent licenses means any of the following pairs of licenses held by a single licensee:

- 18 (1) A marijuana grower license, of any class, issued under MRTMA and a grower
19 license, of any class, issued under the MMFLA;
- 20 (2) A marijuana processor license issued under the MRTMA and a processor license
21 under the MMFLA;
- 22 (3) A marijuana retailer license issued under the MRTMA and a provisioning center
23 license issued under the MMFLA;

1 (4) A secure transporter license issued under the MRTMA and a secure transporter
2 license issued under the MMFLA; or

3 (5) A safety compliance facility license issued under the MRTMA and a safety
4 compliance facility license issued under the MMFLA.

5 *Licensee* means a person holding a state operating license and a city business license to
6 operate a medical ~~marihuana~~ marijuana facility or an adult-use marijuana establishment.

7 ~~Medical marihuana~~ Marijuana grower facility means a location where a ~~grower~~ licensee
8 that is licensed as a marijuana grower under the MRTMA or a grower under the MMFLA, and as
9 a grower under Chapter 20, Article VI of this Code, operates that is a commercial entity located in
10 this state that cultivates, dries, trims, or cures and packages marijuana for sale or transfer to a
11 ~~processor or provisioning center~~ medical marijuana facility or adult-use marijuana establishment.

12 Marijuana microbusiness means a location where a licensee that is licensed as a marijuana
13 microbusiness under the MRTMA and Chapter 20, Article VI of this Code operates a commercial
14 entity that cultivates not more than 150 marijuana plants, or more as allowed by the State of
15 Michigan, processes and packages marijuana, and sells or otherwise transfers marijuana to
16 individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not
17 to other adult-use marijuana establishments or medical marijuana facilities.

18 ~~Medical marihuana~~ Marijuana processor facility means a location where a ~~processor~~
19 licensee that is licensed as a marijuana processor under the MRTMA or a processor under the
20 MMFLA, as well as under Chapter 20, Article VI of this Code, operates that is a commercial entity
21 located in the state of Michigan ~~purchases marihuana from a grower, extracts resin from the~~
22 ~~marihuana or creates a marihuana-infused product~~ that obtains marijuana from a medical
23 marijuana facility or adult-use marijuana establishment and processes marijuana for sale and

1 transfer in packaged form to a ~~provisioning center~~ medical marijuana facility or adult-use
2 marijuana establishment.

3 *Marijuana retailer establishment* means a location where a licensee that is licensed as a
4 marijuana retailer under the MRTMA and Chapter 20, Article VI of this Code operates a
5 commercial entity that obtains marijuana from adult-use marijuana establishments and sells or
6 transfers marijuana to individuals who are 21 years of age or older and to other adult-use marijuana
7 establishments.

8 *Marijuana retail/provisioning facility* means a marijuana retailer establishment or a
9 medical marijuana provisioning center facility.

10 ~~*Medical marihuana*~~ *Marijuana safety compliance facility* means a location where a safety
11 compliance facility licensee that is licensed as a safety compliance facility under the MRTMA or
12 the MMFLA, as well as under Chapter 20, Article VI of this Code, operates that is a commercial
13 entity located in the state of Michigan that receives marihuana from a medical marihuana facility,
14 or registered primary caregiver, tests it marijuana for contaminants and potency or as required by
15 the MRTMA or the MMFLA for a primary caregiver, medical marijuana facility, or adult-use
16 marijuana establishment or for tetrahydrocannabinol and other cannabinoids, returns the test
17 results, and may return the marihuana to the marihuana facility.

18 ~~*Medical marihuana*~~ *Marijuana secure transporter facility* means a location where a secure
19 transporter licensee that is licensed as a secure transporter facility under the MRTMA or the
20 MMFLA, as well as under Chapter 20, Article VI of this Code, operates that is a commercial entity
21 located in the state of Michigan that stores marihuana marijuana, and from where it transports
22 marihuana marijuana between marihuana medical marijuana facilities or adult-use marijuana
23 establishments for a fee.

1 *Medical ~~marihuana~~ marijuana* means any ~~marihuana~~ marijuana intended for medical use
2 that meets all requirements for medical ~~marihuana~~ marijuana contained in this Chapter, the
3 MMMA, MMFLA, and any other applicable law. This does not include marijuana in any form
4 inconsistent with the definition of usable ~~marihuana~~ marijuana under the MMMA or MMFLA.

5 *~~Medical marihuana caregiver center~~* means ~~a location operated or used by a primary~~
6 ~~caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan's~~
7 ~~formal registration process in accordance with the MMMA.~~

8 *Medical ~~marihuana~~ marijuana facility* means a location in the state of Michigan where a
9 licensee operates any one of the following commercial entities under the authority of the MMFLA:
10 grower, processor, provisioning center, secure transporter, or safety compliance facility. A non-
11 commercial location used by a primary caregiver to assist a qualifying patient connected to the
12 caregiver through the State of Michigan's formal registration process in accordance with the
13 MMMA is not a medical ~~marihuana~~ marijuana facility.

14 *Medical ~~marihuana~~ marijuana provisioning center facility* means a location where a
15 ~~provisioning center~~ licensee that is licensed as a provisioning center under the MMFLA and
16 Chapter 20, Article VI of this Code operates ~~that is~~ a commercial entity located in the state of
17 Michigan that purchases ~~marihuana~~ marijuana from a grower or processor and sells, supplies, or
18 provides ~~marihuana~~ marijuana to registered qualifying patients, directly or through the patients'
19 registered primary caregivers of patients. ~~Provisioning~~ Medical marijuana provisioning center
20 facility includes any commercial property where medical marijuana is sold at retail to registered
21 qualifying patients or registered primary caregivers. A medical ~~marihuana~~ marijuana caregiver
22 center is not a medical marijuana provisioning center facility for purposes of this chapter.

1 *Michigan Medical Marihuana Act* or “*the MMMA*” means Initiated Law 1 of 2008, MCL
2 333.26421, *et seq.*

3 *Michigan Medical Marihuana Facilities Licensing Act* or “*the MMFLA*” means Public Act
4 281 of 2016, MCL 333.27101, *et seq.*

5 *Michigan Regulation and Taxation of Marihuana Act* or “*the MRTMA*” means Initiated
6 Law 1 of 2018, MCL 333.27951, *et seq.*

7 **Sec. 50-3-534 Medical ~~marihuana~~ marijuana caregiver center procedures.**

8 Applications for medical ~~marihuana~~ marijuana caregiver centers will not be accepted after
9 ~~the effective date of this ordinance~~ October 14, 2018, and:

10 ~~(1) Any application for a medical marihuana caregiver center received by the~~
11 ~~Buildings, Safety Engineering and Environmental Department on or before the~~
12 ~~effective date of this ordinance may, upon the effective date of this ordinance, be~~
13 ~~considered by the Buildings, Safety Engineering and Environmental Department as~~
14 ~~an application for a medical marihuana provisioning center facility, without~~
15 ~~additional fee, subject to applicable zoning and any additional regulations set forth~~
16 ~~for medical marihuana facilities in this Code, as amended, upon submission by the~~
17 ~~applicant of an amended application on a form to be provided by the Department.~~
18 ~~If an applicant does not submit an amended application within forty five (45) days~~
19 ~~after the effective date of this ordinance, the Buildings, Safety Engineering and~~
20 ~~Environmental Department shall dismiss the application.~~

21 (1) Medical ~~marihuana~~ marijuana caregiver centers that ~~have been~~ were legally
22 established and issued a building permit or certificate of occupancy prior to the

1 effective date of this ordinance October 14, 2018 are lawful nonconforming uses as
2 of the effective date of this ordinance.

3 (2) A lawful nonconforming medical ~~marihuana~~ marijuana caregiver center may
4 convert to a medical marijuana provisioning center facility or to a marijuana retailer
5 establishment ~~without consideration by the MMFRC~~ by submitting a change of use
6 application, subject to any additional regulations ~~set forth~~ for medical marijuana
7 provisioning center facilities set forth in this Code, as amended, ~~except for those~~
8 ~~regulations set forth in Article II, Division 7, subdivision J of this Chapter. Lawful~~
9 ~~nonconforming medical marihuana caregiver centers that have pending or approved~~
10 ~~applications for a provisioning center license from the state of Michigan must~~
11 ~~submit a change of use application within thirty (30) days after the effective date of~~
12 ~~this ordinance;~~

13 (3) A lawful nonconforming medical ~~marihuana~~ marijuana caregiver center may
14 convert to a medical ~~marihuana~~ marijuana facility other than a medical marijuana
15 provisioning center facility, or to an adult-use marijuana establishment other than
16 a marijuana retailer establishment, by submitting an application for the proposed
17 use a medical marihuana facility, subject to applicable zoning and any additional
18 regulations ~~set forth~~ for medical ~~marihuana~~ marijuana facilities and adult-use
19 marijuana establishments set forth in this Code, ~~as amended~~.

20 **Sec. 50-3-535. Permitted districts for medical ~~marihuana~~ marijuana facilities and adult-use**
21 **marijuana establishments; conditional use; restrictions**

22 (a) Medical ~~marihuana~~ marijuana facilities and adult-use marijuana establishments
23 may be permitted on land zoned PD, where established as a non-residential Planned Development

District, and on a conditional basis in the following zoning districts in accordance with this Article, subject to the provisions of this Division and any other applicable provisions of this Code, and all applicable State of Michigan requirements. Notwithstanding anything to the contrary in this Code, all of the below uses may be located in PD zoning districts, excluding residential PD districts, with the appropriate approvals under this Code:

- (1) Designated marijuana consumption establishments may be permitted in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts;
- (2) ~~Medical marihuana~~ Marijuana grower facilities may be permitted on a conditional basis in the M1, M2, M3, M4, and M5 zoning districts;
- (3) Marijuana microbusinesses may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts
- (4) ~~Medical marihuana~~ Marijuana processor facilities may be permitted on a conditional basis in the B6, M1, M2, M3, M4, and M5 zoning districts;
- (5) ~~Medical marihuana provisioning center~~ Marijuana retail/provisioning facilities may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts ~~but must not be permitted in any zoning district if the citywide total number of legally established provisioning center facilities and medical marihuana caregiver centers for which a building permit or certificate of compliance has been issued is equal to or greater than seventy-five (75);~~
- (6) ~~Medical marihuana~~ Marijuana safety compliance facilities may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, M5 and SD2 zoning districts;

(7) ~~Medical marihuana~~ Marijuana secure transporter facilities may be permitted on a conditional basis in the B5, B6, M1, M2, M3, M4, and M5 zoning districts;

(b) A ~~medical marihuana caregiver center or medical marihuana provisioning center~~ facility designated marijuana consumption establishment, marijuana retail/provisioning facility, or marijuana microbusiness must not be located in any of the following:

(1) within a drug-free zone, as defined in ~~See~~ Section 50-3-533 of this Code; or

(2) within a Gateway Radial Thoroughfare ~~overlay area~~ Overlay Area or Traditional Main Street ~~overlay area~~ Overlay Area, as provided in Article XI, Division 14 of this ~~C~~chapter; or

(3) on a zoning lot that is located less than:

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

(ii) ~~One thousand (1,000)~~ radial feet from any zoning lot with an unexpired conditional land use approval, building permit, or certificate of occupancy for a ~~medical marihuana caregiver center or medical marihuana provisioning center~~ facility designated marijuana consumption establishment, marijuana retail/provisioning facility, or a marijuana microbusiness; ~~and or~~

(iii) ~~One thousand (1,000)~~ radial feet from any zoning lot occupied by a Controlled Use.

(c) A ~~medical marihuana~~ marijuana grower facility, ~~medical marihuana~~ marijuana processor facility, marijuana safety compliance facility, or ~~medical marihuana~~ marijuana secure transporter facility must not be located in a drug-free zone, as defined in ~~See~~ Section 50-3-533 of

1 this Code, or within a Gateway Radial Thoroughfare Overlay Area or Traditional Main Street
2 ~~overlay area~~ Overlay Area, as provided in Article XI, Division 14 of this Chapter.

3 (d) Neither the Buildings, Safety Engineering, and Environmental Department, nor the
4 Board of Zoning Appeals is authorized to waive or modify the locational specifications set forth
5 in Subsections (b)(1), (b)(2), (b)(3), and (c) of this section. Applications that are not consistent
6 with the locational specifications ~~of~~ set forth in Subsections (b)(1), (b)(2), (b)(3), and (c) of this
7 section, which may be confirmed by the City Engineer, shall be considered ineligible for further
8 processing and shall be ~~denied~~ dismissed.

9 (e) If a property has previously received zoning approval for a medical marijuana
10 facility or adult-use marijuana establishment, no further approval is required under this chapter to
11 operate a business under an equivalent license, as defined in Section 50-3-533 of this Code, at the
12 property, although a new business license under Chapter 20, Article VI of this Code and state
13 operating license are required prior to commencing operation.

14 (f) If the Department establishes that a use posing a restriction under this section has
15 been abandoned or has ceased all operations for at least one year, the Department may disregard
16 the locational specifications of subsections (b)(1), (b)(2), (b)(3), or (c) of this section, excluding
17 uses that are closed due to the Covid-19 pandemic.

18 **Sec. 50-3-536. Medical ~~marihuana~~ marijuana facility and adult-use marijuana establishment**
19 **procedures.**

20 (a) An application for a medical ~~marihuana~~ marijuana facility or adult-use marijuana
21 establishment must be submitted by the applicant online through the City's application portal. ~~The~~
22 ~~application must include as attachments all of the documents listed in Sec. 50-2-245(b) of this~~
23 ~~Code;~~

(b) Upon receipt of an application package, the Buildings, Safety Engineering, and Environmental Department shall determine whether the proposed location complies with the locational specifications set forth in ~~Sec. Section~~ 50-3-535 of this Code. If the proposed location does not comply with all such specifications, the Buildings, Safety Engineering, and Environmental Department shall ~~deny~~ dismiss the application;

(c) Upon a determination that the proposed location complies with the locational specifications set forth in ~~Sec. Section~~ 50-3-535 of this Code, the ~~Buildings, Safety Engineering and Environmental Department~~ shall transfer the application package to the ~~Medical marijuana Facility Review Committee (“MMFRC”) in accordance with ARTICLE II, DIVISION 7, Subdivision J of this Chapter;~~

~~(d) Upon receipt of the application, the MMFRC shall consider the application and make a recommendation to the Buildings, Safety Engineering and Environmental Department in accordance with the provisions of ARTICLE II, DIVISION 7, Subdivision J of this Chapter;~~

~~(e) Upon receipt of a recommendation from the MMFRC, the application is subject to site plan review in accordance with ARTICLE Article III, DIVISION Division 5 of this Chapter;~~

(d) Upon approval of the applicant’s site plan, the application is subject to a conditional land use hearing in accordance with ARTICLE Article III, DIVISION Division 7 of this Chapter or subject to legislative approval where the land is zoned PD in accordance with Article III, Division 4 and Article XI, Division 2 of this chapter.

Sec. 50-3-357. Accessory Uses; Public Nuisance.

(a) ~~Medical marijuana caregiver centers and medical marijuana~~ marijuana facilities ~~and adult-use marijuana establishments~~ are not permitted as accessory uses; and must not include accessory uses. Multiple types of M~~medical marijuana~~ marijuana facilities; and adult-use

1 marijuana establishments may co-locate ~~on the same premises~~ in the same building, as separate
2 principal uses of the premises, subject to all applicable regulations of this Code and operated in
3 accordance with the rules promulgated by the ~~S~~state of Michigan. The applicant may submit a joint
4 application for any combination of such uses, but each use requires separate approval under this
5 Code.

6 (b) Any premises, building, or other structure in which a ~~medical marihuana caregiver~~
7 ~~center or medical marihuana~~ marijuana facility; or adult-use marijuana establishment ~~is regularly~~
8 ~~operated or maintained~~ operates in violation of the standards ~~included and incorporated~~ set forth
9 in this Code; constitutes a public nuisance and is subject to civil abatement proceedings initiated
10 by the City of Detroit in a court of competent jurisdiction, in addition to the penalties authorized
11 by this Chapter. Any premises, building, or other structure declared by the court to be a public
12 nuisance must be closed and the property owner assessed the costs of abatement. Each day that a
13 violation is permitted to exist or occur on the premises constitutes a separate occurrence or
14 maintenance of the violation.

15 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

16 **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

17 **Sec. 50-9-54. Conditional other uses.**

18 Other conditional uses in the B2 Local Business and Residential District are as follows:

19 (1) Antennas as provided for in Article XII, Division 3, Subdivision G, of this chapter.

20 ~~(2) Medical marihuana caregiver centers as provided for in Article III, Division 12, of~~
21 ~~this chapter, except such use shall not be permitted in any Traditional Main Street~~
22 ~~overlay area or on any zoning lot abutting a Gateway Radial Thoroughfare.~~

23 (2) Designated marijuana consumption establishment

1 (3) Marijuana microbusiness

2 (4) Marijuana retail/provisioning facility

3 (5) Marijuana safety compliance facility as provided for in Article III, Division 12 of
4 this chapter

5 **DIVISION 5. B4 GENERAL BUSINESS DISTRICT**

6 **Sec. 50-9-114. Conditional other uses.**

7 Other conditional uses in the B4 General Business District are as follows:

8 (1) Antennas as provided for in Article XII, Division 3, Subdivision G of this chapter-

9 (2) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this
10 chapter-

11 (3) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this
12 chapter-

13 (4) Designated marijuana consumption establishment

14 (5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this
15 chapter-

16 ~~(5) Medical marijuana caregiver centers, as provided for in Article III, Division 12, of~~
17 ~~this chapter, except such use shall not be permitted in any Gateway Radial~~
18 ~~Thoroughfare or Traditional Main Street overlay area.~~

19 (6) Marijuana microbusiness

20 (7) Marijuana retail/provisioning facility

21 (8) Marijuana safety compliance facility as provided for in Article III, Division 12 of
22 this chapter

23 (9) Telecommunications building, private

DIVISION 6. B5 MAJOR BUSINESS DISTRICT

Sec. 50-9-144. Conditional other uses.

Other conditional uses in the B5 Major Business District are as follows:

- (1) Aquaculture as provided for in Article XII, Division 3, Subdivision H₇ of this chapter-
- (2) Aquaponics as provided for in Article XII, Division 3, Subdivision H₇ of this chapter-
- (3) Designated marijuana consumption establishment
- (4) Farmers markets as defined in Article XVI, Division 2, Subdivision G₇ of this chapter-
- (5) Greenhouses as provided for in Article XII, Division 3, Subdivision H₇ of this chapter-
- (6) Heliports-
- (7) Hoophouses as provided for in Article XII, Division 3, Subdivision H₇ of this chapter-
- (8) Hydroponics as provided for in Article XII, Division 3, Subdivision H₇ of this chapter-
- (9) Marijuana microbusiness
- (10) Marijuana retail/provisioning establishment
- (11) Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter
- (12) Marijuana secure transporter facility as provided for in Article III, Division 12 of this chapter

(13) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter-

(14) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter-

DIVISION 7. B6 GENERAL SERVICES DISTRICT

Sec. 50-9-174. Conditional other uses.

Other conditional uses in the B6 General Services Business District are as follows:

(1) Ferry terminal-

(2) Designated marijuana consumption establishment

(3) Heliports-

(4) Marijuana microbusiness

(5) Marijuana processor facility as provided for in Article III, Division 12 of this chapter

(6) Marijuana retail/provisioning facility

(7) Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter

(8) Marijuana secure transporter facility as provided for in Article III, Division 12 of this chapter

(9) Passenger transportation terminal-

ARTICLE X. INDUSTRIAL ZONING DISTRICTS

DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT

1 **Sec. 50-10-24. Conditional other uses.**

2 Other conditional uses in the M1 Limited Industrial District are as follows:

3 (1) Aircraft landing areas for winged aircraft;

4 (2) Ferry terminal;

5 ~~(3) Medical marijuana caregiver centers as provided for in Article III, Division 12, of~~
6 ~~this chapter.~~

7 (3) Designated marijuana consumption establishment

8 (4) Marijuana grower facility as provided for in Article III, Division 12 of this chapter

9 (5) Marijuana microbusiness

10 (6) Marijuana processor facility as provided for in Article III, Division 12 of this
11 chapter

12 (7) Marijuana retail/provisioning facility

13 (8) Marijuana safety compliance facility as provided for in Article III, Division 12 of
14 this chapter

15 (9) Marijuana secure transporter facility as provided for in Article III, Division 12 of
16 this chapter

17 (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this
18 chapter.

19 (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this
20 chapter.

21 **DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT**

Sec. 50-10-54. Conditional other uses.

Conditional other uses in the M2 Restricted Industrial District are as follows:

(1) Ferry terminals-

(2) Heliports-

~~(3) Medical marijuana caregiver centers as provided for in Article III, Division 12, of this chapter.~~

(3) Designated marijuana consumption establishment

(4) Marijuana grower facility as provided for in Article III, Division 12 of this chapter

(5) Marijuana microbusiness

(6) Marijuana processor facility as provided for in Article III, Division 12 of this chapter

(7) Marijuana retail/provisioning facility

(8) Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter

(9) Marijuana secure transporter facility as provided for in Article III, Division 12 of this chapter

(10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.

(11) Urban gardens as provided for in Article XII, Division 3, Subdivision H of this chapter.

DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT

Sec. 50-10-84. Conditional other uses.

Other conditional uses in the M3 General Industrial District are as follows:

- (1) Boat or ship yards: construction, repair, maintenance, dry dock-
- (2) Designated marijuana consumption establishment
- (3) Docks, waterway shipping/freighters-
- (4) Ferry terminals-
- (5) Heliports-
- ~~(5) Medical marijuana caregiver centers as provided for in ARTICLE III, DIVISION 12 of this Chapter~~
- (6) Marijuana grower facility as provided for in Article III, Division 12 of this chapter
- (7) Marijuana microbusiness
- (8) Marijuana processor facility as provided for in Article III, Division 12 of this chapter
- (9) Marijuana retail/provisioning facility
- (10) Marijuana safety compliance facility as provided for in Article III, Division 12 of this chapter
- (11) Marijuana secure transporter facility as provided for in Article III, Division 12 of this chapter
- (12) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter-
- (13) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter-

DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT

1 **Sec. 50-10-114. Conditional other uses.**

2 Other conditional uses in the M4 Intensive Industrial District are as follows:

3 (1) Ferry terminals-

4 (2) Designated marijuana consumption establishment

5 (3) Heliports-

6 ~~(3) Medical marijuana caregiver centers as provided for in ARTICLE III, DIVISION~~
7 ~~12, of this chapter.~~

8 (4) Marijuana grower facility as provided for in Article III, Division 12 of this chapter

9 (5) Marijuana microbusiness

10 (6) Marijuana processor facility as provided for in Article III, Division 12 of this
11 chapter

12 (7) Marijuana retail/provisioning facility

13 (8) Marijuana safety compliance facility as provided for in Article III, Division 12 of
14 this chapter

15 (9) Marijuana secure transporter facility as provided for in Article III, Division 12 of
16 this chapter

17 (10) Urban farms as provided for in Article XII, Division 3, Subdivision H₇ of this
18 chapter-

19 (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H₇ of this
20 chapter-

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

1 **Sec. 50-10-144. Conditional other uses.**

2 Other conditional uses in the M5 Special Industrial District are as follows:

3 (1) Ferry Terminals;

4 (2) Heliports;

5 (3) Marijuana grower facility as provided for in Article III, Division 12 of this
6 chapter

7 (4) Marijuana processor facility as provided for in Article III, Division 12 of this
8 chapter

9 (5) Marijuana safety compliance facility as provided for in Article III, Division 12 of
10 this chapter

11 (6) Marijuana secure transporter facility as provided for in Article III, Division 12 of
12 this chapter

13 (7) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this
14 chapter;

15 (8) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this
16 chapter;

17 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

18 **DIVISION 2. PD PLANNED DEVELOPMENT DISTRICT**

19 **Sec. 50-11-13. - Use regulations.**

20 Uses permitted shall include any and all uses subject to review by the City Planning
21 Commission and to approval by the City Council, provided, that the major land use shall
22 correspond to the most general category of land use proposed in the Master Plan for the area
23 involved. Land use categories include residential, retail and local services, industrial, mixed use,

1 parks and open space, and other. Medical marijuana facilities and adult-use marijuana
2 establishments, as specified in Section 50-12-110 of this Code, are not permitted on land zoned
3 PD, where established as a residential planned development. See Article XII of this chapter for a
4 complete listing of all use regulations and standards, and Article XII, Division 5, of this Chapter
5 for accessory uses, including home occupations.

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

7 **Sec. 50-11-244. Conditional other uses.**

8 Other conditional uses in the SD2 Special Development District, Mixed-Use are as follows:

9 (1) Designated consumption establishment

10 (2) Marijuana microbusiness

11 (3) Marijuana retail/provisioning facility

12 (4) Marijuana safety compliance facility as provided for in Article III, Division 12 of
13 this chapter

14 (5) Passenger transportation terminal-

15 (6) Urban Gardens not exceeding 0.5 acres in size as provide for in Article XII,
16 Division 3, Subdivision H, of this chapter-

17 **DIVISION 14. OVERLAY AREAS**

18 **Subdivision A. Gateway Radial Thoroughfare Overlay Areas**

19 **Sec. 50-11-364. Prohibitions and limitations.**

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

22 (1) Confection manufacture;

23 (2) Dental products, surgical, or optical goods manufacture;

- (3) Designated marijuana consumption establishment
- (4) Emergency shelter;
- (5) Go-cart track;
- (6) Ice manufacture;
- (7) Jewelry manufacture;
- (8) Lithographing;
- ~~(8) Medical marijuana caregiver center, as provided for in Article III, Division 12, of this Chapter;~~
- (9) Marijuana grower facility
- (10) Marijuana microbusiness
- (11) Marijuana processor facility
- (12) Marijuana retail/provisioning facility
- (13) Marijuana safety compliance facility
- (14) Marijuana secure transporter facility
- (15) Motor vehicle washing and steam cleaning;
-
- (16) Motor vehicle services, major;
- (17) Motor vehicles, used, salesroom or sales lots;
- (18) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles;
- (19) Pawnshop;
- (20) Plasma donation center;
- (21) Precious metal and gem dealer;
- (22) Pre-release adjustment center;

- 1 (23) Radio, television, or household appliance repair shop;
- 2 (24) Rebound tumbling center;
- 3 (25) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or where
- 4 not located in a multi-story building having a mixed-use or multi-tenant
- 5 development; prohibition limited to Woodward Avenue only;
- 6 (26) Substance abuse service facility;
- 7 (27) Taxicab dispatch and/or storage facility;
- 8 (28) Toiletries or cosmetic manufacturing;
- 9 (29) Tool, die, and gauge manufacturing;
- 10 (30) Trade services, general;
- 11 (31) Trailer coaches or boats, sale or rental, open air display;
- 12 (32) Trailers or cement mixers, pneumatic-tired, sales, rental or service;
- 13 (33) Used goods dealer;
- 14 (34) Vending machine commissary;
- 15 (35) Wearing apparel manufacturing;
- 16 (36) Wholesaling, warehousing, storage buildings, or public storage houses, except on
- 17 Gratiot Avenue

18 (b) Accessory parking lots or parking areas on zoning lots abutting a designated

19 Gateway Radial Thoroughfare that are not farther than the maximum distance specified in Article

20 XIV, Division 1, Subdivision B, of this chapter shall be permitted by right subject to Article XIV,

21 Division 1, Subdivision E, Article XIV, Division 1, Subdivision G, and Article XIV, Division 2,

22 Subdivision C, of this chapter.

(c) Commercial parking lots or areas and accessory parking lots or areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter, shall be reviewed as Conditional Uses subject to Article XIV, Division 1, Subdivision E, Article XIV, Division 1, Subdivision G, and Article XIV, Division 2, Subdivision C, of this chapter.

Subdivision B. Traditional Main Street Overlay Areas

Sec. 50-11-386. Prohibited use.

~~Medical marihuana caregiver centers, medical marihuana provisioning center facilities, medical marihuana~~ Designated marijuana consumption establishments, marijuana grower facilities, marijuana microbusinesses, medical marihuana marijuana processor facilities, marijuana retail/provisioning facilities, marijuana safety compliance facilities, and medical marihuana marijuana secure transporter facilities are prohibited within any Traditional Main Street Overlay Area.

Secs. 50-11-387 – 50-11-400. Reserved.

ARTICLE XII. USE REGULATIONS

DIVISION 1. USE TABLE

Subdivision F. Other Uses

1 **Sec. 50-12-110. Medical ~~marihuana~~ caregiver centers marijuana facilities and adult-use marijuana establishments.**

2 Regulations regarding medical marijuana facilities and adult-use marijuana establishments are as follows:

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	
Medical marihuana Marijuana Facilities and Adult-Use Marijuana Establishments	Designated marijuana consumption establishment								<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>L</u>								<u>C</u>					
	Medical marihuana <u>Marijuana</u> grower facility													<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>													
	<u>Marijuana microbusiness</u>								<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>L</u>								<u>C</u>					
	Medical marihuana <u>Marijuana</u> processor facility												<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>													
	Medical marihuana <u>Marijuana</u> retail/provisioning center facility								<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>L</u>								<u>C</u>					
	Medical marihuana <u>Marijuana</u> safety compliance facility									<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>								<u>C</u>					
	Medical marihuana <u>Marijuana</u> secure transporter facility												<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>													

3

DIVISION 2. GENERAL USE STANDARDS

Sec. 50-12-132. Other uses—Spacing.

Regulations regarding spacing of other uses are as follows:

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Adult uses/sexually oriented business	1000 radial feet	<ul style="list-style-type: none"> - Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 radial feet; - Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 radial feet; - Elementary, middle, or high school: 1000 radial feet; - Park, playlot, playfield, playground, recreation center, youth activity center: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet - Regulated Use: 1000 radial feet 	See: <u>Section 50-3-504</u>
Medical marihuana caregiver center	1000 radial feet	<ul style="list-style-type: none"> - Drug free zone - Religious institution identified as exempt by the City Assessor: 1000 radial feet; Controlled Uses: 1000 radial feet. Medical marihuana provisioning center: 1000 radial feet 	Sec. 50-3-534; Sec. 50-12-135; Sec. 50-12-136; Sec. 50-12-413; Sec. 50-12-563
<u>Designated marijuana consumption establishment</u>	1000 radial feet	<ul style="list-style-type: none"> <u>Drug free zone</u> <u>Religious institution identified as exempt by the City Assessor: 1000 radial feet</u> <u>Marijuana retail/provisioning center facility: 1000 radial feet</u> <u>Marijuana microbusiness: 1000 feet</u> <u>Controlled uses: 1000 radial feet</u> 	

<u>Marijuana grower facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>
<u>Marijuana microbusiness</u>	<u>1000 radial feet</u>	<u>Drug free zone</u> <u>Religious institution</u> <u>identified as exempt by</u> <u>the City Assessor: 1000</u> <u>radial feet</u> <u>Marijuana</u> <u>retail/provisioning center</u> <u>facility: 1000 radial feet</u> <u>Designated marijuana</u> <u>consumption</u> <u>establishment: 1000 feet</u> <u>Controlled uses: 1000</u> <u>radial feet</u>	
<u>Marijuana processor facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>
<u>Marijuana retail/provisioning facility</u>	<u>1000 radial feet</u>	<u>Drug-free zone</u> <u>Religious institution</u> <u>identified as exempt by</u> <u>the City Assessor: 1000</u> <u>radial feet</u> <u>Designated marijuana</u> <u>consumption</u> <u>establishment: 1000 feet</u> <u>Marijuana microbusiness:</u> <u>1000 radial feet</u> <u>Controlled uses: 1000</u> <u>radial feet</u>	
<u>Marijuana secure transporter facility</u>		<u>Drug-free zone</u>	<u>Section 50-3-535</u>

Sec. 50-12-135. Waiver of general spacing requirements.

(a) Except for Controlled Uses, only the Board of Zoning Appeals may adjust the spacing requirements between land uses, as provided for in the tables in ~~See: Section~~ Section 50-12-129, ~~See: Section~~ Section 50-12-130, ~~See: Section~~ Section 50-12-131, ~~See: 50-12-132~~, and ~~See: Section~~ Section 50-12-134 of this Code, as a “locational variance” in accordance with the criteria specified in ~~See: Section~~ Section 50-4-121 of this Code and where the proposed use satisfies all the following conditions:

- (1) The proposed use will comply with all All other applicable regulations within of
this zoning ordinance or this Code will be observed;

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

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

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

(b) The spacing and locational requirements for adult uses, as specified in ~~See. Section~~ 50-3-504 and ~~See. Section~~ 50-12-132 of this Code, and for ~~medical marihuana~~ marijuana facilities, and adult-use marijuana establishments as specified in Article III, Division 12 of this Code, may not be waived. The “drug-free zone” spacing requirement for ~~medical marihuana caregiver centers,~~ ~~medical marihuana~~ marijuana grower facilities, ~~medical marihuana~~ marijuana processor facilities, ~~medical marihuana~~ marijuana retailer/provisioning centers, and ~~medical marihuana~~ marijuana secure transporter facilities, as specified in ~~See. Section~~ 50-3-535 and ~~See. Section~~ 50-12-132 of this Code, may not be waived.

Sec. 50-12-136. Waiver of spacing from schools.

(a) The prohibition that relates to the location of a use, referenced in the tables in ~~See. Section~~ 50-12-129 through ~~See. Section~~ 50-12-134 of this Code, within ~~five hundred (500)~~ radial feet of a school site may be waived by:

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

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

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

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

(d) The prohibition that relates to the location of ~~medical marijuana caregiver centers,~~ medical marijuana designated marijuana consumption establishments, marijuana grower facilities, ~~medical marijuana~~ marijuana microbusinesses, marijuana processor facilities, medical marijuana marijuana retail/provisioning facilities, and marijuana secure transporter facilities, ~~and medical~~ ~~marijuana provisioning center facilities~~ within one thousand (~~1,000~~) feet of a school, (among other uses specified in a “drug-free zone,” as defined in ~~See. Section~~ Section 50-3-535 of this Code and referenced in the table of ~~See. Section~~ Section 50-12-132 of this Code,) must not be waived by either the Buildings, Safety Engineering, and Environmental Department, nor the Board of Zoning Appeals, as applicable.

1 **DIVISION 3. SPECIFIC USE STANDARDS**

2 **Subdivision I. Other Uses—Miscellaneous**

3 **Sec. 50-12-413. Medical ~~marihuana caregiver centers and medical marihuana~~ marijuana**
4 **facilities and adult-use marijuana establishments.**

5 Medical ~~marihuana caregiver centers~~ marijuana facilities and adult-use marijuana
6 establishments are subject to the following:

7 (1) — ~~Prior to the issuance of any permit to operate a medical marihuana caregiver center,~~
8 ~~and no later than December 31st of each subsequent year, the applicant or operator~~
9 ~~shall submit to the Buildings, Safety Engineering, and Environmental Department~~
10 ~~a photocopy of the operator's valid and current registered primary caregiver's~~
11 ~~license issued by the state in accordance with the General Rules of the Michigan~~
12 ~~Department of Community Health and the Michigan Medical Marihuana Act, P.A.~~
13 ~~2008, Initiated Law, being MCL 333.26421 et seq. Proof of such licensing shall be~~
14 ~~required prior to the opening, and as a condition for the continued operation, of any~~
15 ~~medical marihuana caregiver center.~~

16 (1) ~~Medical marihuana caregiver centers~~ marijuana facilities and adult-use marijuana
17 establishments shall be licensed as such by the ~~Buildings, Safety Engineering, and~~
18 ~~Environmental Department Business License Center~~ state of Michigan and the City
19 of Detroit in accordance with Chapter 20, Article VI, of this Code and shall be
20 required prior to the opening for business, and as a condition for the continued

operation of any medical ~~marihuana caregiver center~~ marijuana facility or adult-use marijuana establishment.

(2) A medical ~~marihuana caregiver center~~ marijuana facility or adult-use marijuana establishment shall not allow loitering inside or outside its premises, ~~consumption of medical marihuana in the premises~~, and shall take care to prevent the transmission of any odors from the medical ~~marihuana caregiver center~~ marijuana facility or adult-use marijuana establishment to the exterior of the licensed premises.

(3) A marijuana grower facility may operate only in a commercial or industrial building that has a building footprint that does not to exceed 30,000 square feet and that is located on a parcel no larger than three acres; a marijuana grower facility may operate in a multi-story building, subject to applicable height limitations. A marijuana grower facility may operate in a building that has a building footprint that exceeds 30,000 square feet but does not exceed 50,000 square feet, regardless of height, and is located on a parcel no larger than five acres only if the marijuana grower facility is co-located with another medical marijuana facility or another adult-use marijuana establishment.

(4) Marijuana grower facilities may not grow marijuana outdoors;

(5) The provisions of Article III, Division 12, of this chapter ~~shall apply to medical marihuana caregiver centers~~.

Secs. 50-12-414–50-12-430. Reserved.

DIVISION 6. TEMPORARY USES AND STRUCTURES

Subdivision B. Specific Temporary Uses Allowed

Sec. 50-12-563. Prohibited temporary uses.

The following temporary uses are prohibited:

- (1) Sales of fireworks as defined in ~~See. Section~~ Section 50-16-20 of this Code;
- (2) Sales of firearms;
- (3) Sales of any materials characterized by an emphasis on specified anatomical areas or specified sexual activities as defined in ~~See. Section~~ Section 50-16-384 of this Code; and
- (4) Medical ~~marihuana caregiver centers and medical marihuana~~ marijuana facilities and adult-use marijuana establishments.

ARTICLE XIV. DEVELOPMENT STANDARDS

SUBDIVISION B. OFF-STREET PARKING SCHEDULE “A”

Sec. 50-14-69. - Medical ~~marihuana caregiver centers~~ marijuana facilities and adult-use marijuana establishments.

Off-street parking regulations for medical ~~marihuana caregiver centers~~ marijuana facilities and adult-use marijuana establishments are as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
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<u>Medical marihuana Caregiver Center or Medical marihuana Provisioning Center Facility Marijuana Facilities and Adult-Use Marijuana Establishments</u>	Medical marihuana caregiver center or medical marihuana Marijuana retail/provisioning center facility	1 per 200 square feet	same lot
	<u>Designated marijuana consumption establishment</u> Medical marihuana Marijuana grower facility <u>Marijuana microbusiness</u> Medical marihuana Marijuana processor facility Medical marihuana Marijuana safety compliance facility Medical marihuana Marijuana secure transporter facility	2 per 3 employees, or 1 per 800 square feet, whichever is fewer	100 feet

ARTICLE XVI. DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. WORDS AND TERMS DEFINED

Subdivision B. Letter "A"

Sec. 50-16-111. - Words and terms (Aa—Ag).

For the purposes of this chapter, the following words and phrases beginning with the letters "Aa" through "Ag," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Abut or abutting	Having a common border with.
Access drive	A paved surface that provides vehicular access from a public street to a parking area or parking garage or pedestrian pick-up/drop-off area.
Accessory building or accessory structure	A building or structure that: (1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) Is subordinate in area, extent and purpose to the principal building or principal use; and (3) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.
Accessory parking	See "Parking, accessory."

Accessory use	<p>A use that:</p> <p>(1) Is incidental and subordinate to and devoted exclusively to a principal building or a principal use legally existing on the same zoning lot;</p> <p>(2) Is subordinate in area, extent and purpose to the principal building or principal use; and</p> <p>(3) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.</p>
Addition	<p>Construction or alteration that increases the square footage, number of dwelling units, bulk or other extent of a building or structure, but the term "addition" does not apply in a situation where, for example, all but one wall of an existing building is demolished for the purposes of reconstructing the building with a larger footprint and containing a greater gross floor area. For regulatory purposes, such a situation is considered as demolition and new construction.</p>
Adjacent	<p>Same as "abut or abutting"</p>
<u>Adult-use marijuana establishment</u>	<p><u>A location where a licensee operates one of the following commercial entities or activities under the authority of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq. (MRTMA): grower, processor, retailer, secure transporter, safety compliance facility, marijuana microbusiness, excess marijuana grower, marijuana event organizer, temporary marijuana event, or designated marijuana consumption establishment, or any other type of marijuana-related business licensed to operate in accordance with the MRTMA.</u></p>
Adult bookstore or adult video store	<p>A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas;" or instruments, devices, or paraphernalia, which are designed or marketed primarily for stimulation of human genital organs or anus, including but not limited to dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, and physical representations of the human genital organs; but not including condoms or other items primarily intended for protection against sexually-transmitted diseases or for preventing pregnancy. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:</p> <p>(1) At least 35 percent of the establishment's displayed merchandise consists of said items; or</p> <p>(2) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or</p> <p>(3) The establishment maintains at least 35 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or</p> <p>(4) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items) and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests; or</p> <p>(5) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons</p>

	per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."
Adult cabaret	A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic liquor is served, which regularly features live conduct characterized by semi-nude persons. An establishment shall not avoid classification as an adult cabaret by offering or featuring nudity.
Adult day care	A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons 18 years of age or older. Care is provided for periods of less than 24 hours a day.
Adult foster care facility	An establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to seven or more adults. An adult foster care facility is other than a nursing home, a home for the aged, a mental hospital for mental patients, or a pre-release adjustment center.
Adult motion picture theater	A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of "specified sexual activity" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.
Adult use or adult use/ sexually-oriented business (use category)	Sexually-oriented businesses, including the following: <ul style="list-style-type: none"> • Adult bookstore or adult video store • Adult cabaret • Adult motion picture theater • Semi-nude model studio (See Section 50-16-381)

Subdivision D. - Letter "C"

Sec. 50-16-153. Words and terms (Cn—Cs).

For the purposes of this chapter, the following words and phrases beginning with the letters "Cn" through "Cs," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Coffee house	Any room, place, or building where the serving of coffee is the principal business and where tables and chairs are provided for the use of patrons to play table games and for other similar activities, but where alcoholic liquor is not provided.
Co-location (marijuana)	A practice where more than one licensee is authorized by the state of Michigan to operate a medical marijuana facility or an adult-use marijuana establishment in one building, in accordance with the applicable rules promulgated by the state of Michigan and the license requirements of Chapter 20, Article VI of this Code.

Commercial parking	See <i>Parking, commercial</i> .
Commercial vehicle	See <i>Vehicle, commercial</i> .
Common area, general	That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the condominium master deed.
Common area, limited	That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in as described in the master deed.
Community service (use category)	<p>Uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time, for instance, any senior citizen could join a senior center. The use may provide special counseling, education, or training of a public, non-profit or charitable nature.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> • Customs office; • Fire or police station, post office, courthouse and similar public building; • Governmental service agency; • Neighborhood center, non-profit; • Substance abuse service facility; <p>Private lodges, private clubs, and private or commercial athletic or health clubs are classified as retail sales and service. Public parks and recreation are classified as parks and open space.</p>
Compost	Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.
Concert café	Any establishment, which provides food with music or entertainment, but does not serve alcoholic liquor. Concert cafés shall be regulated the same as "theaters" for zoning purposes.
Condominium Act	MCL 559.101 <i>et seq.</i>
Condominium master deed	The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.
Condominium project, commercial, office or industrial	A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act, being MCL 559.101 <i>et seq.</i>
Condominium subdivision	A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the Michigan Land Division

	Act, being MCL 560.101 <i>et seq.</i> , as amended. Also known as a site condominium.
Condominium subdivision plan	The drawings attached to the condominium master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.
Condominium unit	That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the condominium master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of the site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, and maximum lot coverage.
Conforming land uses	Any land use located in a zoning district where the land use is permitted either by-right or as a conditional use and not otherwise prohibited in that district.
Conical surface	A surface sloping upward and outward to an altitude of 150 feet above the established heliport elevation at a slope ratio of one to eight beginning at the heliport elevation on the perimeter of a circle of 200 feet radius centered on each helipad.
Construction refuse	Waste from building construction, alteration, demolition or repair, and dirt from excavations.
Contractor yard, landscape or construction	A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil.
Controlled uses	Any of the following: (1) Arcades; (2) Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments; and (3) Pool halls.
Convalescent, nursing, or rest home	Establishments primarily engaged in the providing of in-patient nursing care, other than a private home, where seven or more older adults or disabled persons receive on-going care and supervision. (Same as "convalescent home" or "rest home.") These are facilities that provide a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses' aides prescribed by a resident's physician. They are designed for older adults or disabled persons who need health care supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services,

	and monitoring of unstable conditions may also be provided.
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Sec. 50-16-154. Words and terms (Ct—Cz).

For the purposes of this chapter, the following words and phrases beginning with the letters "Ct" through "Cz," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Cultural center	The portion of the City within the area bounded by the center lines of the Edsel Ford Freeway, Brush Street, Forest Avenue, and the John C. Lodge Freeway.
Cul-de-sac	A street ending in a turn-around, designed, and intended as a permanent or temporary terminus.
Cultivate or cultivation <u>Cultivation or cultivate</u> (marihuana)	(1) All phases of growth of marihuana <u>marijuana</u> from seed to harvest; or (2) Preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana <u>marijuana</u> .
Customer service center	A facility, other than a retail store, operated by a public or private utility, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Subdivision E. - Letter "D"

Sec. 50-16-171. Words and terms (Da—Dg).

For the purposes of this chapter, the following words and phrases beginning with the letters "Da" through "Dg," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Dance hall, public	A place, enclosed or unenclosed, building or that portion of a building that is used for public dances where the public is invited or allowed and where a monetary contribution, donation, or fee is made or paid.
Dance studio	Any school of dancing or any place where dancing of any type of style shall be taught. (Does not include any establishment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas.")
Day care (use category)	Uses that provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

	Examples include the following uses: • Adult day care center; • Child care center; • Group day care home; • Family day care home.
Debris	The remains of something broken down or destroyed.
Deciduous	A plant with foliage that is shed annually.
Decision-making body	The entity that is authorized to finally approve or deny an application or permit required under this chapter.
Dedication	The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.
<u>Designated marijuana consumption establishment</u>	<u>A location where a licensee that is licensed as a designated marijuana consumption establishment under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and Chapter 20, Article VI of this Code operates a commercial entity that allows adults 21 years of age and older to consume marijuana products at a commercial location designated by the state operating license.</u>
Developer	The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase. The developer performs all functions necessary to obtain land control and financing to construct or rehabilitate a property and expects to assume all the risks and rewards upon completion of the project.
Development	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this chapter.

Sec. 50-16-172. Words and terms (Dh—Dz).

For the purposes of this chapter, the following words and phrases beginning with the letters "Dh" through "Dz," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Dish antenna	An antenna consisting of a radiation element that transmits or receives signals generated as electrical light, or sound energy supported by a structure that may or may not provide a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface.

Dormitory	A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.
Driveway	That portion of the zoning lot that has been so designated, designed and improved as to afford a suitable means and a direct route for vehicular access to the private parking garage or to a rear yard parking area. Semicircular driveways are addressed in Section 50-14-286(5) of this Code.
<u>Drug-free zone</u>	<u>An area that is within 1,000 radial feet of a zoning lot of a(n):</u> <ul style="list-style-type: none"> • <u>child care center, as defined in Section 50-16-152 of this Code;</u> • <u>educational institution, as defined in Section 50-16-191 of this Code;</u> • <u>library, as defined in Section 50-16-283 of this Code;</u> • <u>outdoor recreation facility, as defined in Section 50-16-324 of this Code, other than parkways and parklots;</u> • <u>school, as defined in Section 50-16-381 of this Code;</u> • <u>youth activity center as defined in Section 50-16-462 of this Code;</u> • <u>public housing as defined in 42 USC § 1437a(b)(1).</u>
Dwelling	Any building, or part thereof, that is designed for or occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily, or transiently.
Dwelling unit	A building, or part thereof, that is designed and used for residential occupancy by a single "family" and that includes exclusive sleeping, cooking, eating, and sanitation facilities.

Subdivision F. Letter "E"

Sec. 50-16-191. Words and terms (Ea—Ez).

For the purposes of this chapter, the following words and phrases beginning with the letters "Ea" through "Ez," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Educational institution	Educational institution is a post-secondary institution such as a college, university, or community college. For zoning purposes, educational institution does not

	include K-12 schools, business colleges, trade schools, or penal or correctional institutions.
Efficiency unit	A dwelling unit containing not more than one room or enclosed floor space arranged for living, eating, and sleeping purposes not including bathrooms, water closets, laundry rooms, pantries, foyers, hallways, and other accessory floor spaces.
Emergency shelter	A facility that provides congregate style temporary lodging with or without meals and ancillary services on the premises to primarily the homeless for more than four weeks in any calendar year.▲ An emergency shelter shall be considered a different land use than adult foster care facilities, designated transitional housing, nursing homes, pre-release adjustment centers, temporary emergency shelters, or warming centers. Emergency shelters are subject to licensing by the Buildings, Safety Engineering, and Environmental Department Business License Center.
Employee recruitment center	Establishments that recruit people to fill temporary employment positions with other businesses or agencies. Typical uses include day labor recruitment centers and temporary employment agencies where prospective employees come to the site.
<u>Equivalent licenses (marijuana)</u>	<u>Any of the following pairs of licenses held by a single licensee:</u> <ul style="list-style-type: none"> • <u>A marijuana grower license, of any class, issued under the Michigan Regulation and Taxation of Marihuana Act, (MRTMA) and a grower license, of any class, issued under the Michigan Medical Marihuana Facilities Licensing Act, (MMFLA);</u> • <u>A marijuana processor license issued under the MRTMA and a processor license under the MMFLA;</u> • <u>A marijuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA;</u> • <u>A secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA; or</u> • <u>A safety compliance facility license issued under the MRTMA and a safety compliance facility license issued under the MMFLA.</u>
Erected	The word "erected" includes built, constructed, reconstructed, altered, moved upon, or any physical operation on the premises required for the building or structure. Excavations, fill, drainage, paving, and the like, shall be considered a part of erection.
Evergreen	A plant with foliage that persists and remains green year-round.

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Subdivision K. Letters "K" Through "L"

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Sec. 50-16-283. Words and terms (Lh—Lm).

For the purposes of this chapter, the following words and phrases beginning with the letters "Lh" through "Lm," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Library (use category)	Libraries house collections of books, magazines or other material that is loaned to the general public without charge. Examples include public libraries.
<u>Licensee (marijuana)</u>	<u>A person holding a state operating license and a city business license to operate a medical marijuana facility or an adult-use marijuana establishment.</u>
Linear measurement	Linear measurement between two uses shall be based on the distance, measured along the centerline of the roadway abutting the zoning lots on which the uses are located, at points perpendicular to the outermost portions of the uses closest to each other. This spacing requirement applies regardless of the side of the roadway on which the use is located.
Lithographing	A printing process in which the image to be printed is rendered on a flat surface, as on sheet zinc or aluminum, and treated to retain ink while the nonimage areas are treated to repel ink. For zoning purposes, silk screening may be permitted wherever lithographing is permitted.

Subdivision L. Letter "M"

Sec. 50-16-301. Words and terms (Ma-Mg).

For the purposes of this chapter, the following words and phrases beginning with the letters "Fa" through "Fg," shall have the meaning respectively ascribed to them by this section:

Term	Definition
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

	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.
Manufacturing or Processing	See Manufacturing and Production (Use Category).
Marina	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: <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
Marihuana or Marijuana	That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
<u>Marijuana grower facility</u>	<u>A location where a licensee that is licensed as a marijuana grower under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or a grower under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), and as a grower under Chapter 20, Article VI of this Code, operates a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale or transfer to a medical marijuana facility or adult-use marijuana establishment.</u>
<u>Marijuana microbusiness</u>	<u>A location where a licensee that is licensed as a marijuana microbusiness under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and Chapter 20, Article VI of this Code operates a commercial entity that cultivates not more than 150 marijuana plants, or more as allowed by the State of Michigan, processes and packages marijuana, and sells or otherwise transfers marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other adult-use marijuana establishments or medical marijuana facilities.</u>
<u>Marijuana processor facility</u>	<u>A location where a licensee that is licensed as a marijuana processor under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or a processor under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the state of Michigan that obtains marijuana from a medical marijuana facility or adult-use marijuana establishment and processes marijuana for sale and transfer in packaged form to a medical marijuana facility or adult-use marijuana establishment.</u>
<u>Marijuana retailer establishment</u>	<u>A location where a licensee that is licensed as a marijuana retailer under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and Chapter 20, Article VI of this Code operates a commercial entity that obtains marijuana from adult-use marijuana establishments and sells or transfers marijuana to individuals who are 21 years of age or older and to other adult-use marijuana establishments.</u>
<u>Marijuana retail/provisioning facility</u>	<u>A marijuana retailer establishment or a medical marijuana provisioning center facility.</u>
<u>Marijuana safety compliance facility</u>	<u>A location where a licensee that is licensed as a safety compliance facility under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the state of Michigan that tests marijuana for contaminants and potency or as required by the MRTMA or the MMFLA for a primary caregiver, medical marijuana facility, or adult-use marijuana establishment.</u>
<u>Marijuana secure transporter facility</u>	<u>A location where a licensee that is licensed as a secure transporter facility under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), as well as under Chapter 20, Article VI of this Code, operates a commercial entity located in the</u>

	<u>state of Michigan that stores marijuana, and transports marijuana between medical marijuana facilities or adult-use marijuana establishments for a fee.</u>
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 marijuana	Marihuana Any marijuana intended for medical use that meets all requirements for medical marihuana marijuana contained in Article III of this chapter, the Michigan Medical Marihuana Act (MMMA), the Medical Marihuana Facilities Licensing Act (MMFLA), and any other applicable law. This shall not include marihuana marijuana in any form inconsistent with the definition of usable marihuana marijuana under either the MMMA or the MMFLA.
Medical marihuana Caregiver Center	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 MMMA.
Medical marihuana marijuana Facility (Use Category)	<p><u>A location in the state of Michigan where a licensee operates any one of the following commercial entities under the authority of the Michigan Medical Marihuana Facilities Licensing Act (MMFLA): grower, processor, provisioning center, secure transporter, or 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 Michigan Medical Marihuana Act (MMMA) is not a medical marijuana facility.</u></p> <p>A location at which a license holder is licensed to operate one of the following commercial entities authorized by the MMFLA 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 MMMA is not a medical marihuana marijuana facility. Medical marihuana facilities include the following uses:</p> <ul style="list-style-type: none"> • — Medical marihuana grower facility • — Medical marihuana processor facility • — Medical marihuana provisioning center • — Medical marihuana safety compliance facility • — Medical marihuana secure transporter facility
Medical Marihuana Facilities Licensing Act or “MMFLA”	Public Act 281 of 2016, MCL 333.27101, <i>et seq.</i>
Medical marihuana Grower Facility	A commercial entity licensed by the State of Michigan that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.
Medical marihuana Processor Facility	A commercial entity licensed by the State of Michigan that purchases marijuana from a grower and extracts resin for the marijuana or creates a marijuana infused product for sale and transfer in packaged form to a provisioning center.
Medical marihuana marijuana Provisioning Center Facility	<u>A location where a licensee that is licensed as a provisioning center under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and Chapter 20, Article VI of this Code operates a commercial entity located in the state of</u>

	<u>Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to qualifying patients, directly or through the patients' registered primary caregivers of patients. Medical marijuana provisioning center facility includes any commercial property where medical marijuana is sold at retail to qualifying patients or primary caregivers. A medical marijuana caregiver center is not a medical marijuana provisioning center facility for purposes of this chapter. commercial entity licensed by the State of Michigan that purchases marijuana from a grower or processor and sells, supplies or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers.</u>
Medical marihuana Safety Compliance Facility	A commercial entity licensed by the State of Michigan that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.
Medical marihuana Secure Transporter Facility	A commercial entity licensed by the State of Michigan that stores marijuana and transports marijuana between marijuana 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.

Sec. 50-16-302. Words and terms (Mh-Mm).

For the purposes of this chapter, the following words and phrases beginning with the letters "Mh" through "Mm," shall have the meaning respectively ascribed to them by this section:

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>
Michigan Medical Marihuana Facilities Licensing Act or "MMFLA"	Public Act 281 of 2016, MCL 333.27101, <i>et seq.</i>
Michigan Regulation and Taxation of Marijuana Act or "MRTMA"	Initiated Law 1 of 2018, MCL 333.27954, <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 ARTICLE XII, DIVISION 1, Subdivision B; Public, Civic and Institutional Uses as specified in ARTICLE XII, DIVISION 1, Subdivision C; Retail, Service and Commercial uses as specified in ARTICLE XII, DIVISION 1, Subdivision D; Manufacturing and Industrial Uses as specified in ARTICLE XII, DIVISION 1, Subdivision E. 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 See. Section 50-12-62 [Food and Beverage Service], See. Section 50-12-66 [Recreation/entertainment, indoor], See. Section 50-12-69 [Retail sales and service; sales-oriented] or See. Section 50-12-70 [Retail sales and service; service-oriented].
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Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

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.

Section 4. This ordinance shall become effective on the eighth (8th) day after publication in accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to form:

Lawrence T. García
Corporation Counsel