

## 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*), and by amending Article XII (*Use Regulations*), Division 2 (*General Use Standards*), Section 50-12-132 (*Other uses-Spacing*), 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 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*), and  
6 by amending Article XII (*Use Regulations*), Division 2 (*General Use Standards*), Section 50-12-  
7 132 (*Other uses-Spacing*), Division 3 (*Specific Use Standards*), Subdivision I (*Other Uses-*  
8 *Miscellaneous*), Section 50-12-413 (*Medical marijuana facilities and adult-use marijuana*  
9 *establishments*), Division 6 (*Temporary Uses and Structures*), Subdivision B (*Specific Temporary*  
10 *Uses Allowed*), Section 50-12-563 (*Prohibited temporary uses*) to modify minimum spacing  
11 requirements and applicability for designated marijuana consumption establishments, marijuana  
12 microbusinesses, and marijuana retail/provisioning facilities, to add specific use standards for  
13 designated marijuana consumption establishments, and to modify the temporary use prohibition  
14 for temporary marijuana events and temporary designated marijuana consumption establishments.

15 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
16 **THAT:**

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

18 **CHAPTER 50. ZONING.**

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

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

21 **MARIJUANA ESTABLISHMENTS**

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

- 1 (a) Medical marijuana facilities and adult-use marijuana establishments may be permitted on  
2 land zoned PD, where established as a Planned Development District, and on a  
3 conditional basis in the following zoning districts in accordance with this article, subject  
4 to the provisions of this division and any other applicable provisions of this Code, and all  
5 applicable State of Michigan requirements. Notwithstanding anything to the contrary in  
6 this Code, all of the below uses may be located in PD zoning districts, excluding solely  
7 residential PD districts, as a major modification of the plans for the subject PD zoning  
8 district, and may be approved by the City Council in accordance with Section 50-3-97  
9 after making the findings set forth in Section 50-3-281 for the requested use.
- 10 (1) Designated marijuana consumption establishments may be permitted in the B2,  
11 B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts.
- 12 (2) Marijuana grower facilities may be permitted on a conditional basis in the M1,  
13 M2, M3, M4, and M5 zoning districts.
- 14 (3) Marijuana microbusinesses may be permitted on a conditional basis in the B2, B4,  
15 B5, B6, M1, M2, M3, M4, and SD2 zoning districts.
- 16 (4) Marijuana processor facilities may be permitted on a conditional basis in the B6,  
17 M1, M2, M3, M4, and M5 zoning districts.
- 18 (5) Marijuana retail/provisioning facilities may be permitted on a conditional basis in  
19 the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts.
- 20 (6) Marijuana safety compliance facilities may be permitted on a conditional basis in  
21 the B2, B4, B5, B6, M1, M2, M3, M4, M5, and SD2 zoning districts.

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

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

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

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

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

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

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

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

16 (c) A marijuana designated consumption establishment or a marijuana microbusiness must  
17 not be located in any of the following:

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

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

- 1           (3) On a zoning lot that is located less than:
- 2                   (i) 1,000 radial feet from any zoning lot occupied by any religious institution
- 3                           identified as exempt by the City Assessor;
- 4                   (ii) 750 radial feet from any zoning lot with an unexpired conditional land use
- 5                           approval, building permit, or certificate of occupancy for a designated
- 6                           marijuana consumption establishment or marijuana microbusiness; or
- 7                   (iii) 750 radial feet from any zoning lot occupied by a Controlled Use.
- 8 (e d) A marijuana grower facility, marijuana processor facility, or marijuana secure transporter
- 9 facility must not be located in a drug-free zone, as defined in Section 50-3-533 of this
- 10 Code, or within a Traditional Main Street Overlay Area, as provided in Article XI,
- 11 Division 14, of this chapter.
- 12 (d e) Neither the Buildings, Safety Engineering, and Environmental Department, nor the Board
- 13 of Zoning Appeals is authorized to waive or modify the locational specifications set forth
- 14 in Subsections (b)(1), (b)(2), (b)(3), (c), and (d) of this section. Applications that are not
- 15 consistent with the locational specifications set forth in Subsections (b)(1), (b)(2), (b)(3),
- 16 and (c) of this section, which may be confirmed by the City Engineer, shall be considered
- 17 ineligible for further processing and shall be denied.
- 18 (e f) If a property has previously received zoning approval for a medical marijuana facility or
- 19 adult-use marijuana establishment, no further approval is required under this chapter to
- 20 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), (c), and (d) of this section.

7 **ARTICLE XII. - USE REGULATIONS**

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

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

10 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	- 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

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Designated marijuana consumption establishment	<del>1000</del> 750 radial feet	- Drug free zone: prohibited; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - Religious institution identified exempt by the City Assessor: 1000 radial feet; <del>Marijuana retail/provisioning center facility: 1000 radial feet</del> - Marijuana microbusiness: <del>1000</del> 750 radial feet; - Controlled uses: <del>1000</del> 750 radial feet	<u>Section 50-3-535</u>
Marijuana grower facility		- Drug-free zone: prohibited; - Traditional Main Street Overlay Area: prohibited;	Section 50-3-535
Marijuana microbusiness	<del>1000</del> 750 radial feet	- Drug free zone: prohibited; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - Religious institution identified exempt by the City Assessor: 1000 radial feet; <del>Marijuana retail/provisioning center facility: 1000 radial feet</del> - Designated marijuana consumption establishment: <del>1000</del> 750 radial feet; - Controlled uses: <del>1000</del> 750 radial feet	<u>Section 50-3-535</u>
Marijuana processor facility		- Drug-free zone: prohibited; - Traditional Main Street Overlay Area: prohibited;	Section 50-3-535
Marijuana retail/provisioning facility	1000 radial feet	- Drug-free zone: prohibited; - Gateway Radial Thoroughfare Overlay Area: prohibited; - Traditional Main Street Overlay Area: prohibited; - Religious institution identified as exempt by the City Assessor: 1000 radial feet; <del>Designated marijuana consumption establishment: 1000 radial feet</del> <del>Marijuana microbusiness: 1000 radial feet</del> - Controlled uses: <del>1000</del> 750 radial feet	<u>Section 50-3-535</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 secure transporter		- Drug-free zone: prohibited; - Traditional Main Street Overlay Area: prohibited;	Section 50-3-535

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### DIVISION 3. - SPECIFIC USE STANDARDS

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#### SUBDIVISION I. - OTHER USES—MISCELLANEOUS

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

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Medical marijuana facilities and adult-use marijuana establishments are subject to the

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following:

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(1) Medical marijuana facilities and adult-use marijuana establishments must be licensed as

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such by the State of Michigan, as well as by the City of Detroit in accordance with

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Chapter 20, Article VI, of this Code and shall be required to have such license prior to its

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opening for business, and as a condition for its continued operation.

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(2) A medical marijuana facility or adult-use marijuana establishment shall not allow

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loitering inside or outside its premises and shall take care to prevent the transmission of

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any odors from the medical marijuana facility or adult-use marijuana establishment to the

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exterior of the licensed premises.

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(3) A marijuana grower facility may operate only in a commercial or industrial building that

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has a building footprint that does not exceed 30,000 square feet and that is located on a

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parcel no larger than three acres; a marijuana grower facility may operate in a multi-story

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building, subject to applicable height limitations. A marijuana grower facility may

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operate in a building that has a building footprint that exceeds 30,000 square feet but does



1 not exceed 50,000 square feet, regardless of height, and is located on a parcel no larger  
2 than five acres only if the marijuana grower facility is co-located with another medical  
3 marijuana facility or another adult-use marijuana establishment.

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

5 (5) The provisions of Article III, Division 12, of this chapter.

6 (6) Designated marijuana consumption establishments are not permitted as an accessory use  
7 and must not include an accessory use. Designated marijuana consumption  
8 establishments may be located on the same zoning lot and/or in the same building as a  
9 non-marijuana use, as a separate principal use of the premises, subject to all applicable  
10 regulations of this Code and operated in accordance with the rules promulgated by the  
11 State of Michigan.

12 **DIVISION 6. - TEMPORARY USES AND STRUCTURES**

13 **SUBDIVISION B. - SPECIFIC TEMPORARY USES ALLOWED**

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

15 The following temporary uses are prohibited:

16 (1) Sales of fireworks as defined in Section 50-16-202 of this Code.

17 (2) Sales of firearms.

18 (3) Sales of any materials characterized by an emphasis on specified anatomical areas or  
19 specified sexual activities as defined in Section 50-16-384 of this Code.

1 (4) Medical marijuana facilities and adult-use marijuana establishments, except for  
2 temporary marijuana events as defined by this Code and approved by City Council in  
3 accordance with Section 20-6-24, or temporary designated marijuana consumption  
4 establishments.

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

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

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

Approved as to form:

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**Conrad Mallett,**  
Corporation Counsel