

Background

- Request of City Council Pres. Pro Tem Tate
- **Goal to slightly increase the amount of property eligible for certain marijuana uses**
- **By modifying zoning spacing requirements**
- March 2021: Zoning regs updated (current)
- April 2022: Business licensing updated
Zoning and Licensing separate under City Code

CPC & Engagement Meetings

- CPC introduction July 21
- Public hearing August 4
- DON Cast presentation August 29
- CPC Forum discussion August 31
- **CPC recommended approval Sept. 29**



Proposed Text Amendment

The focus of the proposal is on limited license retail and consumption-related uses:

1. Medical marijuana provisioning centers

Marijuana sold to qualifying patients with a state-issued medical I.D. or primary caregivers

2. Marijuana retailer establishments

Marijuana sold or transferred to adults 21 years of age or older or other adult-use establishments

3. Marijuana microbusinesses

Cultivates, processes and packages, and sells or transfers to adults or safety compliance facilities

4. Designated marijuana consumption est.

Allows adults to consume marijuana at a commercial location
Marijuana sales prohibited

Pt. 1a – Minimum Spacing Requirements

- 25% reduction for Controlled Uses
 - 1,000 ft. spacing reduced to 750 ft.

3 LEVEL Specific Use Standards

2 LEVEL General Use Standards: Minimum Spacing

1 LEVEL Zoning Districts: Conditional uses in B2, B4 – M4, SD2

Use Type (Proposed Use)	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District
Designated marijuana consumption establishment	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; - Marijuana retail/provisioning center facility: 1000 radial feet - Marijuana microbusiness: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana microbusiness	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; - Marijuana retail/provisioning center facility: 1000 radial feet; - Designated marijuana consumption establishment: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana retail/provisioning facility	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet; - Designated marijuana consumption establishment: 1000 radial feet - Marijuana microbusiness: 1000 radial feet; - Controlled uses: 1000 750 radial feet.

Full List of Other Use Types



Drug-free zone: prohibited within 1,000 radial feet of a zoning lot of a(n) (Sec. 50-16-172):

1. Child care center, as defined in Section 50-16-152 of this Code
2. Educational institution, as defined in Section 50-16-191 of this Code
3. Library, as defined in Section 50-16-283 of this Code
4. Outdoor recreation facility, as defined in Section 50-16-324 of this Code, other than parkways and parklots
5. School, as defined in Section 50-16-381 of this Code
6. Youth activity center as defined in Section 50-16-462 of this Code
7. Public housing as defined in 42 USC § 1437a(b)(1)



Overlay Areas/Religious Institutions

8. Gateway Radial Thoroughfare Overlay Area: prohibited
9. Traditional Main Street Overlay Area: prohibited
10. Religious institution identified as exempt by the City Assessor: 1000 radial feet

Controlled Uses: 1,000 radial feet from (750 feet proposed):

11. Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts
12. Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments
13. Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts

Controlled Uses

Sec. 50-3-402 List of Controlled Uses

1. Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts
 2. **Specially designated merchant's (SDM) est. and/or specially designated distributor's (SDD) est.**
 3. Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts
- **Spacing to SDM/SDD is highly impactful given the number of existing uses**

Liquor Store

Beer/Wine Store

Specially designated distributor's est. (SDD)	Specially designated merchant's est. (SDM)
A retail establishment, consisting of less than 15,000 square feet of gross floor area, licensed by the Michigan Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises, which alcoholic liquor is <u>other than</u> beer and other than wine under 20 percent alcohol by volume;	A retail establishment, consisting of less than 15,000 square feet of gross floor area, utilized for the distribution of alcoholic liquor, licensed by the Michigan Liquor Control Commission to sell <u>beer and/or wine</u> for consumption off the premises;
an SDD is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor other than beer and other than wine under 20 percent alcohol by volume, for consumption off the premises.	an SDM is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor and is licensed to sell beer and/or wine for consumption off the premises.

Pt. 1a – Minimum Spacing Requirements

CPC Staff Findings

1. Reducing Controlled Use spacing would avoid impacting drug-free zone uses, overlay areas, and religious institutions
2. Controlled Use marijuana spacing is unique to Detroit, municipalities typically only require spacing to drug-free zones
3. **Importance of drug-free zone and religious spacing would supersede any reduction to Controlled Use spacing**
4. BSEED has indicated that Controlled Use reductions would increase eligible sites

Use Type (Proposed Use)	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District
Designated marijuana consumption establishment	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; - Marijuana retail/provisioning center facility: 1000 radial feet - Marijuana microbusiness: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana microbusiness	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; - Marijuana retail/provisioning center facility: 1000 radial feet; - Designated marijuana consumption establishment: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana retail/provisioning facility	1000 radial feet	<ul style="list-style-type: none"> - Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet; - Designated marijuana consumption establishment: 1000 radial feet - Marijuana microbusiness: 1000 radial feet; - Controlled uses: 1000 750 radial feet.

Pt. 1b – Additional Spacing Amendments

Would eliminate spacing between:

1. Consumption TO Retail
2. Retail TO Consumption
3. Consumption TO Microbusiness
4. Microbusiness TO Consumption

Goals

- To permit Consumption Est. to be located near marijuana retailers
- To encourage applicants to pursue Microbusinesses

Use Type (Proposed Use)	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District
Designated marijuana consumption establishment	1000 radial feet	- Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; Marijuana retail/provisioning center facility: 1000 radial feet - Marijuana microbusiness: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana microbusiness	1000 radial feet	- Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified exempt by the City Assessor: 1000 radial feet; - Marijuana retail/provisioning center facility: 1000 radial feet; Designated marijuana consumption establishment: 1000 radial feet - Controlled uses: 1000 750 radial feet.
Marijuana retail/provisioning facility	1000 radial feet	- Uses included in the definition of a Drug free zone: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet; Designated marijuana consumption establishment: 1000 radial feet - Marijuana microbusiness: 1000 radial feet; - Controlled uses: 1000 750 radial feet.

Pt. 1c – Administrative Adjustments

Background

- Primary outcome of the August 4 CPC
- Administrative adjustments are minor modifications to certain standards
- Not currently available for any spacing

Not Waivers/Locational Variances

- ZO currently prohibits the BZA or BSEED from considering reducing or eliminating spacing requirements for marijuana
- This prohibition would be maintained

Staff Proposal

- **Would permit a 2% administrative adjustment reduction to spacing**
 - 2% = 20 ft (1,000) / 15 ft (750)
- Meets intent of spacing but accounts for alleys, unused setback areas, discrepancies

- Would apply to all marijuana uses
- Would not apply to Overlay Areas

Pt. 2 – Designated Consumption Est.

- **Adds specific use standards, none currently**
- ZO intends to function as independent businesses, not accessory to other uses
- This prohibition would be maintained
- Proposal seeks to address the potential for consumption est. to be located alongside other principal uses on the same lot or building (such as a multi-tenant building)
- Reflects existing policy on principal uses
- **Outdoor activities would be prohibited as a specific use standard**

Accessory Coffee Bar, Kalkaska, MI



Pt. 3 – Temporary Marijuana Uses

Correct Conflicting Language

- Between Licensing and Zoning
- Unlimited license types currently being processed with no zoning district restrictions
- Ordinance 2022-11 requires City Council to approve any temporary marijuana event before event licensed by BSEED
- **ZO prohibition conflicts with City Council powers**
- Correction language verified with Law Dept.

Full List of Other Use Types



Drug-free zone: prohibited within 1,000 radial feet of a zoning lot of a(n) (Sec. 50-16-172):

1. Child care center, as defined in Section 50-16-152 of this Code
2. Educational institution, as defined in Section 50-16-191 of this Code
3. Library, as defined in Section 50-16-283 of this Code
4. Outdoor recreation facility, as defined in Section 50-16-324 of this Code, other than parkways and parklots
5. School, as defined in Section 50-16-381 of this Code
6. Youth activity center as defined in Section 50-16-462 of this Code
7. Public housing as defined in 42 USC § 1437a(b)(1)



Overlay Areas/Religious Institutions

8. Gateway Radial Thoroughfare Overlay Area: prohibited
9. Traditional Main Street Overlay Area: prohibited
10. Religious institution identified as exempt by the City Assessor: 1000 radial feet

Controlled Uses: 1,000 radial feet from (750 feet proposed):

11. Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts
12. Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments
13. Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts

Marijuana Spacing Maps



DRUG-FREE ZONES - 1,000 ft spacing required

- Child Care Centers
- Schools
- Libraries
- Parks/Recreation Facilities
- Youth Activity Centers
- Public Housing

RELIGIOUS INSTITUTIONS

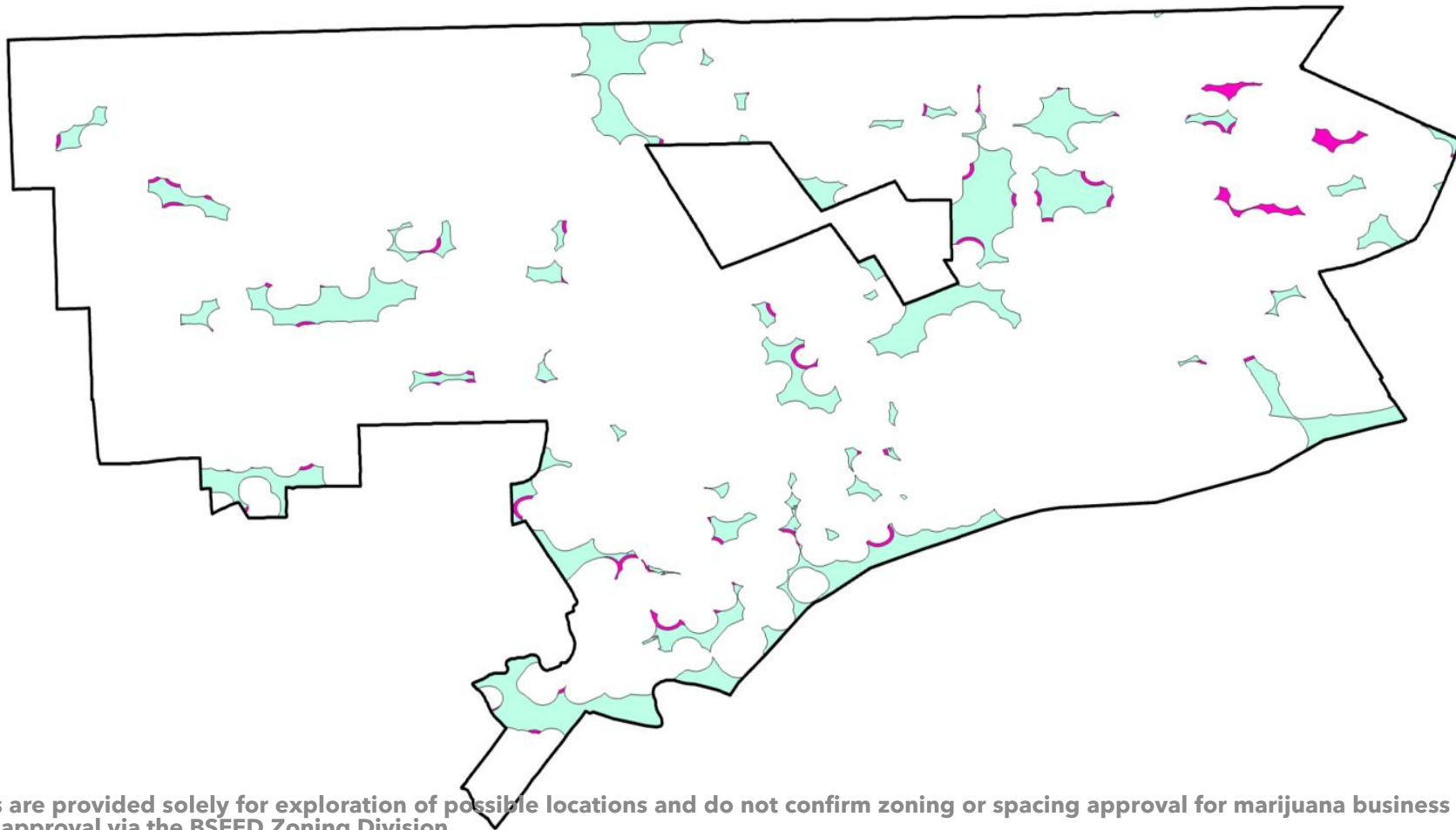
OVERLAY AREAS

- Traditional Main Street Overlays
- Gateway Radial Thoroughfare

CONTROLLED USES

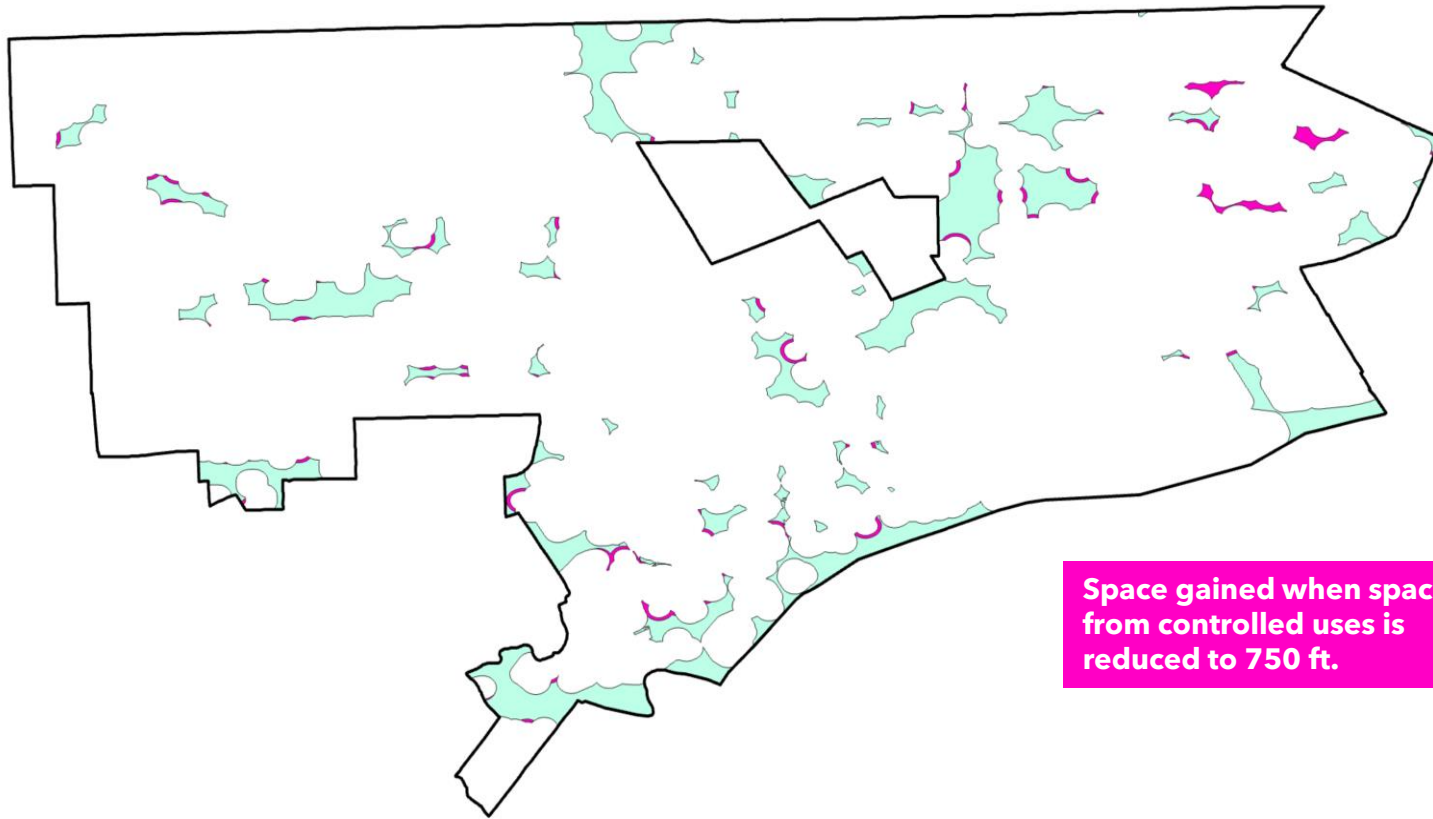
Zoning
Considerations
for Marijuana
Establishments

Areas of Opportunity for Adult-Use Marijuana Retail and Micro-Businesses

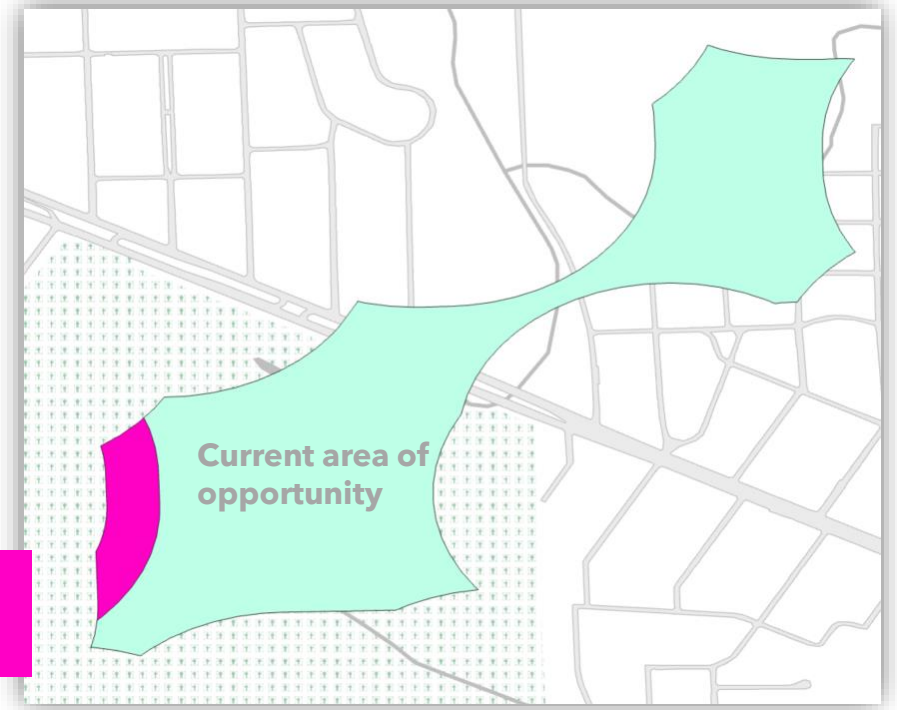


DISCLAIMER: these maps are provided solely for exploration of possible locations and do not confirm zoning or spacing approval for marijuana business locations. All locations require Special Land Use approval via the BSEED Zoning Division

Areas of Opportunity for Adult-Use Marijuana Retail and Micro-Businesses

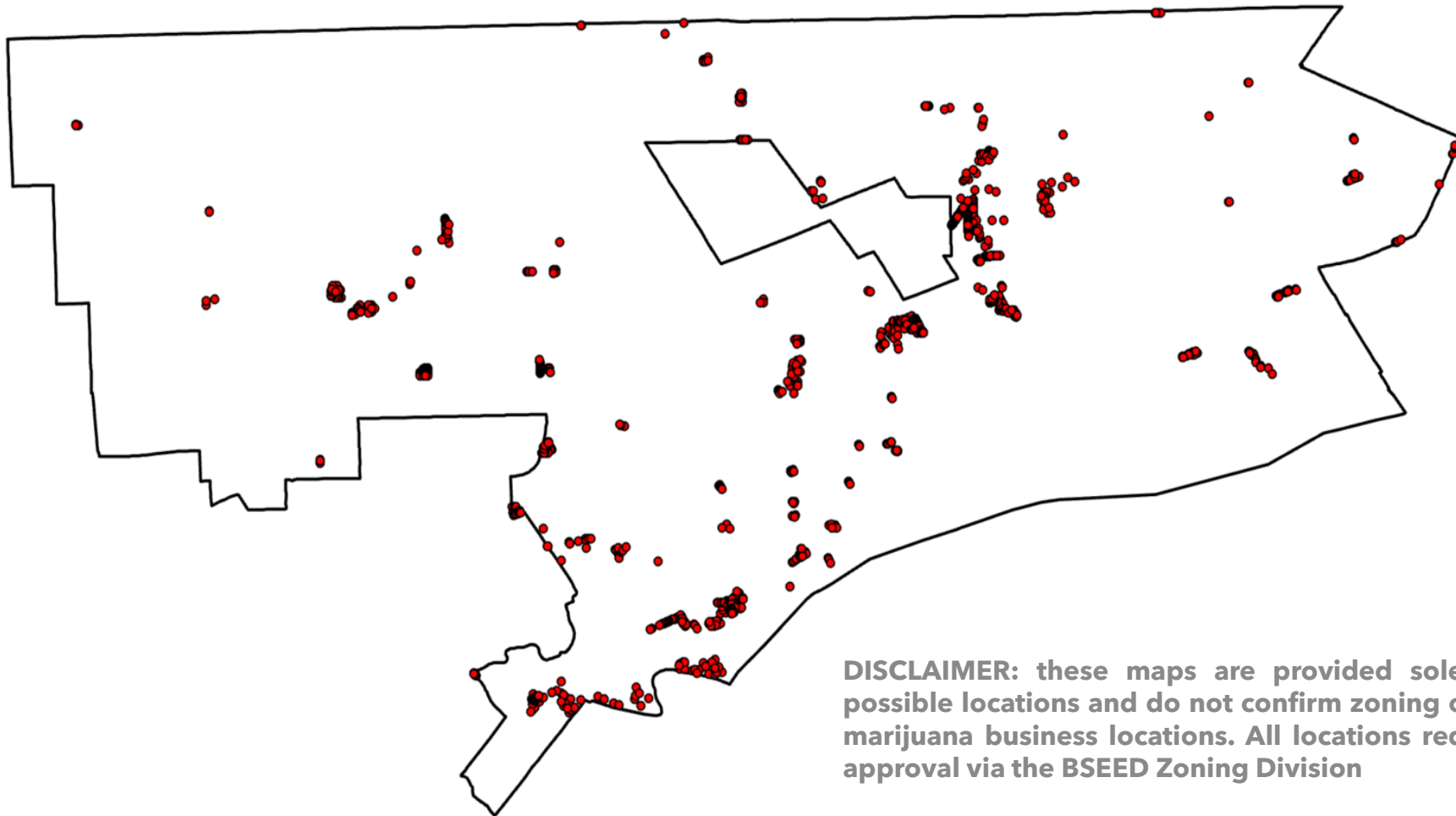


Space gained when spacing from controlled uses is reduced to 750 ft.

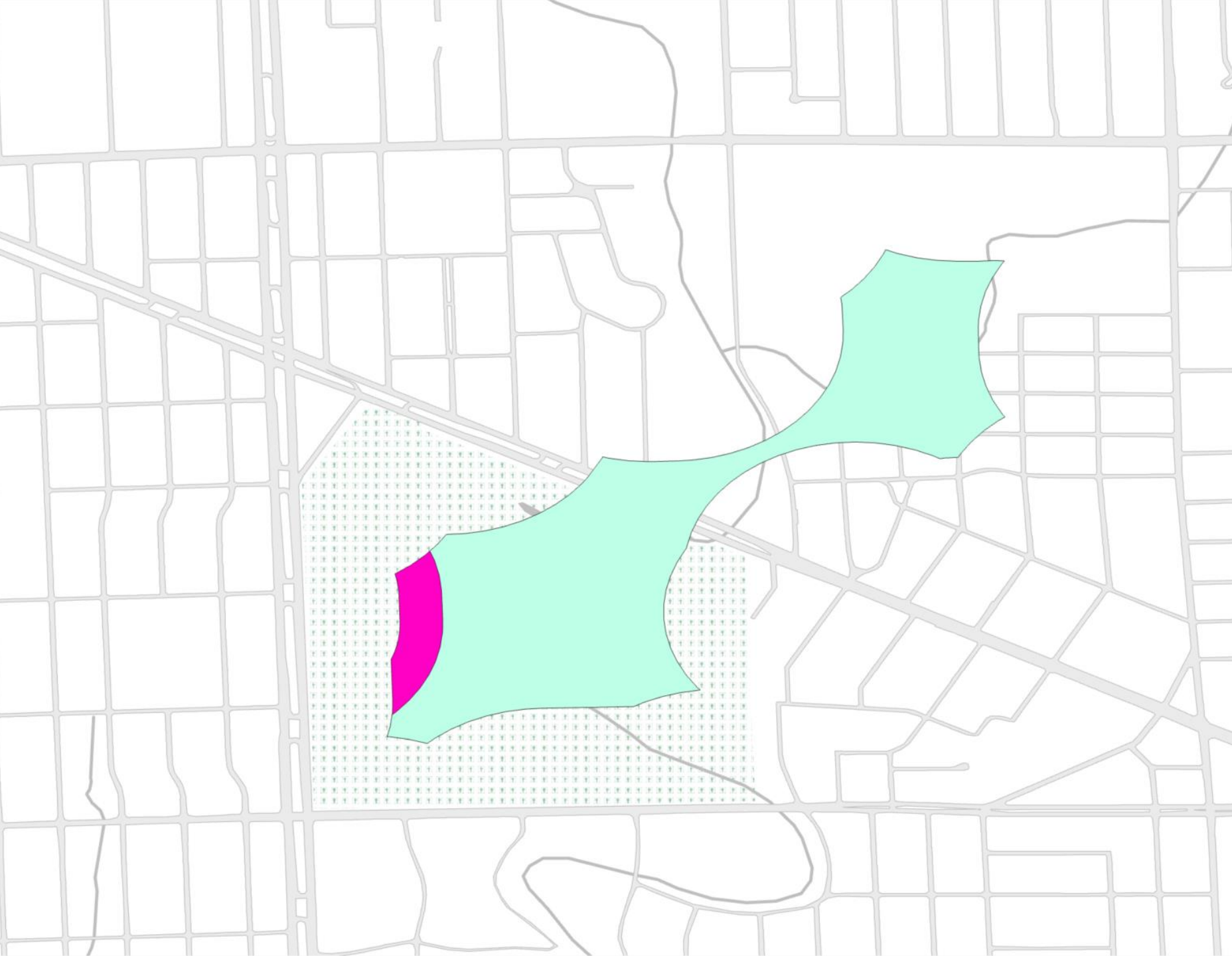


DISCLAIMER: these maps are provided solely for exploration of possible locations and do not confirm zoning or spacing approval for marijuana business locations. All locations require Special Land Use approval via the BSEED Zoning Division

Areas of Opportunity for Adult-Use Marijuana Retail and Micro-Businesses



DISCLAIMER: these maps are provided solely for exploration of possible locations and do not confirm zoning or spacing approval for marijuana business locations. All locations require Special Land Use approval via the BSEED Zoning Division



ZONING CONSIDERATIONS

- ❑ Drug Free Zones (1,000 ft)
 - ❑ Schools
 - ❑ Day Care Centers
 - ❑ Parks/Recreation Centers
 - ❑ Public Housing
 - ❑ Libraries
- ❑ Religious Uses (1,000 ft)
- ❑ Controlled Uses (750 ft)
- ❑ Other retail/micro-businesses (1,000 ft)
- ❑ Traditional Main Street Overlays
- ❑ Gateway Radial Thoroughfares
- ❑ Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)



ZONING CONSIDERATIONS

- Drug Free Zones (1,000 ft)
 - Schools
 - Day Care Centers
 - Parks/Recreation Centers
 - Public Housing
 - Libraries
- Religious Uses (1,000 ft)
- Controlled Uses (750 ft)
- Other retail/micro-businesses (1,000 ft)
- Traditional Main Street Overlays
- Gateway Radial Thoroughfares
- Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)





ZONING CONSIDERATIONS



Drug Free Zones (1,000 ft)

- Schools
- Day Care Centers
- Parks/Recreation Centers
- Public Housing
- Libraries

Religious Uses (1,000 ft)

Controlled Uses (750 ft)

Other retail/micro-businesses (1,000 ft)

Traditional Main Street Overlays

Gateway Radial Thoroughfares

Zoning district classifications (B B4, B5, B6, M1, M2, M3, M4, SD)



ZONING CONSIDERATIONS



- Drug Free Zones (1,000 ft)
 - Schools
 - Day Care Centers
 - Parks/Recreation Centers
 - Public Housing
 - Libraries
- Religious Institutions (1,000 ft)
- Controlled Uses (750 ft)
- Other retail/micro-businesses (1,000 ft)
- Traditional Main Street Overlays
- Gateway Radial Thoroughfares
- Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)

ZONING CONSIDERATIONS



Drug Free Zones (1,000 ft)

- Schools
- Day Care Centers
- Parks/Recreation Centers
- Public Housing
- Libraries

Religious Institutions (1,000 ft)

Controlled Uses (750 ft)

Other retail/micro-businesses (1,000 ft)

Traditional Main Street Overlays

Gateway Radial Thoroughfares

Zoning district classifications (B B4, B5, B6, M1, M2, M3, M4, SD)

ZONING CONSIDERATIONS



Drug Free Zones (1,000 ft)

- Schools
- Day Care Centers
- Parks/Recreation Centers
- Public Housing
- Libraries

Religious Institutions (1,000 ft)

Controlled Uses (750 ft)

Existing retail/micro-businesses (1,000 ft)

Traditional Main Street Overlays

Gateway Radial Thoroughfares

Zoning district classifications (B B4, B5, B6, M1, M2, M3, M4, SD)

ZONING CONSIDERATIONS



Drug Free Zones (1,000 ft)

- Schools
- Day Care Centers
- Parks/Recreation Centers
- Public Housing
- Libraries

Religious Institutions (1,000 ft)

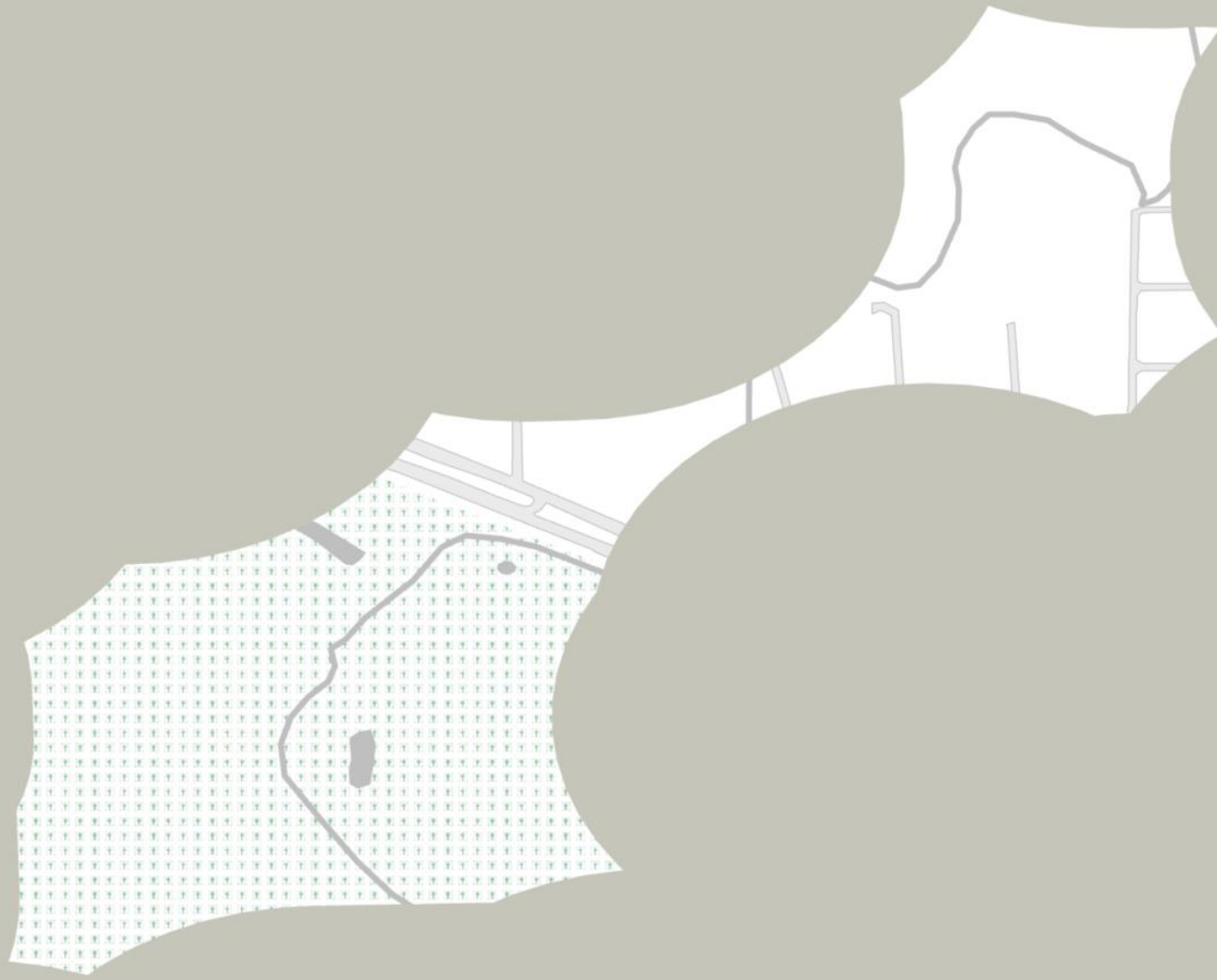
Controlled Uses (750 ft)

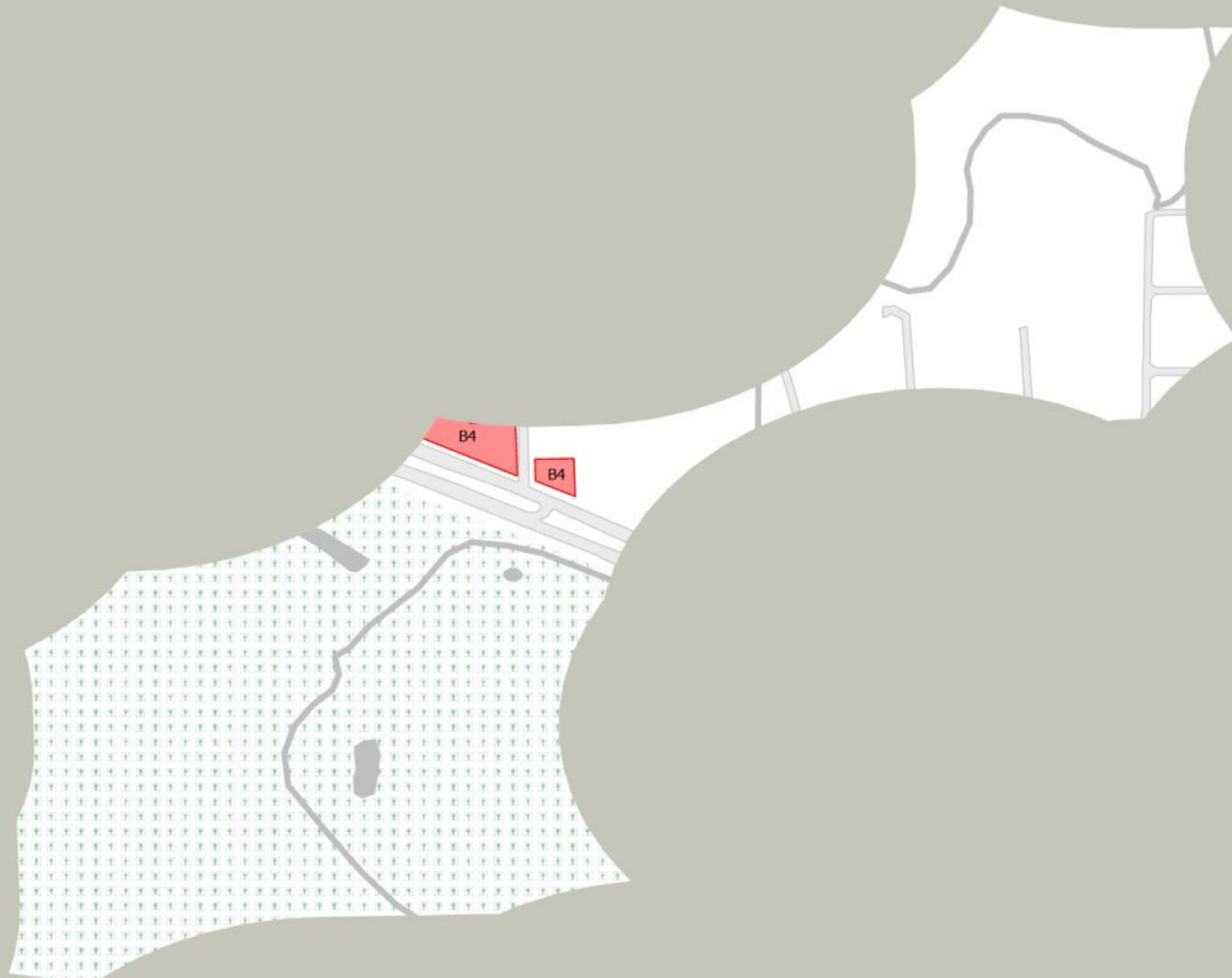
Existing retail/micro-businesses (1,000 ft)

Traditional Main Street Overlays

Gateway Radial Thoroughfares

Zoning district classifications (B B4, B5, B6, M1, M2, M3, M4, SD)





ZONING CONSIDERATIONS



- Drug Free Zones (1,000 ft)
 - Schools
 - Day Care Centers
 - Parks/Recreation Centers
 - Public Housing
 - Libraries

- Religious Institutions (1,000 ft)

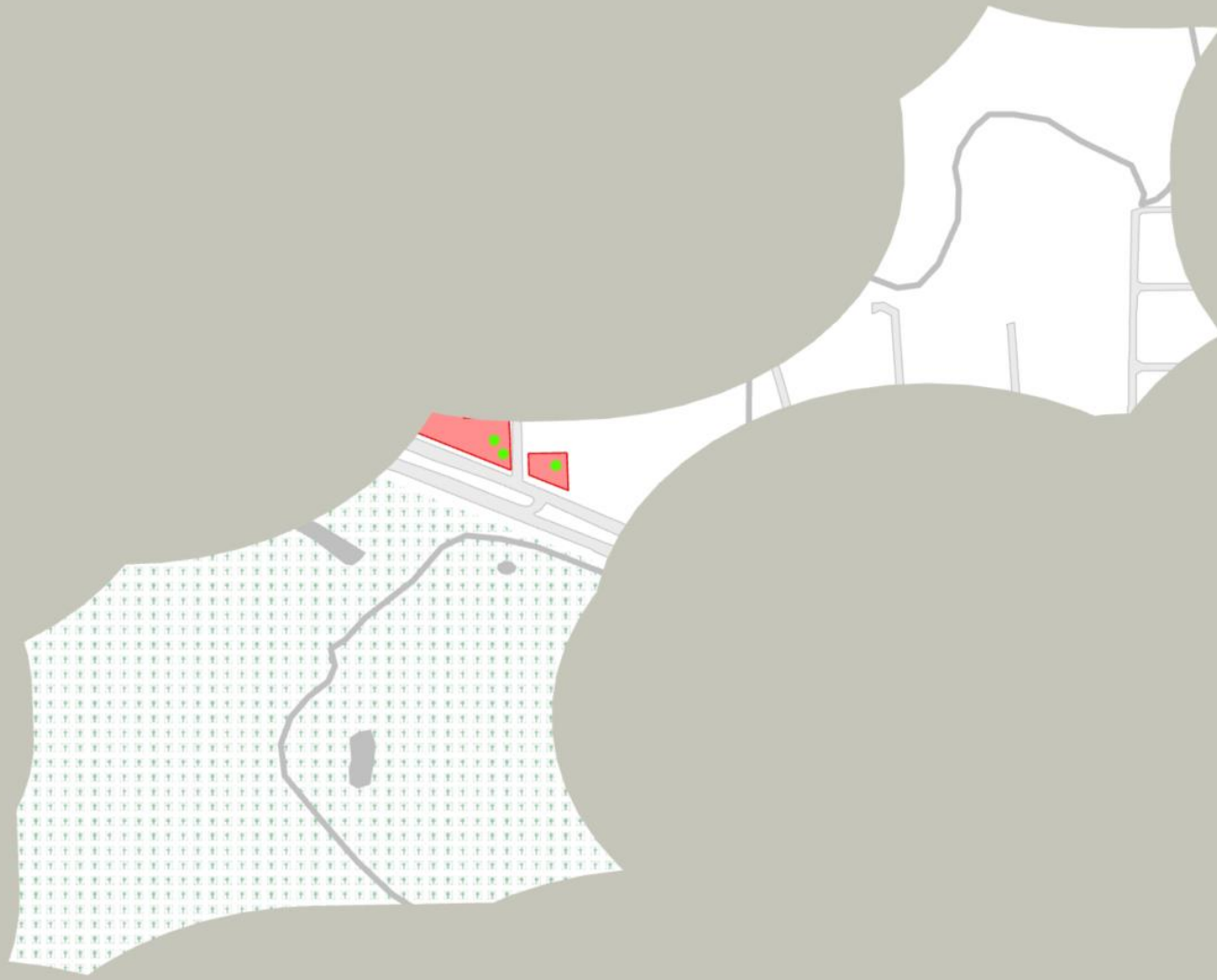
- Controlled Uses (750 ft)

- Existing retail/micro-businesses (1,000 ft)

- Traditional Main Street Overlays

- Gateway Radial Thoroughfares

- Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)



ZONING CONSIDERATIONS



- Drug Free Zones (1,000 ft)
 - Schools
 - Day Care Centers
 - Parks/Recreation Centers
 - Public Housing
 - Libraries

- Religious Institutions (1,000 ft)

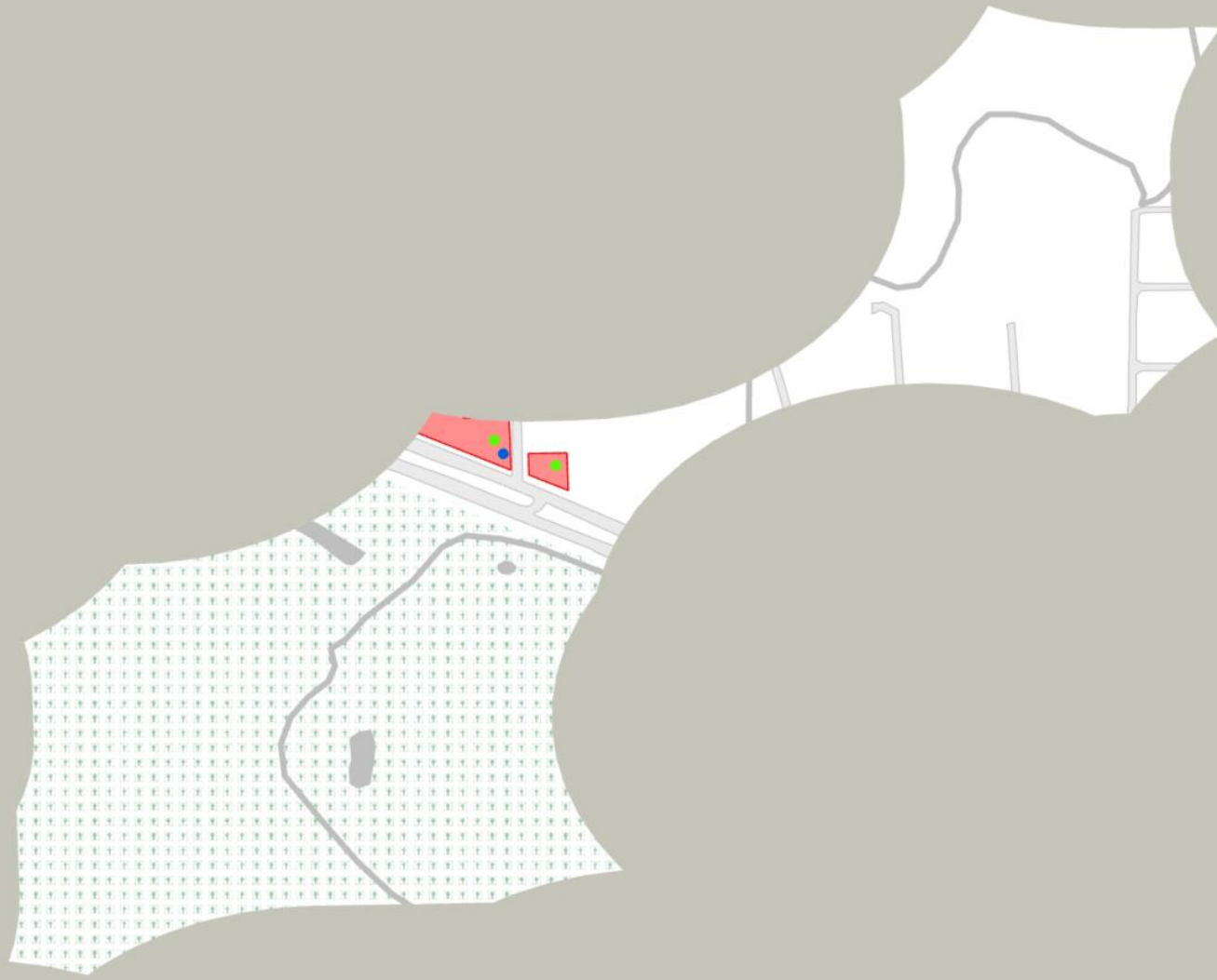
- Controlled Uses (750 ft)

- Existing retail/micro-businesses (1,000 ft)

- Traditional Main Street Overlays

- Gateway Radial Thoroughfares

- Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)



ZONING CONSIDERATIONS



- Drug Free Zones (1,000 ft)
 - Schools
 - Day Care Centers
 - Parks/Recreation Centers
 - Public Housing
 - Libraries

- Religious Institutions (1,000 ft)

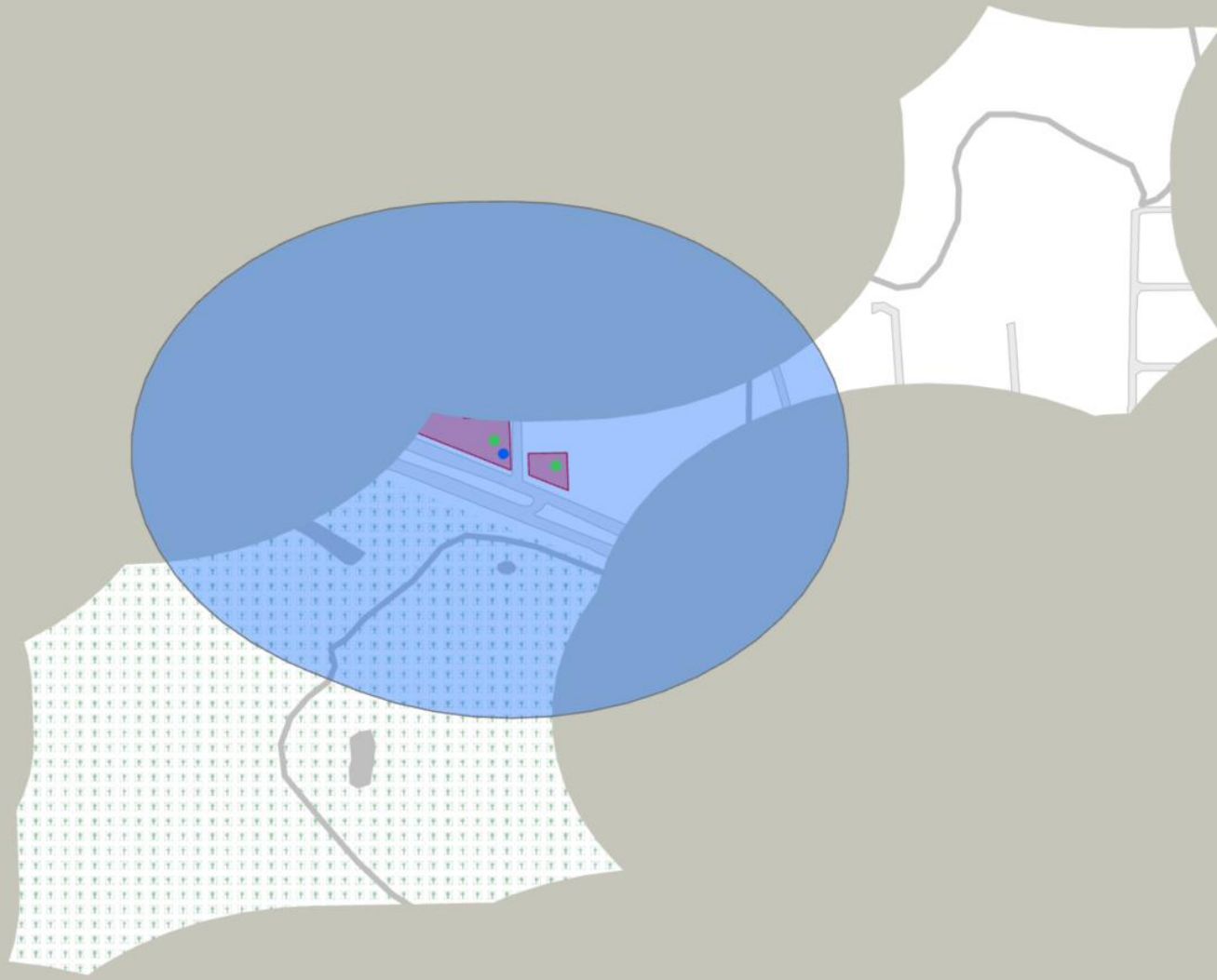
- Controlled Uses (750 ft)

- Existing retail/micro-businesses (1,000 ft)

- Traditional Main Street Overlays

- Gateway Radial Thoroughfares

- Zoning district classifications (B4, B5, B6, M1, M2, M3, M4, SD)



Impact of new retail/micro-business on available properties