

S U M M A R Y

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

1 **BY COUNCIL MEMBER** _____ :

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

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

22 **Section 1.** Chapter 61 of the 1984 Detroit City Code, "Zoning," commonly known as the
23 Detroit Zoning Ordinance, is amended by adding Secs. 61-2-152, 61-2-153, 61-2-154, 61-2-155,

1 61-2-156, 61-3-355, 61-3-356, 61-3-357, and 61-14-58.75 and amending Secs. 61-2-71, 61-3-
 2 351, 61-3-352, 61-3-353, 61-3-354, 61-9-44, 61-9-84, 61-9-104, 61-9-124, 61-10-24, 61-10-44,
 3 61-10-64, 61-10-84, 61-10-104, 61-11-194, 61-11-304, 61-11-316, 61-12-80, 61-12-92, 61-12-
 4 95, 61-12-96, 61-12-343, 61-12-443, 61-14-58.5, 61-16-131, 61-16-132, and Appendix A,
 5 Division 13 as follows:

CHAPTER 61. ZONING.

ARTICLE II. REVIEW AND DECISION-MAKING BODIES

DIVISION 7. ADVISORY REVIEW COMMITTEES

Subdivision A. In General

Sec. 61-2-71. Advisory group structure

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

Table 61-2-71. Advisory MMFRC structure.		
Advisory MMFRC	Chair-person	Members
<u>Floodplain Management Review</u>	DEA	CPC; DEA; DPW; DWSD; PDD.
<u>Hazardous Waste Facility Review</u>	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.
<u>Hazardous Waste Facility Review</u>	DEA	B&SE BSEED; CPC; DEA; DHD/EH; DPW/TE; DWSD; Fire; Pⅅ WCDoE; Representative of the hazardous waste industry, either a management facility operator or waste generator; Two representatives appointed by City Council.
<u>Medical Marijuana Facility Review</u>	Law	Assessor, BSEED, CPC, DHD, DPD, DPW, Fire, Law, PDD
Solid Waste Facility Review	DEA DPW	CPC; DEA; DHD/EH; DPW/SW; Fire; Pⅅ WCDoE; two <i>ad hoc</i> members.

Floodplain Management Review	DEA	CPC; DEA; DPW; DWSD; P&DD.
Wireless Telecommunications Site Review	Mayor's Office	B&SESEED ; ITS; Law; P&DD, DPD; PLD; DPW; DOT; DWSD; CPC.

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

12 Subdivision J. Medical Marihuana Facility Review Committee

13 Sec. 61-2-152. Creation.

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

17 Sec. 61-2-153. Personnel.

18 The MMFRC consists of a staff member who is assigned from each of the departments and
19 agencies that are identified in this section. The directors of the respective departments and the heads
20 of the respective agencies shall each appoint a qualified representative to serve on the MMFRC, and
21 shall also appoint a qualified alternate representative who serves in the absence of the representative.
22 Upon the appointment of the MMFRC members, the Law Department shall provide to the City
23 Council, by way of the City Clerk's office, a report including the department, names, titles, and
24 contact information for all MMFRC members and alternates, and shall provide regular updates of
25 changes in the membership of the MMFRC. The respective departments and agencies that must
26 appoint representatives to the MMFRC are as follows:
27

7/31/18

1 (a) Assessor

2 (b) BSEED

3 (c) CPC

4 (d) DHD

5 (e) DPD

6 (f) DPW

7 (g) Fire

8 (h) Law Department

9 (i) PDD

10 (j) Such other departments or agencies as deemed appropriate by the chairperson to advise on a
11 particular application

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

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

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

17 (a) The MMFRC serves in an advisory capacity to the Buildings, Safety Engineering and
18 Environmental Department (“BSEED”) and the Board of Zoning Appeals (“BZA”) by
19 reviewing and making recommendations regarding the advisability of permitting the medical
20 marihuana facilities listed in this subsection, each as defined in Sec. 61-16-131 of this Code:

21 (1) Medical marihuana grower facility

22 (2) Medical marihuana processor facility

23 (3) Medical marihuana provisioning center facility

1 (4) Medical marihuana safety compliance facility

2 (5) Medical marihuana secure transporter facility

3 (b) For each medical marihuana facility application, the MMFRC shall evaluate all applicable
4 regulations that apply to the establishment or operation of the proposed medical marihuana
5 facility and shall review and make recommendation regarding the application to BSEED or
6 the BZA, as applicable. In performing this function, the MMFRC shall review and
7 investigate the following:

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

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

10 (3) A comprehensive business plan detailing:

11 A. Operations

12 B. Security

13 C. Testing

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

17 E. Waste handling and disposal

18 F. Community relations

19 G. Recruitment and training of employees

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

- 1 (4) Property ownership information, such as a deed. If the applicant intending to
2 operate the proposed medical marihuana facility is not the owner of the subject
3 property, the applicant must provide property ownership information and a
4 notarized letter from the owner indicating consent to use the subject property as a
5 medical marihuana facility;
- 6 (5) Business ownership information including the names and residential addresses of
7 each individual, member, shareholder, officer, director or partner that makes up the
8 ownership entity;
- 9 (6) City of Detroit income tax returns for the preceding three tax years for each natural
10 person that is part of the ownership entity, and corporate tax returns if applicable;
- 11 (7) Property tax clearance for the proposed location;
- 12 (8) Financial documentation demonstrating resources sufficient to meet the
13 capitalization requirement required for the facility by the State of Michigan pursuant
14 to the MMFLA;
- 15 (9) Police Department history of the location and each natural person that is part of the
16 ownership entity;
- 17 (10) Estimated use of public services, electricity, sewage, and water;
- 18 (11) The types of materials, substances, chemicals, machinery, and equipment that will be
19 used by the facility;
- 20 (12) The proposed development's potential for impeding the normal and orderly
21 development of the surrounding property for uses that are permitted in the district,
22 and its potential to endanger the social, physical, or economic well-being of the area,

1 including but not limited to health impacts, truck routes used to access the facility,
2 and blight violation history of the property and/or property owner;

3 (13) The community benefits the applicant intends to provide, if any, defined for the
4 purposes of this section as any tangible service or investment that benefits the
5 surrounding neighborhood or the City in general;

6 (14) Any other document reasonably related to the application that may be requested by
7 the MMFRC.

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

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

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

18 (c) The MMFRC shall recommend denial, approval, or approval with conditions of each
19 application. A recommendation to approve, with or without conditions, must have the
20 unanimous support of all MMFRC members. If MMFRC members do not unanimously
21 support approval, the MMFRC must recommend denial. In every recommendation of
22 approval, the MMFRC shall stipulate the following as a condition of approval: "That all
23 applicable licenses and/or permits that are required by other agencies and jurisdictions be

1 obtained and maintained as a condition of holding a permit from the Buildings, Safety
2 Engineering and Environmental Department.” In every recommendation of denial, the
3 MMFRC shall provide the specific reason or reasons for the recommendation.

4 (d) Within sixty (60) days after receipt of the complete application, the chairperson shall
5 formulate the MMFRC’s recommendation and shall submit such recommendation to
6 BSEED or the BZA as applicable. The MMFRC may request additional time to review an
7 application, and the lack of a recommendation from the MMFRC must be considered to be
8 neither support nor opposition for the application.

9 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES**

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

11 **MEDICAL MARIHUANA FACILITIES**

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

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

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

- 1 (2) Regulate land used in the operation of activities authorized by the Michigan Medical
2 Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, and the Michigan
3 Medical Marijuana Facilities Licensing Act, being Public Act 281 of 2016, MCL
4 333.27101, et seq.;
- 5 (3) Establish land use restrictions that are fair and equitable for those interested in
6 establishing medical marihuana caregiver centers or medical marihuana facilities
7 while protecting adjacent properties from potential adverse effects;
- 8 (4) Provide reasonable regulation of land use pursuant to the city's general police zoning
9 power granted to cities by the Michigan Constitution of 1963 and the Home Rule
10 City Act, MCL 117.1 *et seq.*, as amended and the Michigan Zoning Enabling Act,
11 MCL 125.3101 *et seq.*, as amended;
- 12 (b) Nothing in this division, or in any companion regulatory provisions adopted in any other
13 section of this Code is intended to prohibit, nor shall it be construed as prohibiting access to
14 health care or medical marihuana by registered medical marihuana patients;
- 15 (c) Nothing in this division, or in any companion regulatory provisions adopted in any other
16 provision of this Code, is intended to grant, nor shall it be construed as granting immunity
17 from criminal prosecution for:
- 18 (1) Cultivation, sale, consumption, use, distribution, manufacture or possession of
19 marihuana in any form not in compliance with the Michigan Medical Marihuana Act,
20 Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, or the Michigan Medical Marijuana
21 Facilities Licensing Act, being Public Act 281 of 2016, MCL 333.27101 et seq.; or
- 22 (2) Any criminal prosecution under federal laws including seizure of property under the
23 Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*

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

Sec. 61-3-352. Medical Mmarihuana Ccaregiver Ccenters and medical marihuana facilities subject to this division.

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

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

Co-location means a practice where more than one licensee is authorized by the State of Michigan to operate a medical marihuana facility at the same location, in accordance with the applicable rules promulgated by the State of Michigan.

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

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

~~1. arcade, as defined in Sec. 61-16-33 of this Code;~~

2. ~~(1)~~ child care center, as defined in Sec. 61-16-52 of this Code;

3. ~~(2)~~ educational institution, as defined in Sec. 61-16-71 of this Code ;

4. ~~(3)~~ library, as defined in Sec. 61-16-123 of this Code;

5. ~~(4)~~ outdoor recreation facility, as defined in Sec. 61-16-144 of this Code and identified in the City of Detroit 2017 Recreation Master Plan;

6. ~~(5)~~ school, as defined in Sec. 61-16-171 of this Code;

7. ~~(6)~~ youth activity center as defined in Sec. 61-16-212 of this Code;

1 8: ~~(7)~~ public housing as defined in 42 USC 1437a(b)(1).

2 Licensee means a person holding a state operating license and a city business license to operate a
3 medical marihuana facility.

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

8 ~~*Medical marihuana caregiver center* means a medical marihuana business operated by a registered~~
9 ~~primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to~~
10 ~~registered qualifying patients as defined by the Act, or performs other activities pertaining to medical~~
11 ~~marihuana authorized by the Act~~ location operated or used by a primary caregiver to assist a
12 qualifying patient connected to the caregiver through the State of Michigan's formal registration
13 process in accordance with the MMMA.

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

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

23 *Medical marihuana processor facility* means a location where a processor licensee that is a
24 commercial entity located in the state of Michigan purchases marihuana from a grower, extracts

1 resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged
2 form to a provisioning center.

3 *Medical marihuana provisioning center facility* means a location where a provisioning center licensee
4 that is a commercial entity located in the state of Michigan purchases marihuana from a grower or
5 processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or
6 through the patients' registered primary caregivers. Provisioning center facility includes any
7 commercial property where marihuana is sold at retail to registered qualifying patients or registered
8 primary caregivers. A medical marihuana caregiver center is not a provisioning center.

9 *Medical marihuana safety compliance facility* means a location where a safety compliance facility
10 licensee that is a commercial entity located in the state of Michigan receives marihuana from a
11 medical marihuana facility or registered primary caregiver, tests it for contaminants or for
12 tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana
13 to the marihuana facility.

14 *Medical marihuana secure transporter facility* means a location where a secure transporter licensee that
15 is a commercial entity located in the state of Michigan stores marihuana, and from where it
16 transports marihuana between marihuana facilities for a fee.

17 *Michigan Medical Marihuana Act* or "*the Act*MMMA" means Initiated Law 1 of 2008, MCL
18 333.26421, *et seq.*

19 *Michigan Medical Marihuana Facilities Licensing Act* or "*the*MMFLA" means Public Act 281 of
20 2016, MCL 333.27101, *et seq.*

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

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

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

18 (b) Medical marihuana caregiver centers that have been legally established and issued a building
19 permit or certificate of occupancy prior to the effective date of this ordinance are lawful
20 nonconforming uses as of the effective date of this ordinance.

21 (c) A lawful nonconforming medical marihuana caregiver center may convert to a provisioning
22 center facility without consideration by the MMFRC by submitting a change of use
23 application, subject to any additional regulations set forth for provisioning center facilities in

1 this Code, as amended, except for those regulations set forth in Article II, Division 7,
2 subdivision J of this Chapter. Lawful nonconforming medical marihuana caregiver centers
3 that have pending or approved applications for a provisioning center license from the state
4 of Michigan must submit a change of use application within thirty (30) days after the
5 effective date of this ordinance;

6 (d) A lawful nonconforming medical marihuana caregiver center may convert to a medical
7 marihuana facility other than a provisioning center facility by submitting an application for a
8 medical marihuana facility, subject to applicable zoning and any additional regulations set
9 forth for medical marihuana facilities in this Code, as amended.

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

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

15 (1) Medical marihuana grower facilities may be permitted on a conditional basis in the
16 M1, M2, M3, M4, and M5 zoning districts;

17 (2) Medical marihuana processor facilities may be permitted on a conditional basis in the
18 B6, M1, M2, M3, M4, and M5 zoning districts;

19 (3) Medical marihuana provisioning center facilities may be permitted on a conditional
20 basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts but must not
21 be permitted in any zoning district if the citywide total number of legally established
22 provisioning center facilities and medical marihuana caregiver centers for which a

1 building permit or certificate of compliance has been issued is equal to or greater
2 than seventy-five (75);

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

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

7 (b) The Buildings, Safety Engineering, and Environmental Department shall not approve any
8 request under this Chapter for a A medical marihuana caregiver center or medical marihuana
9 provisioning center facility must not be located in any of the following:

10 (1) where ~~be~~ located within a drug-free zone, as defined in Sec. 61-3-353 of this Code;
11 or ~~or~~ where located

12 (2) within a Gateway Radial Thoroughfare overlay area or Traditional Main Street
13 overlay area, (as provided in Article XI, Division 14 of this Chapter); or

14 (2) (3) where located on a zoning lot that is located in a B2, B4, B6, M1, M2, M3, or M4
15 zoning district less than:

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

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

1 ~~residential or residential PD, the spacing requirement between medical~~
2 ~~marihuana caregiver centers shall not apply; and~~

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

5
6 (c) A medical marihuana grower facility, medical marihuana processor facility, or medical
7 marihuana secure transporter facility must not be located in a drug-free zone, as defined in
8 Sec. 61-3-353 of this Code, or within a Traditional Main Street overlay area, as provided in
9 Article XI, Division 14 of this Chapter. The applicant shall submit such documentation as
10 requested by the Buildings, Safety Engineering and Environmental Department in order for
11 the department to determine consistency or non-consistency with the locational
12 specifications of subsections (bc) and (d) of this section. Determination of whether the
13 permit application is complete shall be made in accordance with Sec. 61-3-5 of this Code.

14 (d) The Neither the Buildings, Safety Engineering and Environmental Department, nor the
15 Board of Zoning Appeals is authorized to waiver or modify the locational specifications
16 related to drug-free zones of set forth in subsections (b)(1), (b)(2), (b)(3), and (c) of this
17 section may not be waived or modified by. Applications that are not consistent with the
18 locational specifications of subsections (b)(1), (b)(2), (b)(3), and (c) of this section, which
19 may be confirmed by the City Engineer, shall be considered ineligible for further processing
20 and shall be dismissed denied.

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

1 ~~provided the modification does not diminish the spacing requirement by more than ten~~
2 ~~percent (10%). Requests for modification of the locational specifications of subsection~~
3 ~~(b)(2) of this section that are denied by the Buildings, Safety Engineering and~~
4 ~~Environmental Department or that will diminish the spacing requirement by more than ten~~
5 ~~percent (10%) may be approved by the Board of Zoning Appeals in accordance with Sec.~~
6 ~~61-4-89 and Sec. 61-3-219 of this Code.~~

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

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

11 ~~(a) An application for a medical marihuana facility must be submitted by the applicant online~~
12 ~~through the City's application portal. The application must include as attachments all of the~~
13 ~~documents listed in Sec. 61-2-155(b) of this Code;~~

14 ~~(b) Upon receipt of an application package, the Buildings, Safety Engineering and~~
15 ~~Environmental Department shall determine whether the proposed location complies with~~
16 ~~the locational specifications set forth in Sec. 61-3-355 of this Code. If the proposed location~~
17 ~~does not comply with all such specifications, the Buildings, Safety Engineering and~~
18 ~~Environmental Department shall deny the application;~~

19 ~~(c) Upon a determination that the proposed location complies with the locational specifications~~
20 ~~set forth in Sec. 61-3-355 of this Code, the Buildings, Safety Engineering and Environmental~~
21 ~~Department shall transfer the application package to the Medical Marihuana Facility Review~~
22 ~~Committee ("MMFRC") in accordance with ARTICLE II, DIVISION 7, Subdivision J of~~
23 ~~this Chapter;~~

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

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

7 (f) Upon approval of the applicant's site plan, the application is subject to a conditional land use
8 hearing in accordance with ARTICLE III, DIVISION 7 of this Chapter.

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

10 ~~(g)~~ (a) Medical marihuana caregiver centers and medical marihuana facilities are not permitted as
11 accessory uses, ~~nor may they~~ and must not include accessory uses. Medical marihuana
12 facilities may co-locate on the same premises as separate principal uses of the premises,
13 subject to all applicable regulations of this Code and in accordance with the rules
14 promulgated by the State of Michigan. The applicant may submit a joint application for any
15 combination of such uses, but each use requires separate approval under this Code.

16 ~~(h)~~ (b) Any premises, building, or other structure in which a medical marihuana caregiver center or
17 medical marihuana facility is regularly operated or maintained in violation of the standards
18 included and incorporated in this Code shall constitutes a public nuisance and ~~shall be~~ is
19 subject to civil abatement proceedings initiated by the City of Detroit in a court of
20 competent jurisdiction, in addition to the penalties authorized by this Chapter. Any
21 premises, building, or other structure declared by the court to be a public nuisance shall must
22 be closed and the property owner assessed the costs of abatement. Each day that a violation

1 is permitted to exist or occur on the premises ~~shall~~ constitutes a separate occurrence or
2 maintenance of the violation.

3 **ARTICLE IX. BUSINESS ZONING DISTRICTS**

4
5 **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

6
7 **Sec. 61-9-44. Conditional other uses.**

8 (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this
9 Chapter

10 (2) Medical marihuana ~~caregiver~~ provisioning centers facility as provided for in
11 ARTICLE III, DIVISION 12 of this Chapter, ~~except such use shall not be permitted~~
12 ~~in any Traditional Main Street overlay area or on any zoning lot abutting a Gateway~~
13 ~~Radial Thoroughfare.~~

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

16 (3)(4) Signs as provided for in ARTICLE VI of this Chapter.

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

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

19 (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G. of this
20 Chapter.

21 (2) Aquaculture as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
22 Chapter

23 (3) Aquaponics as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
24 Chapter

25 (4) Hydroponics as provided for in ARTICLE VI of this Chapter
26

1 (5) Medical marihuana ~~caregiver centers~~ provisioning center facility, as provided for in
2 ARTICLE III, DIVISION 12 of this Chapter, ~~except such use shall not be permitted~~
3 ~~in any Gateway Radial Thoroughfare or Traditional Main Street overlay area.~~

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

6 ~~(6)(7)~~ Signs as provided for in ARTICLE VI of this Chapter.

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8 ~~(7)(8)~~ Telecommunications building, private

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DIVISION 6. B5 MAJOR BUSINESS DISTRICT

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

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

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

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

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

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(5) Heliports

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

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

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

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

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

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8 ~~(8)~~~~(11)~~ Signs as provided for in ARTICLE VI of this Chapter.

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10 ~~(9)~~~~(12)~~ Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this
11 Chapter

12 ~~(40)~~~~(13)~~ Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this
13 Chapter

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

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

17
18 (1) Ferry terminal

19 (2) Heliports

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

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

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

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

- 1 ~~(3)~~(7) Passenger transportation terminal
- 2 ~~(4)~~(8) Signs as provided for in ARTICLE VI of this Chapter.

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4 **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

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

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

- 7 (1) Aircraft landing areas for winged aircraft
- 8 (2) Ferry terminal
- 9 ~~(3)~~ Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12
- 10 of this Chapter
- 11 ~~(4)~~ Medical marihuana processor facility as provided for in ARTICLE III, DIVISION
- 12 12 of this Chapter
- 13 ~~(6)~~(5) Medical marihuana caregiver centers provisioning center facility as provided for in
- 14 ARTICLE III, DIVISION 12 of this Chapter
- 15 ~~(6)~~ Medical marihuana safety compliance facility as provided for in ARTICLE III,
- 16 DIVISION 12 of this Chapter
- 17 ~~(7)~~ Medical marihuana secure transporter facility as provided for in ARTICLE III,
- 18 DIVISION 12 of this Chapter
- 19 ~~(3)~~(8) Signs as provided for in ARTICLE VI of this Chapter
- 20 ~~(4)~~(9) Urban farm as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
- 21 Chapter

1 ~~(5)~~(10) Urban garden as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
2 Chapter

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

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

- 6 (1) Ferry terminal
- 7 (2) Heliports
- 8 (3) Signs as provided for in ARTICLE VI of this Chapter.
- 9 (4) Urban farm as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
- 10 Chapter
- 11 (5) Urban garden as provided for in ARTICLE XII, DIVISION 3, Subdivision H of this
- 12 Chapter
- 13 ~~(6)~~ Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12
- 14 of this Chapter

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

17 ~~(6)~~(8) ~~Medical marihuana caregiver centers provisioning center facility~~ as provided for in
18 ARTICLE III, DIVISION 12 of this Chapter

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

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

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

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

- 25 (1) Boat or ship yard: construction, repair, maintenance, dry dock

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

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

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

- 21 (1) Ferry terminal
- 22 (2) Heliports
- 23 ~~(3) Medical marihuana grower facility as provided for in ARTICLE III, DIVISION 12~~
- 24 ~~of this Chapter~~

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

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

5 ~~(3)~~(7) Signs as provided for in Article VI of this Chapter

6 ~~(4)~~(8) Urban farm as provided for in Article XII, Division 3, Subdivision H of this Chapter

7 ~~(5)~~(9) Urban garden as provided for in Article XII, Division 3, Subdivision H of this
8 Chapter

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10 **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND**
11 **OVERLAY AREAS**

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

14

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

16 (1) Passenger transportation terminal

17 ~~(2)~~ Medical marihuana provisioning center facility as provided for in ARTICLE III,
18 DIVISION 12 of this Chapter

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

7/31/18

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

1 ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision
2 G, and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

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

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

10 **Sec. 61-11-316. Prohibited use.**

11 Medical marihuana caregiver centers, medical marihuana provisioning center facilities,
12 medical marihuana grower facilities, medical marihuana processor facilities, and medical
13 marihuana secure transporter facilities are prohibited within any Traditional Main Street
14 Overlay Area.

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

16 **ARTICLE XII. USE REGULATIONS**



17 **DIVISION 1. USE TABLE**

DIVISION 2. GENERAL USE STANDARDS

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
<p>Sec. 61-12-92. Other uses—Spacing. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>			
<p>Adult uses/sexually oriented business</p>	<p>1000 radial feet</p>	<ul style="list-style-type: none"> - Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 <u>radial</u> feet; - Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 <u>radial</u> feet; - Elementary, middle, or high school: 1000 <u>radial</u> feet; - Park, playlot, playfield, playground, recreation center, youth activity center: 1000 <u>radial</u> feet; - Religious Institution identified as exempt by the City Assessor: 1000 <u>radial</u> feet - Regulated Use: 1000 <u>radial</u> feet 	<p>Sec. 61-3-344</p>
<p>Sign, advertising</p>	<p>1000 feet, measured linearly</p>	<p>School site: 500 linear feet; public playground or public park: 500 linear feet; historic district: 500 linear feet</p>	<p>Sec. 61-6-52; Sec. 61-6-57; Sec. 61-12-95; Sec. 61-12-96</p>
<p>Medical marihuana caregiver center</p>	<p>1000 radial feet (except in</p>	<p>- Drug-free zone: 1000 radial feet;</p>	<p>Sec. 61-3-354; Sec. 61-12-95; Sec. 61-12-96; Sec. 61-</p>

	M1, M2, M3 or M4 where 450 feet from land zoned R1, R2, R3, R4, R5, R6 or residential PD)	- Religious institution identified as exempt by the City Assessor: 1000 radial feet; Controlled Uses (other than arcades): 1000 radial feet. <u>Medical marihuana provisioning center: 1000 radial feet</u>	12-343; Sec. 61-12-443
<u>Medical marihuana provisioning center 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>Controlled Uses: 1000 radial feet.</u> <u>Medical marihuana caregiver center: 1000 radial feet</u>	<u>Sec. 61-3-354; Sec. 61-3-353; Sec. 61-12-95; Sec. 61-12-96; Sec. 61-12-343; Sec. 61-12-344; Sec. 61-12-443</u>
<u>Medical marihuana grower facility</u>		<u>Drug-free zone</u>	<u>Sec. 61-3-355</u>
<u>Medical marihuana processor facility</u>		<u>Drug-free zone</u>	<u>Sec. 61-3-355</u>
<u>Medical marihuana secure transporter facility</u>		<u>Drug-free zone</u>	<u>Sec. 61-3-355</u>

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

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Except for Controlled Uses, ~~and medical marihuana caregiver centers~~, only the Board of Zoning Appeals may adjust the spacing requirements between land uses, as provided for in the tables in Sec. 61-12-89, Sec. 61-12-90, Sec. 61-12-91, Sec. 61-12-92, and Sec. 61-12-94 of this Code,

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

- 3 (1) All other applicable regulations within this zoning ordinance or this Code will be
4 observed;
- 5 (2) The proposed use will not be contrary to the public interest or injurious to nearby
6 properties in the proposed location, and the spirit and intent of the purpose of the
7 spacing regulations will still be observed;
- 8 (3) The proposed use will not aggravate or promote a deleterious effect upon adjacent
9 areas through causing or encouraging blight, and will not discourage investment in
10 the adjacent areas or cause a disruption in neighborhood development; and
- 11 (4) The establishment of the use in the area will not be contrary to any program of
12 neighborhood conservation or interfere with any program of urban renewal.

13 The spacing and locational requirements for adult uses, as specified in Sec. 61-3-344 and
14 Sec. 61-12-92 of this Code, and medical marihuana facilities, as specified in Article III, Division 12
15 of this Code, may not be waived. The “drug-free zone” spacing requirement for medical marihuana
16 caregiver centers, medical marihuana grower facilities, medical marihuana processor facilities,
17 medical marihuana provisioning centers, and medical marihuana secure transporter facilities, as
18 specified in Sec. 61-3-3545 and Sec. 61-12-92 of this Code, may not be waived; ~~the spacing~~
19 ~~requirement between medical marihuana caregiver centers and the “religious institution” and~~
20 ~~“Controlled Use” spacing requirements for medical marihuana caregiver centers may be modified by~~
21 ~~the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals~~
22 ~~as provided in Sec. 61-3-354(c) of this Code.~~

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

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

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

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

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

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

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

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DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Other Uses—Miscellaneous

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

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

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

~~(2)(a)~~ Medical marihuana caregiver centers facilities shall must be licensed as such by the State of Michigan and the City of Detroit Business License Center in accordance with Chapter 24 of this Code and such licensing shall be is required prior to the opening for business, and as a condition for the continued operation, of any medical marihuana facility.

~~(3)(b)~~ All signage identifying a building as a medical marihuana caregiver center or medical marihuana facility must be removed within thirty (30) days of ceasing to do business or

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

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

8 ~~(d)~~ Medical marihuana grower facilities are limited to industrially zoned commercial and/or
9 industrial buildings with a maximum building footprint not to exceed thirty thousand
10 (30,000) square feet, and on a parcel no larger than three (3) acres; multi-story buildings are
11 permitted subject to the height limitations of the M1, M2, M3, M4 and M5 zoning
12 classifications. Buildings with a maximum building footprint that exceeds thirty thousand
13 (30,000) square feet, but is no larger than fifty thousand (50,000) square feet, regardless of
14 height, on a parcel no larger than five (5) acres in size, may be utilized when the grower
15 facility is co-located with another medical marihuana facility;

16 ~~(e)~~ Medical marihuana grower facilities may not grow medical marihuana outdoors;

17 ~~(5)(f)~~ The provisions of Article III, Division 12 of this Chapter.

18 **Secs. 61-12-344–61-12-350. Reserved.**

19

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

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

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

23 The following temporary uses are prohibited:

24 ~~(1a)~~ Sales of fireworks as defined in Sec. 61-16-82 of this Code;

- 1 (2b) Sales of firearms;
- 2 (3c) Sales of any materials characterized by an emphasis on specified anatomical areas
- 3 or specified sexual activities as defined in Sec. 61-16-174 of this Code; and
- 4 (4d) Medical marihuana caregiver centers and medical marihuana facilities.

ARTICLE XIV. DEVELOPMENT STANDARDS

SUBDIVISION B. OFF-STREET PARKING SCHEDULE "A"

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

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

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

Subdivision L. Letter "M"

Sec. 61-16-131. Words and terms (Ma-Mg).

(Ord. No. 11-05, §1, 5-28-06; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)

Manufactured Housing Unit	A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a single dwelling unit.
Manufacturing and Production (Use Category)	<p>Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> •Very high-impact manufacturing or processing •High-impact manufacturing or processing •High/medium-impact manufacturing or processing •Low/medium-impact manufacturing or processing •Low-impact manufacturing or processing <p>Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.</p>
Manufacturing or Processing	See Manufacturing and Production (Use Category).
Marina	<p>Marina means a facility that offers service to the public or members of the marina for docking, loading, or other servicing recreational watercraft. Accessory uses include the following, provided they are for owners, crews, and guests:</p> <ul style="list-style-type: none"> •boat storage, •food and beverage facilities, including those for consumption of beer or alcoholic liquor on the premises, and •retail facilities
Marihuana or Marijuana	<p>That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.</p>
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

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	for the project.
Master Plan	The official "Master Plan of Policies" of the City of Detroit, as referenced in the Journal of City Council, August 5, 1992, Pages 1784-1787, as amended. The Master Plan of Policies specifies three levels of roadway under the "transportation" designation of the City of Detroit future general land use map: freeways, major thoroughfares, and secondary thoroughfares.
Measurement	See "Linear Measurement" and "Radial Measurement."
Medical Marihuana	Marihuana intended for medical use that meets all requirements for medical marihuana contained in this Article, the Michigan Medical Marihuana Act (MMMA), the Medical Marihuana Facilities Licensing Act (MMFLA), and any other applicable law. This shall not include butane hash oil or marihuana in any form inconsistent with the definition of usable marihuana under the Act either the MMMA or the MMFLA.
Medical Marihuana Caregiver Center	A medical marihuana business operated by a registered primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to registered qualifying patients as defined by the Act, or performs other activities pertaining to medical marihuana authorized by the Act. A noncommercial location operated or used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan's formal registration process in accordance with the MMMA.
Medical Marihuana Facility (Use Category)	A location at which a license holder is licensed to operate one of the following commercial entities authorized by the MMFLA and this Code: grower, processor, provisioning center, secure transporter, and safety compliance facility. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan's formal registration process in accordance with the MMMA is not a medical marihuana facility. Medical marihuana facilities include the following uses: <u>Medical marihuana grower facility</u> <u>Medical marihuana processor facility</u> <u>Medical marihuana provisioning center</u> <u>Medical marihuana safety compliance facility</u> <u>Medical marihuana secure transporter facility</u>

Medical Marihuana Facilities Licensing Act or "MMFLA"	Public Act 281 of 2016, MCL 333.27101, <i>et seq.</i>
Medical Marihuana Grower Facility	A commercial entity licensed by the State of Michigan that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
Medical Marihuana Processor Facility	A commercial entity licensed by the State of Michigan that purchases marihuana from a grower and extracts resin for the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
Medical Marihuana Provisioning Center Facility	A commercial entity licensed by the State of Michigan that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.
Medical Marihuana Safety Compliance Facility	A commercial entity licensed by the State of Michigan that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
Medical Marihuana Secure Transporter Facility	A commercial entity licensed by the State of Michigan that stores marihuana and transports marihuana between marihuana facilities for a fee.
Mercado	Open air sales of new retail goods, produce, handcrafts, and the like. For zoning purposes a Mercado shall be considered the same as a store of a generally recognized retail nature whose primary business is the selling of new merchandise.
Sec. 61-16-132. Words and terms (Mh-Mm).	
(Ord. No. 11-06, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14)	
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	Initiated Law 1 of 2008, MCL 333.26421, <i>et seq.</i>

Act or "MMMA"	
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 (Ord. No. 23-14, §1, 07-24-14)	A mixed-use building includes at least one use from at least two of the following general land use headings in the same building: Residential Uses as specified in ARTICLE XII, DIVISION 1, Subdivision B; Public, Civic and Institutional Uses as specified in ARTICLE XII, DIVISION 1, Subdivision C; Retail, Service and Commercial uses as specified in ARTICLE XII, DIVISION 1, Subdivision D; Manufacturing and Industrial Uses as specified in ARTICLE XII, DIVISION 1, Subdivision E. A building shall also be deemed to be mixed-use where it includes both: (a) An "Office, business or professional" and (b) Any other retail use(s) specified in Sec. 61-12-43 [Food and Beverage Service], Sec. 61-12-47 [Recreation/entertainment, indoor], Sec. 61-12-50 [Retail sales and service; sales-oriented] or Sec. 61-12-51 [Retail sales and service; service-oriented].

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APPENDIX A

Assignment of Specific Use Types to General Use Categories

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

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

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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.

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Section 4. This ordinance shall become effective sixty (60) days after publication in accordance with MCL 125.3401(6) and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

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Approved as to form:

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 Lawrence T. Garcia *C.N. Raini*
 Corporation Counsel Deputy

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