

S U M M A R Y

THIS ORDINANCE amends Chapter 50 of the Detroit City Code, *Zoning*, by amending Article III (*Review and Approval Procedures (Part 1)*), Division 12 (*Medical Marijuana Facilities and Adult-Use Marijuana Establishments*), Section 50-3-535 (*Permitted districts for medical marijuana facilities and adult-use marijuana establishments; conditional use; restrictions*), [Section 50-3-537 \(*Accessory uses; public nuisance; continuing violations*\)](#), Article IV (*Review and Approval Procedures (Part 2)*), Division 6 (*Variances and Administrative Adjustments*), Section 50-4-122 (*Administrative adjustments; applicability*), Article XII (*Use Regulations*), Division 2 (*General Use Standards*), Section 50-12-132 (*Other uses-Spacing*), Section 50-12-135 (*Waiver of general spacing requirements*), Division 3 (*Specific Use Standards*), Subdivision I (*Other Uses-Miscellaneous*), Section 50-12-413 (*Medical marijuana facilities and adult-use marijuana establishments*), Division 6 (*Temporary Uses and Structures*), Subdivision B (*Specific Temporary Uses Allowed*), Section 50-12-563 (*Prohibited temporary uses*) to modify minimum spacing requirements and applicability for designated marijuana consumption establishments, marijuana microbusinesses, and marijuana retail/provisioning facilities, to add administrative adjustments for medical marijuana facilities and adult-use marijuana establishments, to add specific use standards for designated marijuana consumption establishments, and to modify the temporary use prohibition for temporary marijuana events and temporary designated marijuana consumption establishments.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 50 of the Detroit City Code, *Zoning*, by amending
 3 Article III (*Review and Approval Procedures (Part 1)*), Division 12 (*Medical Marijuana Facilities*
 4 *and Adult-Use Marijuana Establishments*), Section 50-3-535 (*Permitted districts for medical*
 5 *marijuana facilities and adult-use marijuana establishments; conditional use; restrictions*),
 6 [Section 50-3-537](#) (*Accessory uses; public nuisance; continuing violations*), Article IV (*Review and*
 7 *Approval Procedures (Part 2)*), Division 6 (*Variances and Administrative Adjustments*), Section
 8 50-4-122 (*Administrative adjustments; applicability*), Article XII (*Use Regulations*), Division 2
 9 (*General Use Standards*), Section 50-12-132 (*Other uses-Spacing*), Section 50-12-135 (*Waiver of*
 10 *general spacing requirements*), Division 3 (*Specific Use Standards*), Subdivision I (*Other Uses-*
 11 *Miscellaneous*), Section 50-12-413 (*Medical marijuana facilities and adult-use marijuana*
 12 *establishments*), Division 6 (*Temporary Uses and Structures*), Subdivision B (*Specific Temporary*
 13 *Uses Allowed*), Section 50-12-563 (*Prohibited temporary uses*) to modify minimum spacing
 14 requirements and applicability for designated marijuana consumption establishments, marijuana
 15 microbusinesses, and marijuana retail/provisioning facilities, to add administrative adjustments for
 16 medical marijuana facilities and adult-use marijuana establishments, to add specific use standards
 17 for designated marijuana consumption establishments, and to modify the temporary use
 18 prohibition for temporary marijuana events and temporary designated marijuana consumption
 19 establishments.

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

21 **THAT:**

22 **Section 1.** Chapter 50 of the Detroit City Code, *Zoning*, is amended as follows:

23 **CHAPTER 50. ZONING.**

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

2 **DIVISION 12. - MEDICAL MARIJUANA FACILITIES AND ADULT-USE**

3 **MARIJUANA ESTABLISHMENTS**

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

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

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

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

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

1 (4) Marijuana processor facilities may be permitted on a conditional basis in the B6,
2 M1, M2, M3, M4, and M5 zoning districts.

3 (5) Marijuana retail/provisioning facilities may be permitted on a conditional basis in
4 the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts.

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

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

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

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

12 (1) An area that is within 1,000 radial feet of a zoning lot of any of the seven uses
13 included in the definition of “drug-free zone”, as defined in Section 50-3-533 of
14 this Code;

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

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

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

1 (ii) 1,000 radial feet from any zoning lot with an unexpired conditional land
2 use approval, building permit, or certificate of occupancy for a ~~designated~~
3 ~~marijuana consumption establishment~~, marijuana retail/provisioning
4 facility, or a marijuana microbusiness; or

5 (iii) ~~1,000~~ 750 radial feet from any zoning lot occupied by a Controlled Use.

6 (c) A marijuana designated consumption establishment must not be located in any of the
7 following:

8 (1) An area that is within 1,000 radial feet of a zoning lot of any of the seven uses
9 included in the definition of “drug-free zone”, as defined in Section 50-3-533 of
10 this Code;

11 (2) Within a Gateway Radial Thoroughfare Overlay Area or Traditional Main Street
12 Overlay Area, as provided in Article XI, Division 14, of this chapter; or

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

14 (i) 1,000 radial feet from any zoning lot occupied by any religious institution
15 identified as exempt by the City Assessor;

16 (ii) 1,000 radial feet from any zoning lot with an unexpired conditional land
17 use approval, building permit, or certificate of occupancy for a designated
18 marijuana consumption establishment; or

19 (iii) 750 radial feet from any zoning lot occupied by a Controlled Use.

1 (e d) A marijuana grower facility, marijuana processor facility, or marijuana secure transporter
2 facility must not be located in a ~~drug-free zone~~, as defined in Section 50-3-533 of this

3 Code any of the following:

4 (1) An area that is within 1,000 radial feet of a zoning lot of any of the seven uses
5 included in the definition of “drug-free zone”, as defined in Section 50-3-533 of
6 this Code; or

7 (2) Within a Traditional Main Street Overlay Area, as provided in Article XI,
8 Division 14, of this chapter.

9 (~~e~~ e) Neither the Buildings, Safety Engineering, and Environmental Department, nor the Board
10 of Zoning Appeals is authorized to waive ~~or modify~~ the locational specifications set forth
11 in Subsections (b)(~~1~~), (b)(~~2~~), (b)(~~3~~), ~~and~~(c), and (d) of this section. As provided for in
12 Article IV, Division 6 of this chapter, the Buildings, Safety Engineering, and
13 Environmental Department may modify the locational specifications set forth in
14 Subsections (b)(1), (b)(3), (c)(1), and (d)(1) of this section as an administrative
15 adjustment as authorized by Section 50-4-122 of this Code. Applications that are not
16 consistent with the locational specifications set forth in Subsections (b)(~~1~~), (b)(~~2~~), (b)(~~3~~),
17 ~~and~~(c), and (d) of this section, which may be confirmed by the City Engineer, or have
18 not obtained an administrative adjustment, shall be considered ineligible for further
19 processing and shall be denied.

20 (e f) If a property has previously received zoning approval for a medical marijuana facility or
21 adult-use marijuana establishment, no further approval is required under this chapter to
22 operate a business under an equivalent license, as defined in Section 50-3-533 of this

1 Code, at the property, although a new business license under Chapter 20, Article VI, of
 2 this Code and state operating license are required prior to commencing operation.

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

7 **Sec. 50-3-537. - Accessory uses; public nuisance; continuing violations.**

8 (a) Medical marijuana facilities and adult-use marijuana establishments are not permitted as
 9 accessory uses and must not include accessory uses. Multiple types of medical marijuana
 10 facilities and adult-use marijuana establishments may co-locate in the same building or
 11 facility, as separate principal uses of the premises, subject to all applicable regulations of
 12 this Code and operated in accordance with the rules promulgated by the State of
 13 Michigan, provided that the spacing regulations contained in Section 50-3-535(b) and 50-
 14 12-132 shall not prohibit a marijuana retail/provisioning facility or marijuana
 15 microbusiness from operating at a location shared with a medical marijuana facility
 16 operating pursuant to the Medical Marijuana Facilities Licensing Act, 2016 PA 281,
 17 MCL 333.27101 to 333.27801. The applicant may submit a joint application for any
 18 combination of such uses, but each use requires separate approval under this Code.

19 (b) Any premises, building, or other structure in which a medical marijuana facility or adult-
 20 use marijuana establishment operates in violation of the standards set forth in this Code
 21 constitutes a public nuisance and is subject to civil abatement proceedings initiated by the
 22 City of Detroit in a court of competent jurisdiction, in addition to the penalties authorized

1 by this Chapter. Any premises, building, or other structure declared by the court to be a
2 public nuisance must be closed and the property owner assessed the costs of abatement.

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

5 **ARTICLE IV. - REVIEW AND APPROVAL PROCEDURES (PART 2)**

6 **DIVISION 6. – VARIANCES AND ADMINISTRATIVE ADJUSTMENTS**

7 **Sec. 50-4-122. – Administrative adjustments; applicability.**

8 Administrative adjustments are:

- 9 (1) Modifications of ten percent or less of any numeric standard that is set forth in Article
10 XIII of this chapter or any numeric development standard that is set forth in Article XIV
11 of this chapter; or
- 12 (2) A reduction of off-street parking requirements for any use by up to ten spaces, as
13 provided for in Section 50-14-153 of this Code.

14 (3) A reduction of two percent or less of any spacing and locational requirement for medical
15 marijuana facilities and for adult-use marijuana establishments as specified in
16 Subsections (b)(1), (b)(3), (c)(1), (c)(3), and (d)(1) of Section 50-3-535, and Section 50-
17 12-132 of this Code, excluding adult uses/sexually oriented business.

18 **ARTICLE XII. - USE REGULATIONS**

19 **DIVISION 2. - GENERAL USE STANDARDS**

20 **Sec. 50-12-132. - Other uses-Spacing.**

21 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 	Section 50-3-504
Designated marijuana consumption establishment	1000 radial feet	<ul style="list-style-type: none"> - Drug free zone <u>use: 1000 radial feet</u>; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - 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: 4000 750 radial feet 	Section 50-3-535
Marijuana grower facility		<ul style="list-style-type: none"> - Drug free zone <u>use: 1000 radial feet</u>; - Traditional Main Street Overlay Area: prohibited; 	Section 50-3-535
Marijuana microbusiness	1000 radial feet	<ul style="list-style-type: none"> - Drug free zone <u>use: 1000 radial feet</u>; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - 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: 4000 750 radial feet 	<u>Sections 50-3-535, 50-3-537</u>

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Marijuana processor facility		- Drug free zone <u>use: 1000 radial feet</u> ; - Traditional Main Street Overlay Area: prohibited;	Section 50-3-535
Marijuana retail/provisioning facility	1000 radial feet	- Drug free zone <u>use: 1000 radial feet</u> ; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - 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: 4000 <u>750</u> radial feet	<u>Sections 50-3-535, 50-3-537</u>
Marijuana secure transporter		- Drug free zone <u>use: 1000 radial feet</u> ; - Traditional Main Street Overlay Area: prohibited;	Section 50-3-535

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 spacing
4 requirements between land uses, as provided for in the tables in Section 50-12-129,
5 Section 50-12-130, Section 50-12-131, and Section 50-12-135 of this Code, as a
6 “locational variance” in accordance with the criteria specified in Section 50-4-121 of this
7 Code and where the proposed use satisfies all the following conditions:

8 (1) The proposed use will comply with all applicable regulations of this Code;

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

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

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

6 (b) The spacing and locational requirements for adult uses, as specified in Section 50-3-504
7 and Section 50-12-132 of this Code, for medical marijuana facilities, and for adult-use
8 marijuana establishments as specified in Article III, Division 12 and Article XII, Division
9 2 of this Code, may not be waived. The “drug-free zone” spacing requirement for
10 marijuana grower facilities, marijuana processor facilities, medical marijuana
11 retailer/provisioning centers, and marijuana secure transporter facilities, as specified in
12 Section 50-3-535 and Section 50-12-132 of this Code, may not be waived.

13 **DIVISION 3. - SPECIFIC USE STANDARDS**

14 **SUBDIVISION I. - OTHER USES—MISCELLANEOUS**

15 **Sec. 50-12-413. - Medical marijuana facilities and adult-use marijuana establishments.**

16 Medical marijuana facilities and adult-use marijuana establishments are subject to the
17 following:

18 (1) Medical marijuana facilities and adult-use marijuana establishments must be licensed as
19 such by the State of Michigan, as well as by the City of Detroit in accordance with
20 Chapter 20, Article VI, of this Code and shall be required to have such license prior to its
21 opening for business, and as a condition for its continued operation.

- 1 (2) A medical marijuana facility or adult-use marijuana establishment shall not allow
2 loitering inside or outside its premises and shall take care to prevent the transmission of
3 any odors from the medical marijuana facility or adult-use marijuana establishment to the
4 exterior of the licensed premises.
- 5 (3) A marijuana grower facility may operate only in a commercial or industrial building that
6 has a building footprint that does not exceed 30,000 square feet and that is located on a
7 parcel no larger than three acres; a marijuana grower facility may operate in a multi-story
8 building, subject to applicable height limitations. A marijuana grower facility may
9 operate in a building that has a building footprint that exceeds 30,000 square feet but does
10 not exceed 50,000 square feet, regardless of height, and is located on a parcel no larger
11 than five acres only if the marijuana grower facility is co-located with another medical
12 marijuana facility or another adult-use marijuana establishment.
- 13 (4) Marijuana grower facilities must not grow marijuana outdoors.
- 14 (5) The provisions of Article III, Division 12, of this chapter.
- 15 (6) Designated marijuana consumption establishments are not permitted as an accessory use
16 and must not include an accessory use. Designated marijuana consumption
17 establishments may be located on the same zoning lot and/or in the same building as a
18 non-marijuana use, as a separate principal use of the premises, subject to all applicable
19 regulations of this Code and operated in accordance with the rules promulgated by the
20 State of Michigan. Outdoor activities shall be prohibited for designated marijuana
21 consumption establishments.

DIVISION 6. - TEMPORARY USES AND STRUCTURES

SUBDIVISION B. - SPECIFIC TEMPORARY USES ALLOWED

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

The following temporary uses are prohibited:

- (1) Sales of fireworks as defined in Section 50-16-202 of this Code.
- (2) Sales of firearms.
- (3) Sales of any materials characterized by an emphasis on specified anatomical areas or specified sexual activities as defined in Section 50-16-384 of this Code.
- (4) Medical marijuana facilities and adult-use marijuana establishments, except for temporary marijuana events as defined by this Code and approved by City Council in accordance with Section 20-6-24, or temporary designated marijuana consumption establishments.

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

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

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

Approved as to form:

Conrad Mallett,
Corporation Counsel