

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 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*, 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*, and Section 50-12-136, *Waiver of spacing from schools*, Division 3, *Specific Use Standards*, Subdivision I, *Other Uses – 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)*, and 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)*, and 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 amend the list of prohibited uses in Traditional Main Street overlay areas; 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,
7 *In General*, Section 50-2-91, *Advisory group structure*; Article III, *Review and Approval*
8 *Procedures (Part 1)*, Division 12, *Medical Marihuana Caregiver Centers and Medical*
9 *Marihuana Facilities*, Section 50-3-531, *Purpose; in general*, Section 50-3-532, *Medical*
10 *marihuana caregiver centers and medical marihuana facilities subject to this division*, Section
11 50-3-533, *Definitions; meaning of terms*, Section 50-3-534, *Medical marihuana caregiver center*
12 *procedures*, Section 50-3-535, *Permitted districts for medical marihuana facilities; conditional*
13 *use; restrictions*, Section 50-3-536, *Medical marihuana facility procedures*, and Section 50-3-
14 537, *Accessory uses; public nuisance*; Article IX, *Business Zoning Districts*, Division 3, *B2*
15 *Local Business and Residential District*, Section 50-9-54, *Conditional other uses*, Division 5, *B4*
16 *General Business District*, Section 50-9-114, *Conditional other uses*, Division 6, *B5 Major*
17 *Business District*, Section 50-9-144, *Conditional other uses*, and Division 7, *B6 General Services*
18 *District*, Section 50-9-174, *Conditional other uses*; Article X, *Industrial Zoning Districts*,
19 Division 2, *M1 Limited Industrial District*, Section 50-10-24, *Conditional other uses*, Division 3,
20 *M2 Restricted Industrial District*, Section 50-10-54, *Conditional other uses*, Division 4, *M3*
21 *General Industrial District*, Section 50-10-84, *Conditional other uses*, Division 5, *M4 Intensive*
22 *Industrial District*, Section 50-10-114, *Conditional other uses*, and Division 6, *M5 Special*

1 *Industrial District*, Section 50-10-144, *Conditional other uses*; Article XI, *Special Purpose*
2 *Zoning Districts and Overlay Areas*, Division 2, *PD Planned Development District*, Section 50-
3 11-13, *Use regulations*, Division 10, *SD2 – Special Development District, Mixed-use*, Section
4 50-11-244, *Conditional other uses*, and Division 14, *Overlay Areas*, Subdivision A, *Gateway*
5 *Radial Thoroughfare Overlay Areas*, Section 50-11-364, *Prohibitions and limitations*, and
6 Subdivision B, *Traditional Main Street Overlay Areas*, 50-11-386, *Prohibited use*; Article XII,
7 *Use Regulations*, Division 1, *Use Table*, Subdivision F, *Other Uses*, Section 50-12-110, *Medical*
8 *marihuana facilities*, Division 2, *General Use Standards*, Section 50-12-132, *Other uses –*
9 *spacing*, Section 50-12-135, *Waiver of general spacing requirements*, and Section 50-12-136,
10 *Waiver of spacing from schools*, Division 3, *Specific Use Standards*, Subdivision I, *Other Uses –*
11 *Miscellaneous*, Section 50-12-413, *Medical marihuana caregiver centers and medical*
12 *marihuana facilities*, and Division 6, *Temporary Uses and Structures*, Subdivision B, *Specific*
13 *Temporary Uses Allowed*, Section 50-12-563, *Prohibited temporary uses*; Article XIV,
14 *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision B,
15 *Off-Street Parking Schedule "A"*, Section 50-14-69, *Medical marihuana caregiver centers and*
16 *medical marihuana facilities*; and Article XVI, *Rules of Construction and Definitions*, Division
17 2, *Words and Terms Defined*, Section 50-16-302, *Words and terms (Mh-Mm)*, and Subdivision L,
18 *Letter "M"*, Section 50-16-301, *Words and terms (Ma—Mg)*, and Section 50-16-302 *Words and*
19 *terms (Mh—Mm)*, to add marijuana retailer establishment, designated marijuana consumption
20 establishment, and marijuana microbusiness as conditional uses in B2, B4, B5, B6, M1, M2, M3,
21 M4, and SD2 zoning districts; to add marijuana safety compliance facility as a conditional use in
22 B2, B4, B5, B6, M1, M2, M3, M4, M5, and SD2 zoning districts; to add marijuana secure
23 transporter facility as a conditional use in B5, B6, M1 M2, M3, M4, and M5 zoning districts; to

1 add marijuana processor facility as a conditional use in B6, M1, M2, M3, M4, and M5 zoning
2 districts; to add marijuana grower facility as a conditional use in M1, M2, M3, M4, and M5
3 zoning districts; to specify marijuana-related land uses as a legislatively approved use on land
4 zoned PD, where established as a non-residential PD; to amend the list of prohibited uses in
5 Gateway Radial Thoroughfare overlay areas; to amend the list of prohibited uses in Traditional
6 Main Street overlay areas; to add use regulations for adult-use marijuana establishments; to add
7 definitions related to adult-use marijuana; and to make certain non-substantive corrections.

8 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
9 **THAT:**

10 **Section 1.** Chapter 50 of the 2019 Detroit City Code, Article II, Division 6, Subdivision
11 J, Section 50-2-261 through Section 50-2-265 be repealed; and Chapter 50 of the 2019 Detroit
12 City Code, Article II, Division 6, Subdivision A, Section 50-2-91; Article III, Division 12,
13 Section 50-3-531, through Section 50-3-537; Article IX, Division 3, Section 50-9-54, Division 5,
14 Section 50-9-114, Division 6, Section 50-9-144, and Division 7, Section 50-9-174; Article X,
15 Division 2, Section 50-10-24, Division 3, Section 50-10-54, Division 4, Section 50-10-84,
16 Division 5, Section 50-10-114, and Division 6, Section 50-10-144; Article XI, Division 2,
17 Section 50-11-13, Division 10, Section 50-11-244, and Division 14, Subdivision A, Section 50-
18 11-364, and Subdivision B, 50-11-386; Article XII, Division 1, Subdivision F, Section 50-12-
19 110, Division 2, Section 50-12-132, Section 50-12-135, and Section 50-12-136, Division 3,
20 Subdivision I, Section 50-12-413, and Division 6, Subdivision B, Section 50-12-563; Article
21 XIV, Division 1, Subdivision B, Section 50-14-69; and Article XVI, Division 2, Section 50-16-
22 302, and Subdivision L, Section 50-16-301, and Section 50-16-302 be amended, to read as
23 follows:

1 **CHAPTER 50. ZONING.**

2 **ARTICLE II. REVIEW AND DECISION-MAKING BODIES**

3 **DIVISION 6. ADVISORY REVIEW COMMITTEES**

4 **Subdivision A. In General**

5 **Sec. 50-2-91. Advisory ~~group~~ committee structure**

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

8 **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 Marijuana 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. |

9
10 NOTE: **BSEED** = Buildings, Safety Engineering, and Environmental Department; **CPC** = City Planning
11 Commission; **DEA** = BSEED Division of Environmental Affairs; **DHD** = Detroit Health Department;
12 **DOT** = Department of Transportation; **DPD** = Detroit Police Department; **DPW** = Department of Public
13 Works (**SW** = Solid Waste Division, **TE** = Traffic Engineering Division); **DWSD** = Detroit Water &
14 Sewerage Department; **Fire** = Fire Marshall; **GDRRA** = Greater Detroit Resource Recovery Authority;
15 **ITS** = Information Technology Services; **P&DD** = Planning Department; **PLD** = Public Lighting
16 Department; **WCDoE** = County of Wayne Department of Environment.
17

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

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

3 ~~There is hereby established a Medical Marihuana Facility Review Committee~~
4 ~~("MMFRC"), which shall perform its duties and exercise its powers as provided for in Sec. 50-2-~~
5 ~~261 through 50-2-265 of this Code. [REPEALED]~~

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

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

16 ~~(1) — Assessor~~

17 ~~(2) — BSEED~~

18 ~~(3) — CPC~~

19 ~~(4) — DHD~~

20 ~~(5) — DPD~~

21 ~~(6) — DPW~~

22 ~~(7) — Fire~~

23 ~~(8) — Law Department~~

1 (9) — PDD

2 (10) — Such other departments or agencies as deemed appropriate by the chairperson to
3 advise on a particular application [REPEALED]

4 **Sec. 50-2-263. Officers.**

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

9 **Sec. 50-2-264. Duties and functions.**

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

- 14 (1) — Medical marihuana grower facility
- 15 (2) — Medical marihuana processor facility
- 16 (3) — Medical marihuana provisioning center facility
- 17 (4) — Medical marihuana safety compliance facility
- 18 (5) — Medical marihuana secure transporter facility

19 (b) — For each medical marihuana facility application, the MMFRC shall evaluate all
20 applicable regulations that apply to the establishment or operation of the proposed medical
21 marihuana facility and shall review and make recommendation regarding the application to
22 BSEED or the BZA, as applicable. In performing this function, the MMFRC shall review and
23 investigate the following:

- 1 ~~(1) — A site plan in compliance with ARTICLE III, DIVISION 5 of this Chapter;~~
- 2 ~~(2) — A floor plan drawn to scale of the proposed facility interior;~~
- 3 ~~(3) — A comprehensive business plan detailing:~~
- 4 ~~a. — Operations~~
- 5 ~~b. — Security~~
- 6 ~~e. — Testing~~
- 7 ~~d. — Nuisance mitigation such as noise, vibration, smoke, odor, noxious gas,~~
- 8 ~~dust, dirt, glare, heat, or other discharge or emission that may be harmful~~
- 9 ~~to adjacent or surrounding land uses~~
- 10 ~~e. — Waste handling and disposal~~
- 11 ~~f. — Community relations~~
- 12 ~~g. — Recruitment and training of employees~~
- 13 ~~h. — Number of Detroit residents employed, or intended to be employed~~
- 14 ~~(4) — Property ownership information, such as a deed. If the applicant intending to~~
- 15 ~~operate the proposed medical marihuana facility is not the owner of the subject~~
- 16 ~~property, the applicant must provide property ownership information and a~~
- 17 ~~notarized letter from the owner indicating consent to use the subject property as a~~
- 18 ~~medical marihuana facility;~~
- 19 ~~(5) — Business ownership information including the names and residential addresses of~~
- 20 ~~each individual, member, shareholder, officer, director or partner that makes up~~
- 21 ~~the ownership entity;~~

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

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~~
3 ~~upon all matters properly coming before it. At the chairperson's direction, the MMFRC members~~
4 ~~may 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~~
17 ~~as 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~~
22 ~~BSEED or the BZA as applicable. The MMFRC may request additional time to review an~~

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

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 division 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
10 medical ~~marihuana caregiver centers and medical marihuana marijuana~~ facilities and adult-use
11 marijuana establishments, ~~and~~ to prevent an over concentration of like uses, and to ~~allow for~~
12 ensure the diversification of commercial and retail offerings along major and secondary corridors
13 in order to:

- 14 (1) Serve and protect the health, safety and welfare of the general public through
15 reasonable limitations on land use as it relates to traffic, noise, light, air and water
16 quality, neighborhood and patient safety, security, and other health and safety
17 concerns;
- 18 (2) Regulate land used in the operation of activities authorized by the Michigan
19 Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*
20 (“MMMA”), ~~and~~ the Michigan Medical Marihuana Facilities Licensing Act,
21 being Public Act 281 of 2016, MCL 333.27101, *et seq.* (“MMFLA”), and the
22 Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of
23 2018, MCL 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; and

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
10 any other section of this Code is intended to prohibit, nor shall it be construed as prohibiting,
11 access to health care or medical ~~marihuana~~ marijuana by registered medical ~~marihuana~~ marijuana
12 patients;

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

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

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

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

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

8 This division applies to all medical ~~marihuana caregiver centers and medical marihuana~~
9 marijuana facilities and adult-use marijuana establishments, as defined in ~~Sec. 50-16-301 Section~~
10 50-3-533 of this Code.

11 **Sec. 50-3-533. ~~Definitions; meaning of terms.~~**

12 For the purposes of this division, the following words and phrases shall have the meaning
13 respectively ascribed to them by this section:

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

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

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

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

9 Drug-free zone, for the purpose of this chapter, means an area that is within ~~one thousand~~
10 (1,000) radial feet of ~~the~~ a zoning lot of a(n):

- 11 (1) Child care center, as defined in ~~See. Section~~ 50-16-152 of this Code;
- 12 (2) Educational institution, as defined in ~~See. Section~~ 50-16-191 of this Code;
- 13 (3) Library, as defined in ~~See. Section~~ 50-16-283 of this Code;
- 14 (4) Outdoor recreation facility, as defined in ~~See. Section~~ 50-16-324 of this Code ~~and~~
15 identified in the City of Detroit 2017 Recreation Master Plan, other than parkways
16 and parklots;
- 17 (5) School, as defined in ~~See. Section~~ 50-16-381 of this Code;
- 18 (6) Youth activity center as defined in ~~See. Section~~ 50-16-462 of this Code; or
- 19 (7) Public housing as defined in 42 USC § 1437a(b)(1).

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

- 21 (1) A marijuana grower license, of any class, issued under MRTMA and a grower
22 license, of any class, issued under the MMFLA;

1 (2) A marijuana processor license issued under the MRTMA and a processor license
2 under the MMFLA;

3 (3) A marijuana retailer license issued under the MRTMA and a provisioning center
4 license issued under the MMFLA;

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

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

9 *Licensee* means a person holding ~~a state~~an operating license issued by the State of
10 Michigan and a ~~city~~ business license issued by the City to operate a medical ~~marihuana~~
11 marijuana facility or an adult-use marijuana establishment.

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

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

1 ~~Medical marihuana~~ Marijuana processor facility means a location where a processor
2 licensee that is licensed as a marijuana processor under the MRTMA or as a processor under the
3 MMFLA, and as a processor under Chapter 20, Article VI, of this Code, operates a commercial
4 entity located in the State of Michigan purchases marihuana from a grower, extracts resin from
5 the marihuana or creates a marihuana infused product that obtains marijuana from a medical
6 marijuana facility or adult-use marijuana establishment and processes marijuana for sale and
7 transfer in packaged form to a provisioning center medical marijuana facility or adult-use
8 marijuana establishment.

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

14 Marijuana retail/provisioning facility means a marijuana retailer establishment or a
15 medical marijuana provisioning center facility.

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

1 ~~Medical marihuana~~ Marijuana secure transporter facility means a location where a
2 ~~secure transporter~~ licensee that is licensed as a secure transporter facility under the MRTMA or
3 the MMFLA, and as a secure transporter under Chapter 20, Article VI, of this Code, operates a
4 commercial entity located in the State of Michigan that stores ~~marihuana~~ marijuana, and ~~from~~
5 ~~where it transports ~~marihuana~~ marijuana between ~~marihuana~~ medical marijuana facilities or~~
6 adult-use marijuana establishments for a fee.

7 ~~Medical marihuana~~ marijuana means any ~~marihuana~~ marijuana intended for medical use
8 that meets all requirements for medical ~~marihuana~~ marijuana contained in this chapter, the
9 MMMA, MMFLA, and any other applicable law. This does not include ~~marihuana~~ marijuana in
10 any form inconsistent with the definition of usable ~~marihuana~~ marijuana under the MMMA or
11 MMFLA.

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

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

21 ~~Medical marihuana~~ marijuana provisioning center facility means a location where a
22 ~~provisioning center~~ licensee that is licensed as a provisioning center under the MMFLA, as well
23 as under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of

1 Michigan ~~that~~ purchases ~~marihuana~~-marijuana from a grower or processor and sells, supplies, or
2 provides ~~marihuana~~-marijuana to ~~registered~~ qualifying patients, directly or through the ~~patients’~~
3 registered primary caregivers of patients. ~~Provisioning~~-Medical marijuana provisioning center
4 facility includes any commercial property where medical marijuana is sold at retail to ~~registered~~
5 qualifying patients or ~~registered~~ primary caregivers. A medical ~~marihuana~~-marijuana caregiver
6 center is not a medical marijuana provisioning center facility for purposes of this chapter.

7 *Michigan Medical Marihuana Act* or “*the MMMA*” means Initiated Law 1 of 2008, MCL
8 333.26421, *et seq.*

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

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

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

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

16 (1) ~~Any application for a medical marihuana caregiver center received by the~~
17 ~~Buildings, Safety Engineering and Environmental Department on or before the~~
18 ~~effective date of this ordinance may, upon the effective date of this ordinance, be~~
19 ~~considered by the Buildings, Safety Engineering and Environmental Department~~
20 ~~as an application for a medical marihuana provisioning center facility, without~~
21 ~~additional fee, subject to applicable zoning and any additional regulations set~~
22 ~~forth for medical marihuana facilities in this Code, as amended, upon submission~~
23 ~~by the applicant of an amended application on a form to be provided by the~~

1 Department. If an applicant does not submit an amended application within forty-
2 five (45) days after the effective date of this ordinance, the Buildings, Safety
3 Engineering and Environmental Department shall dismiss the application.

4 (1) Medical ~~marihuana~~ marijuana caregiver centers that ~~have been~~ were legally
5 established and issued a building permit or certificate of occupancy prior to ~~the~~
6 ~~effective date of this ordinance~~ October 14, 2018 are lawful nonconforming uses
7 as of the effective date of this ordinance.

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

18 (3) A lawful nonconforming medical ~~marihuana~~ marijuana caregiver center may
19 convert to any type of medical marihuana marijuana facility other than a medical
20 marijuana provisioning center facility, or to any type of adult-use marijuana
21 establishment other than a marijuana retailer establishment, by submitting an
22 application for a ~~medical marihuana facility~~ the proposed use, subject to
23 applicable zoning and any additional regulations ~~set forth~~ for medical ~~marihuana~~

1 marijuana facilities and adult-use marijuana establishments set forth in this Code;
2 as amended.

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

5 (a) Medical ~~marihuana~~ marijuana facilities and adult-use marijuana
6 establishments may be permitted on land zoned PD, where established as a Planned
7 Development District, and on a conditional basis in the following zoning districts in accordance
8 with this article, subject to the provisions of this division and any other applicable provisions of
9 this Code, and all applicable State of Michigan requirements. Notwithstanding anything to the
10 contrary in this Code, all of the below uses may be located in PD zoning districts, excluding
11 solely residential PD districts, as a major modification of the plans for the subject PD zoning
12 district, and may approved by the City Council in accordance with Section 50-3-97 after making
13 the findings set forth in Section 50-3-281 for the requested use.

14
15 (1) Designated marijuana consumption establishments may be permitted in the B2,
16 B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts.

17 (2) ~~Medical marihuana~~ Marijuana grower facilities may be permitted on a conditional
18 basis in the M1, M2, M3, M4, and M5 zoning districts;.

19 (3) Marijuana microbusinesses may be permitted on a conditional basis in the B2, B4,
20 B5, B6, M1, M2, M3, M4, and SD2 zoning districts.

21 (4) ~~Medical marihuana~~ Marijuana processor facilities may be permitted on a
22 conditional basis in the B6, M1, M2, M3, M4, and M5 zoning districts;.

23 (5) ~~Medical marihuana provisioning center~~ Marijuana retail/provisioning facilities
24 may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4,
25 and SD2 zoning districts ~~but must not be permitted in any zoning district if the~~

1 ~~citywide total number of legally established provisioning center facilities and~~
2 ~~medical marihuana caregiver centers for which a building permit or certificate of~~
3 ~~compliance has been issued is equal to or greater than seventy five (75);~~

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

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

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

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

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

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

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

19 (ii) ~~One thousand (1,000)~~ radial feet from any zoning lot with an unexpired
20 conditional land use approval, building permit, or certificate of occupancy
21 for a ~~medical marihuana caregiver center or medical marihuana~~
22 ~~provisioning center facility~~ designated marijuana consumption

1 establishment, marijuana retail/provisioning facility, or a marijuana
2 microbusiness; and or

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

5 (c) A ~~medical marihuana~~ marijuana grower facility, ~~medical marihuana~~ marijuana
6 processor facility, or medical marihuana marijuana secure transporter facility must not be located
7 in a drug-free zone, as defined in ~~Sec.~~ Section 50-3-533 of this Code, or within a Traditional
8 Main Street ~~overlay area~~ Overlay Area, as provided in Article XI, Division 14, of this chapter.

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

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

20 (f) If the Buildings, Safety Engineering, and Environmental Department establishes
21 that a use posing a restriction under this section has been abandoned or has ceased all operations
22 for at least one year, it may disregard the locational specifications of Subsections (b)(1), (b)(2),
23 (b)(3), and (c) of this section.

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

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

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

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

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

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

22 (d) Upon approval of the applicant’s site plan, the application is subject to a
23 conditional land use hearing in accordance with Article III, Division 7, of this chapter, or subject

1 to legislative approval where the land is zoned PD in accordance with Article III, Division 4 and
2 Article XI, Division 2, of this chapter.

3 **Sec. 50-3-357. Accessory uses; public nuisance; continuing violations.**

4 (a) Medical ~~marihuana caregiver centers and medical marihuana~~marijuana facilities
5 and adult-use marijuana establishments are not permitted as accessory uses, and must not include
6 accessory uses. Multiple types of medical marihuana~~marihuana~~marijuana facilities, and adult-use
7 marijuana establishments may co-locate ~~on the same premises in the same building,~~ as separate
8 principal uses of the premises, subject to all applicable regulations of this Code and operated in
9 accordance with the rules promulgated by the State of Michigan. The applicant may submit a
10 joint application for any combination of such uses, but each use requires separate approval under
11 this Code.

12 (b) Any premises, building, or other structure in which a ~~medical marihuana~~
13 ~~caregiver center or medical marihuana~~marijuana facility, or adult-use marijuana establishment is
14 ~~regularly operated or maintained~~operates in violation of the standards ~~included and incorporated~~
15 set forth in this Code, constitutes a public nuisance and is subject to civil abatement proceedings
16 initiated by the City of Detroit in a court of competent jurisdiction, in addition to the penalties
17 authorized by this Chapter. Any premises, building, or other structure declared by the court to be
18 a public nuisance must be closed and the property owner assessed the costs of abatement.

19 (c) Each day that a violation is permitted to exist or occur on the premises constitutes
20 a separate occurrence or maintenance of the violation.

1 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

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

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

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

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

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

10 (2) Designated marijuana consumption establishment.

11 (3) Marijuana microbusiness.

12 (4) Marijuana retail/provisioning facility.

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

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

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

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

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

20 (2) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this
21 chapter.

22 (3) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this
23 chapter.

- 1 (4) Designated marijuana consumption establishment.
- 2 (5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this
- 3 chapter.
- 4 ~~(5) Medical marijuana caregiver centers, as provided for in Article III, Division 12,~~
- 5 ~~of this chapter, except such use shall not be permitted in any Gateway Radial~~
- 6 ~~Thoroughfare or Traditional Main Street overlay area.~~
- 7 (6) Marijuana microbusiness.
- 8 (7) Marijuana retail/provisioning facility.
- 9 (8) Marijuana safety compliance facility as provided for in Article III, Division 12, of
- 10 this chapter.
- 11 (9) Telecommunications building, private.

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

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

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

- 15 (1) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this
- 16 chapter.
- 17 (2) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this
- 18 chapter.
- 19 (3) Designated marijuana consumption establishment
- 20 (4) Farmers markets as defined in Article XVI, Division 2, Subdivision G, of this
- 21 chapter.
- 22 (5) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this
- 23 chapter.

- 1 (6) Heliports.
- 2 (7) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this
- 3 chapter.
- 4 (8) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this
- 5 chapter.
- 6 (9) Marijuana microbusiness.
- 7 (10) Marijuana retail/provisioning establishment.
- 8 (11) Marijuana safety compliance facility as provided for in Article III, Division 12, of
- 9 this chapter.
- 10 (12) Marijuana secure transporter facility as provided for in Article III, Division 12, of
- 11 this chapter.
- 12 (13) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this
- 13 chapter.
- 14 (14) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this
- 15 chapter.

16 **DIVISION 7. B6 GENERAL SERVICES DISTRICT**

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

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

- 19 (1) Ferry terminal.
- 20 (2) Designated marijuana consumption establishment.
- 21 (3) Heliports.
- 22 (4) Marijuana microbusiness.

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

3 (6) Marijuana retail/provisioning facility.

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

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

8 (9) Passenger transportation terminal.

9 **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

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

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

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

13 (1) Aircraft landing areas for winged aircraft.

14 (2) Ferry terminal.

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

17 (3) Designated marijuana consumption establishment.

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

20 (5) Marijuana microbusiness.

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

23 (7) Marijuana retail/provisioning facility.

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

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

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

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

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

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

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

12 (1) Ferry terminals.

13 (2) Heliports.

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

16 (3) Designated marijuana consumption establishment.

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

19 (5) Marijuana microbusiness.

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

22 (7) Marijuana retail/provisioning facility.

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

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

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

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

9 **DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT**

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

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

12 (1) Boat or ship yards: construction, repair, maintenance, dry dock.

13 (2) Designated marijuana consumption establishment.

14 (3) Docks, waterway shipping/freighters.

15 (4) Ferry terminals.

16 (5) Heliports.

17 ~~(5) Medical marijuana caregiver centers as provided for in ARTICLE III, DIVISION~~
18 ~~12 of this Chapter~~

19 (6) Marijuana grower facility as provided for in Article III, Division 12, of this
20 chapter.

21 (7) Marijuana microbusiness.

22 (8) Marijuana processor facility as provided for in Article III, Division 12, of this
23 chapter.

1 (9) Marijuana retail/provisioning facility.

2 (10) Marijuana safety compliance facility as provided for in Article III, Division 12, of
3 this chapter.

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

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

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

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

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

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

13 (1) Ferry terminals.

14 (2) Designated marijuana consumption establishment.

15 (3) Heliports:

16 ~~(3) — Medical marijuana caregiver centers as provided for in ARTICLE III, DIVISION~~
17 ~~12, of this chapter.~~

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

20 (5) Marijuana microbusiness.

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

23 (7) Marijuana retail/provisioning facility.

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

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

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

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

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

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

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

12 (1) Ferry Terminals.

13 (2) Heliports.

14 (3) Marijuana grower facility as provided for in Article III, Division 12, of this
15 chapter.

16 (4) Marijuana processor facility as provided for in Article III, Division 12, of this
17 chapter.

18 (5) Marijuana safety compliance facility as provided for in Article III, Division 12, of
19 this chapter.

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

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

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

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

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

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

6 Uses permitted shall include any and all uses subject to review by the City Planning
7 Commission and to approval by the City Council, provided, that the major land use shall
8 correspond to the most general category of land use proposed in the Master Plan for the area
9 involved. Land use categories include residential, retail and local services, industrial, mixed use,
10 parks and open space, and other. Medical marijuana facilities and adult-use marijuana
11 establishments, as specified in Section 50-12-110 of this Code, are not permitted on land zoned
12 PD, where established as a residential planned development. See Article XII of this chapter for a
13 complete listing of all use regulations and standards, and Article XII, Division 5, of this chapter
14 for accessory uses, including home occupations.

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

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

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

19 (1) Designated consumption establishment.

20 (2) Marijuana microbusiness.

21 (3) Marijuana retail/provisioning facility.

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

- 1 (5) Passenger transportation terminal.
- 2 (6) Urban Gardens not exceeding 0.5 acres in size as provide for in Article XII,
- 3 Division 3, Subdivision H, of this chapter.

DIVISION 14. OVERLAY AREAS

Subdivision A. Gateway Radial Thoroughfare Overlay Areas

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

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

- (1) Confection manufacture;_
- (2) Dental products, surgical, or optical goods manufacture;_
- (3) Emergency shelter;_
- (4) Go-cart track;_
- (5) Ice manufacture;_
- (6) Jewelry manufacture;_
- (7) Lithographing;_
- (8) ~~Medical marijuana caregiver center, as provided for in Article III, Division 12, of this Chapter;~~
- (8) Marijuana retail/provisioning facility.
- (9) Motor vehicle washing and steam cleaning;_

- (10) Motor vehicle services, major;_
- (11) Motor vehicles, used, salesroom or sales lots;_
- (12) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles;_

- 1 (13) Pawnshop;_
- 2 (14) Plasma donation center;_
- 3 (15) Precious metal and gem dealer;_
- 4 (16) Pre-release adjustment center;_
- 5 (17) Radio, television, or household appliance repair shop;_
- 6 (18) Rebound tumbling center;_
- 7 (19) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or
8 where not located in a multi-story building having a mixed-use or multi-tenant
9 development; prohibition limited to Woodward Avenue only;_
- 10 (21) Substance abuse service facility;_
- 11 (22) Taxicab dispatch and/or storage facility;_
- 12 (23) Toiletries or cosmetic manufacturing;_
- 13 (24) Tool, die, and gauge manufacturing;_
- 14 (25) Trade services, general;_
- 15 (26) Trailer coaches or boats, sale or rental, open air display;_
- 16 (27) Trailers or cement mixers, pneumatic-tired, sales, rental or service;
- 17 (28) Used goods dealer;_
- 18 (29) Vending machine commissary;_
- 19 (30) Wearing apparel manufacturing;_
- 20 (31) Wholesaling, warehousing, storage buildings, or public storage houses, except on
21 Gratiot Avenue._
- 22 (b) Accessory parking lots or parking areas on zoning lots abutting a designated
23 Gateway Radial Thoroughfare that are not farther than the maximum distance specified in

1 Article XIV, Division 1, Subdivision B, of this chapter shall be permitted by right subject to
2 Article XIV, Division 1, Subdivision E, Article XIV, Division1, Subdivision G, and Article XIV,
3 Division 2, Subdivision C, of this chapter.

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

9 **Subdivision B. Traditional Main Street Overlay Areas**

10 **Sec. 50-11-386. Prohibited use.**

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

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

18 **ARTICLE XII. USE REGULATIONS**

19 **DIVISION 1. USE TABLE**

20 **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 | Medical marihuana <u>Designated marijuana consumption establishment</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 grower facility</u> | | | | | | | | | | | | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>L</u> | | | | | | | | | | | | | | | | |
| | Medical marihuana <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 processor facility</u> | | | | | | | | | | | | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>L</u> | | | | | | | | | | | | | | | | |
| | Medical marihuana <u>Marijuana retail/provisioning center facility</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 safety compliance facility</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 secure transporter facility</u> | | | | | | | | | | | | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>L</u> | | | | | | | | | | | | | | | | |

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

1

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

3 (a) Except for Controlled Uses, only the Board of Zoning Appeals may adjust the
4 spacing requirements between land uses, as provided for in the tables in ~~See~~-Section 50-12-129,
5 ~~See~~-Section 50-12-130, ~~See~~-Section 50-12-131, ~~Sec. 50-12-132~~, and ~~See~~-Section 50-12-134 of
6 this Code, as a “locational variance” in accordance with the criteria specified in ~~See~~-Section 50-
7 4-121 of this Code and where the proposed use satisfies all the following conditions:

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

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

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

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

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

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

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

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

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

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

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

12 (d) The prohibition that relates to the location of ~~medical marijuana caregiver~~
13 ~~centers, medical marijuana designated marijuana consumption establishments, marijuana grower~~
14 ~~facilities, medical marijuana marijuana microbusinesses, marijuana processor facilities, medical~~
15 ~~marijuana marijuana retail/provisioning facilities, and marijuana~~ secure transporter facilities;
16 ~~and medical marijuana provisioning center facilities~~ within ~~one thousand (1,000)~~ feet of a
17 school, (among other uses specified in a “drug-free zone,” as defined in ~~See. Section~~ Section 50-3-535 of
18 this Code and referenced in the table of ~~See. Section~~ Section 50-12-132 of this Code), must not be
19 waived by either the Buildings, Safety Engineering, and Environmental Department, nor the
20 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~~
8 ~~center, and no later than December 31st of each subsequent year, the applicant or~~
9 ~~operator shall submit to the Buildings, Safety Engineering, and Environmental~~
10 ~~Department a photocopy of the operator's valid and current registered primary~~
11 ~~caregiver's license issued by the state in accordance with the General Rules of the~~
12 ~~Michigan Department of Community Health and the Michigan Medical~~
13 ~~Marihuana Act, P.A. 2008, Initiated Law, being MCL 333.26421 et seq. Proof of~~
14 ~~such licensing shall be required prior to the opening, and as a condition for the~~
15 ~~continued operation, of any medical marihuana caregiver center.~~

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

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

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

16 (4) Marijuana grower facilities must not grow marijuana outdoors.

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

19 **Secs. 50-12-414–50-12-430. Reserved.**

20 **DIVISION 6. TEMPORARY USES AND STRUCTURES**

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

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

23 The following temporary uses are prohibited:

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

ARTICLE XIV. DEVELOPMENT STANDARDS

SUBDIVISION B. OFF-STREET PARKING SCHEDULE “A”

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

12 Off-street parking regulations for medical ~~marihuana caregiver centers~~ marijuana
 13 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) |
|--|---|--|-------------------------|
| Medical marihuana Caregiver Center or Medical marihuana Provisioning Center Facility <u>Marijuana Facilities and Adult-Use Marijuana Establishments</u> | Medical marihuana caregiver center or medical marihuana <u>Marijuana retail/provisioning center</u> facility | 1 per 200 square feet | same lot |
| | Medical marihuana <u>Marijuana</u> grower facility Marijuana <u>marijuana</u> microbusiness Medical marihuana <u>Marijuana</u> processor facility Medical marihuana <u>Marijuana</u> safety compliance facility Medical marihuana <u>Marijuana</u> secure transporter facility | 2 per 3 employees, or 1 per 800 square feet, whichever is fewer | 100 feet |

1 **ARTICLE XVI. DEFINITIONS AND RULES OF CONSTRUCTION**

2 **DIVISION 2. WORDS AND TERMS DEFINED**

3 **Subdivision B. Letter "A"**

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

5 For the purposes of this chapter, the following words and phrases beginning with the
6 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 | A use that: (1) Is incidental and subordinate to and devoted exclusively to 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. |
| Addition | 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. |
| Adjacent | Same as "abut or abutting" |
| <u>Adult-use marijuana establishment</u> | <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</u> |

| | |
|--------------------------------------|--|
| | <u>establishment, or any other type of marijuana-related business licensed to operate in accordance with the MRTMA.</u> |
| 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 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."</p> |
| 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) |
|---|--|

1

2

Subdivision D. - Letter "C"

3

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

4

For the purposes of this chapter, the following words and phrases beginning with the

5

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. |
| <u>Co-location (marijuana)</u> | <u>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.</u> |
| 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) | 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. Examples include the following uses: <ul style="list-style-type: none"> • Customs office; • Fire or police station, post office, courthouse and similar public building; |

| | |
|---|---|
| | <ul style="list-style-type: none"> • 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. |

1

2 **Sec. 50-16-154. Words and terms (Ct—Cz).**

3 For the purposes of this chapter, the following words and phrases beginning with the
4 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 Cultivate (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. |

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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 |
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| 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: <ul style="list-style-type: none"> • 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 as a designated consumption establishment under 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. |

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

3 For the purposes of this chapter, the following words and phrases beginning with the
 4 letters "Dh" through "Dz," shall have the meaning respectively ascribed to them by this
 5 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; or</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 |

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| | 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. |

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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. |
| Equivalent licenses (marijuana) | <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</u> |

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| | <u>MMFLA;</u> <ul style="list-style-type: none"> • <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).

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For the purposes of this chapter, the following words and phrases beginning with the

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letters "Lh" through "Lm," shall have the meaning respectively ascribed to them by this

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section:

| Term | Definition |
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| 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 an operating license issued by the State of Michigan and a business license issued by the City 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. |

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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 "Ma" through "Mg," shall have the meaning respectively ascribed to them by this section:

| Term | Definition |
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| 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. See § 5401) and that is designed to be used as a single dwelling unit. |
| Manufacturing and Production (Use Category) | <p>Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> •Very high-impact manufacturing or processing •High-impact manufacturing or processing •High/medium-impact manufacturing or processing •Low/medium-impact manufacturing or processing •Low-impact manufacturing or processing <p>Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.</p> |
| Manufacturing or Processing | See Manufacturing and Production (Use Category). |
| Marina | <p>Marina means a facility that offers service to the public or members of the marina for docking, loading, or other servicing recreational watercraft. Accessory uses include the following, provided they are for owners, crews, and guests:</p> <ul style="list-style-type: none"> •boat storage, •food and beverage facilities, including those for consumption of beer or alcoholic liquor on the premises, and •retail facilities |
| 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 as 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 as a microbusiness under 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</u> |

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| | <u>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 as a processor under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), and as a processor 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 as a retailer under 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), and as a safety compliance facility under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that tests 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), and as a secure transporter 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.</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.” |
| <u>Medical marihuana-marijuana</u> | <u>Marihuana Any marijuana intended for medical use that meets all requirements for medical marihuana marijuana contained in this chapter, the Michigan Medical Marihuana Act (MMA), the Medical Marihuana Facilities Licensing Act (MMFLA), and any other applicable law. This shall does not include marihuana marijuana in any form inconsistent with the definition of usable marihuana marijuana under either the MMA or the MMFLA.</u> |
| <u>Medical marihuana Caregiver Center</u> | <u>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 MMA.</u> |
| <u>Medical marihuana marijuana</u> | <u>A location in the State of Michigan where a licensee operates any one of the</u> |

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| facility (Use Category) | <p><u>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 marijuana <u>marijuana</u> facility. Medical marijuana facilities include the following uses:</p> <ul style="list-style-type: none"> ● Medical marijuana grower facility ● Medical marijuana processor facility ● Medical marijuana provisioning center ● Medical marijuana safety compliance facility ● Medical marijuana secure transporter facility |
| Medical Marijuana Facilities Licensing Act or “MMFLA” | Public Act 281 of 2016, MCL 333.27101, <i>et seq.</i> |
| Medical marijuana 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 marijuana 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 <u>marijuana</u> Provisioning Center Facility | A <u>location where a licensee that is licensed as a provisioning center 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 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.</u> 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. |
| Medical marijuana 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 marijuana 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. |

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

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

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| 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 <u>Article XII, Division 1, Subdivision B</u> ; Public, Civic and Institutional Uses as specified in <u>Article XII, Division 1, Subdivision C</u> ; Retail, Service and Commercial uses as specified in <u>Article XII, Division 1, Subdivision D</u> ; Manufacturing and Industrial Uses as specified in <u>Article XII, Division 1, Subdivision E</u> . A building shall also be deemed to be mixed-use where it includes both: (a) An "Office, business or professional" and (b) Any other retail use(s) specified in 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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 5 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

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

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

4 Approved as to form:

5 _____
6 Lawrence T. García
7 Corporation Counsel