

**ORDINANCE NO. 2023-29  
CHAPTER 50  
ARTICLE III**

AN ORDINANCE to amend Chapter 50 of the Detroit City Code, *Zoning*, by repealing Article III, *Review and Approval Procedures (Part 1)*, Division 12, *Medical Marijuana Facilities and Adult-Use Marijuana Establishments*, Section 50-3-531, *Purpose*; in general, Section 50-3-532, *Medical marijuana facilities and adult-use marijuana establishments subject to this division*, Section 50-3-533, *Definitions; meaning of terms*, Section 50-3-534, *Medical marijuana caregiver center procedures*, Section 50-3-535, *Permitted districts for medical marijuana facilities and adult-use marijuana establishments; conditional use; restrictions*, Section 50-3-536, *Medical marijuana facility and adult-use marijuana establishment procedures*, Section 50-3-537, *Accessory uses; public nuisance; continuing violations*; by adding Article XII, *Use Regulations*, Division 5, *Accessory Uses and Structures*, Subdivision C, *Specific Accessory Use Standards*, Section 50-12-524, *Medical marijuana facilities and adult-use marijuana establishments*; and by amending Article III, *Review and Approval Procedures (Part 1)*, Division 4, *Planned Developments*, Section 50-3-97, *Modification of approved plans*, and Division 5, *Site Plan Review*, Subdivision A, *In General*, Section 50-3-133, *Applicability*; Article IV, *Review and Approval Procedures (Part 2)*, Division 6, *Variances and Administrative Adjustments*, Section 50-4-122, *Administrative adjustments; applicability*; Article V, *Violations and Enforcement*, Division 3, *Other Remedies and Enforcement Powers*, Section 50-5-57, *Abatement*; Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*, Section 50-9-54, *Conditional other uses*, Division 5, *B4 General Business District*, Section 50-9-114, *Conditional other uses*, Division 6, *B5 Major Business District*, Section 50-9-144, *Conditional other uses*, Division 7, *B6 General Services District*, Section 50-9-174, *Conditional other uses*; Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-24, *Conditional other uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-54, *Conditional other uses*, Division 4, *M3 General Industrial District*, Section 50-10-84, *Conditional other uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-114, *Condi-*

*tional other uses*, Division 6, *M5 Special Industrial District*, Section 50-10-144, *Conditional other uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 11, *SD2-Special Development District; Mixed-Use*, Section 50-11-274, *Conditional other uses*, Division 14, *Overlay Areas*, Subdivision A, *Gateway Radial Thoroughfare Overlay Areas*, Section 50-11-364, *Prohibitions and limitations*, and Subdivision B, *Traditional Main Street Overlay Areas*, Section 50-11-386, *Prohibited use*; 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*, Section 50-12-136, *Waiver of spacing from schools*; 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 facility and adult-use marijuana establishment spacing and locational requirements, to add specific use standards for designated marijuana consumption establishments, to modify the temporary use prohibition for temporary marijuana events and temporary designated marijuana consumption establishments, and to delete the duplication of requirements for medical marijuana facilities and adult-use marijuana establishments contained in Article III, Division 12.

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

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

**CHAPTER 50. ZONING  
ARTICLE III. REVIEW AND APPROVAL  
PROCEDURES (PART 1)  
DIVISION 4.  
PLANNED DEVELOPMENTS**

**Sec. 50-3-97. Modification of approved plans.**

All approved site plans, elevations, and other development proposals, including proposed uses, may be amended, pursuant to the same procedure and subject to the same limitations and requirements

by which said plans and proposals were initially approved, provided, that minor changes may be permitted by the City Planning Commission, or its staff where consistent with its bylaws, subject to a finding that such change will not cause any of the following:

- (1) A change in character of the development; or
- (2) An increase in the ratio of gross floor area to zoning lot area in excess of five percent; or
- (3) An increase in coverage by structure, unless justified by changes in other factors; or
- (4) A reduction in approved open space or off-street parking and loading space, unless justified by changes in other factors;
- (5) The creation of, or increase in, injurious effects to land uses that are in the immediate vicinity; or
- (6) The establishment of a medical marijuana facility or adult-use marijuana establishment.

#### **DIVISION 5. SITE PLAN REVIEW** ***Subdivision A. In General***

##### **Sec. 50-3-113. Applicability.**

Applications for proposed developments that meet any one or more of the applicability criteria in this section shall be reviewed through the site plan review process. Developments that do not meet any of the applicability criteria in this section shall be reviewed by the Buildings, Safety Engineering, and Environmental Department through its permitting process, provided, that a site plan review is not required for the construction or alteration of an individual single- or two-family dwelling.

- (1) New construction that involves any one of the following:
  - a. Any new development that has more than 20,000 square feet of gross floor area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area;
  - b. Projects with multiple principal structures on one zoning lot;
  - c. Any multiple-family residential or loft development with more 12 dwelling units;
  - d. Site condominium developments;
  - e. Projects in a 100-year floodplain;
  - f. Any parking structure as defined in Section 50-16-341 of this Code; or
  - g. Projects located in the portion of the MKT Market and Distribution District described in Section 50-13-157(a) of this Code.
- (2) Additions or major structural alterations that involve any of the following:
  - a. Any development that has not more than 20,000 square feet of gross floor area where the addition or alteration results in a cumulative total of more than

20,000 square feet of gross floor area considering existing floor area and proposed additions, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area;

- b. An increase of 25 percent or more in gross square footage to an existing building that contains more than 20,000 square feet of gross floor area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area;
  - c. Projects in a 100-year floodplain; or
  - d. Projects located in the portion of the MKT Market and Distribution District described in Section 50-13-157(a) of this Code.
- (3) Any development with a lot area of more than one acre in cumulative total considering existing lot area and any proposed additional lot area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be three acres.

- (4) Substantial changes in use within any building that has more than 20,000 square feet of gross floor area or of any use with a lot area of more than one acre, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area and three acres. For purposes of site plan review, a substantial change in use is one that involves the establishment of a use from one of the major land use classifications that are set out in Article XII of this chapter, which are residential, public/civic/institutional, retail/service/commercial, manufacturing/industrial, and other, where the use immediately preceding the new use was from a different major land use classification.

- (5) Any conditional, regulated, or controlled land use and any case before the Board of Zoning Appeals as the body of first jurisdiction.

- (6) Any use that has drive-up or drive-through facilities or a walk-up component.

- (7) Projects within any PD, SD1, SD2, SD3 or SD5 District, provided, that, in the SD1, SD2, SD3 and SD5 Districts, alterations to an existing structure that do not involve additions or major structural alterations, qualify for "expedited review" as provided for in Section 50-3-131(b) of this Code.

- (8) Projects within the SD4 District that involve the following four utility uses: electric transformer station; gas regulator station; telephone exchange building; water works, reservoir, pumping station, or filtration plant.

- (9) Projects seeking approval under the Alternative Residential Development Options provisions of Article XIII, Division 3, of this chapter.

(10) Urban farms and all other agricultural uses specified as a conditional use in Section 50-12-109 of this Code.

(11) Any new, or newly-established, motor vehicle salesroom or sales lot for the sale of used vehicles.

(12) Development projects which meet the post-construction stormwater management applicability thresholds described in Section 48-2-101 of this Code.

(13) Any type of medical marijuana facility or adult-use marijuana establishment.

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

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

###### **Sec. 50-4-122. Administrative adjustments; applicability.**

Administrative adjustments are:

(1) Modifications of ten percent or less of any numeric standard that is set forth in Article XIII of this chapter or any numeric development standard that is set forth in Article XIV of this chapter;

(2) Reductions of off-street parking requirements for any use by up to ten spaces, as provided for in Section 50-14-153 of this Code; or

(3) Reductions of not more than two percent of any spacing and locational requirement for medical marijuana facilities or for adult-use marijuana establishments, as specified in Section 50-12-132 of this Code.

#### **ARTICLE V. VIOLATIONS AND ENFORCEMENT**

##### **DIVISION 3. OTHER REMEDIES AND ENFORCEMENT POWERS**

###### **Sec. 50-5-57. Abatement.**

(a) The Buildings, Safety Engineering, and Environmental Department may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation, or to otherwise restore the premises in question to the condition which existed prior to the violation.

(b) Any premises, building, or other structure in which an adult use/sexually-oriented business, a medical marijuana facility, or an adult-use marijuana establishment operates in violation of the standards set forth in this Code constitutes a public nuisance and is subject to civil abatement proceedings initiated by the City of Detroit in a court of competent jurisdiction, in addition to the penalties authorized by this Chapter. Any premises, building, or other structure declared by the court to be a public nuisance must be closed and the property owner assessed the costs of abatement.

#### **ARTICLE IX. BUSINESS ZONING DISTRICTS**

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

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

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

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

(2) Designated marijuana consumption establishment.

(3) Marijuana microbusiness.

(4) Marijuana retail/provisioning facility.

(5) Marijuana safety compliance facility.

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

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

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

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

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

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

(4) Designated marijuana consumption establishment.

(5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.

(6) Marijuana microbusiness.

(7) Marijuana retail/provisioning facility.

(8) Marijuana safety compliance facility.

(9) Telecommunications buildings private.

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

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

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

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

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

(3) Designated marijuana consumption establishment.

(4) Farmers markets as defined in Article XVI, Division 2, Subdivision G, of this chapter.

(5) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.

(6) Heliports.

(7) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.

(8) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.

- (9) Marijuana microbusiness.
- (10) Marijuana retail/provisioning facility.
- (11) Marijuana safety compliance facility.
- (12) Marijuana secure transporter facility.
- (13) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (14) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

**DIVISION 7. B6 GENERAL SERVICES DISTRICT**

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

Other conditional uses within the B6 General Services District are as follows:

- (1) Ferry terminal.
- (2) Designated marijuana consumption establishment.
- (3) Heliports.
- (4) Marijuana microbusiness.
- (5) Marijuana processor facility.
- (6) Marijuana retail/provisioning facility.
- (7) Marijuana safety compliance facility.
- (8) Marijuana secure transporter facility.
- (9) Passenger transportation terminal.

**ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

**DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT**

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

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

- (1) Aircraft landing areas for winged aircraft.
- (2) Ferry terminal.
- (3) Designated marijuana consumption establishment.
- (4) Marijuana grower facility.
- (5) Marijuana microbusiness.
- (6) Marijuana processor facility.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility.
- (9) Marijuana secure transporter facility.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

**DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT**

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

Other conditional uses within the M2 Restricted Industrial District are as follows:

- (1) Ferry terminals.
- (2) Heliports.
- (3) Designated marijuana consumption establishment.
- (4) Marijuana grower facility.
- (5) Marijuana microbusiness.
- (6) Marijuana processor facility.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility.

- (9) Marijuana secure transporter facility.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.

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

**DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT**

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

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

- (1) Boat or ship yards: construction, repair, maintenance, dry dock.
- (2) Designated marijuana consumption establishment.
- (3) Docks, waterway shipping/freighters.
- (4) Ferry terminals.
- (5) Heliports.
- (6) Marijuana grower facility.
- (7) Marijuana microbusiness.
- (8) Marijuana processor facility.
- (9) Marijuana retail/provisioning facility.
- (10) Marijuana safety compliance facility.
- (11) Marijuana secure transporter facility.
- (12) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (13) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

**DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT**

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

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

- (1) Ferry terminals.
- (2) Designated marijuana consumption establishment.
- (3) Heliports.
- (4) Marijuana grower facility.
- (5) Marijuana microbusiness.
- (6) Marijuana processor facility.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility.
- (9) Marijuana secure transporter facility.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

**DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT**

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

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

- (1) Ferry terminals.
- (2) Heliports.
- (3) Marijuana grower facility.
- (4) Marijuana processor facility.
- (5) Marijuana safety compliance facility.
- (6) Marijuana secure transporter facility.
- (7) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.

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

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

**DIVISION 11. SD2 – SPECIAL  
DEVELOPMENT DISTRICT;  
MIXED-USE**

**Sec. 50-11-274. Conditional other uses.**

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

- (1) Designated consumption establishment.
- (2) Marijuana microbusiness.
- (3) Marijuana retail/provisioning facility.
- (4) Marijuana safety compliance facility.
- (5) Passenger transportation terminal.
- (6) Urban gardens not exceeding 0.5 acres in size, subject to Article XII, Division 3, Subdivision H of this chapter.

**DIVISION 14. OVERLAY AREAS**

***Subdivision A. Gateway Radial  
Thoroughfare Overlay Areas***

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

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

- (1) Confection manufacture.
- (2) Dental products, surgical, or optical goods manufacture.
- (3) Emergency shelter;
- (4) Go-cart track;
- (5) Ice manufacture;
- (6) Jewelry manufacture.
- (7) Lithographing.
- (8) Marijuana retail/provisioning facility.
- (9) Motor vehicle washing and steam cleaning.
- (10) Pawnshop.
- (11) Plasma donation center.
- (12) Precious metal and gem dealer.
- (13) Pre-release adjustment center.
- (14) Radio, television, or household appliance repair shop.
- (15) Rebound tumbling center.
- (16) Restaurant, carry-out or fast-food, with drive-up or drive-through facilities or where not located in a multi-story building having a mixed-use or multi-tenant development; prohibition limited to Woodward Avenue only.
- (17) Substance abuse service facility.
- (18) Taxicab dispatch and/or storage facility.
- (19) Toiletries or cosmetic manufacturing.
- (20) Tool, die, and gauge manufacturing.
- (21) Trade services, general.
- (22) Trailer coaches or boats, sale or rental, open air display.

(23) Trailers or cement mixers, pneumatic-tired, sales, rental or service.

(24) Used goods dealer.

(25) Vending machine commissary.

(26) Wearing apparel manufacturing.

(27) Wholesaling, warehousing, storage buildings, or public storage facilities, except on Gratiot Avenue.

(b) The following uses are prohibited on any zoning lot within any Gateway Radial Thoroughfare Overlay Area:

- (1) Designated marijuana consumption establishment.
- (2) Junkyard.
- (3) Light duty vehicle repair establishment.
- (4) Marijuana microbusiness.
- (5) Marijuana retail/provisioning facility.
- (6) Medium/heavy duty vehicle or equipment repair establishment.
- (7) Motor vehicles, used, salesroom or sales lots.
- (8) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles.
- (9) Scrap tire storage, processing, or recycling facility.
- (10) Tires, used; sales and/or service.
- (11) Towing service storage yard.

(c) Accessory parking lots or parking areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are not farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter shall be permitted by right subject to Article XIV, Division 1, Subdivision E, of this chapter, Article XIV, Division 1, Subdivision G, of this chapter, and Article XIV, Division 2, Subdivision C, of this chapter.

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

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

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

The following uses are prohibited within any Traditional Main Street Overlay Area:

- (1) Designated marijuana consumption establishment;
  - (2) Marijuana grower facility;
  - (3) Marijuana microbusiness;
  - (4) Marijuana processor facility;
  - (5) Marijuana retail/provisioning facility;
  - (6) Marijuana safety compliance facility;
- and
- (7) Marijuana secure transporter facility.

**ARTICLE XII. USE REGULATIONS  
DIVISION 2. GENERAL USE STANDARDS**

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

Regulations regarding spacing of other uses are as follows:

| Use Type                                       | Minimum Distance from Same Use Type (Existing or Approved) | Minimum Distance from Other Use Types (Existing or Approved)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Comment           |
|------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Adult uses/sexually oriented business          | 1000 radial feet                                           | <ul style="list-style-type: none"> <li>- Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 radial feet;</li> <li>- Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 radial feet;</li> <li>- Elementary, middle, or high school: 1000 radial feet;</li> <li>- Park, playlot, playground, recreation center, youth activity center: 1000 radial feet;</li> <li>- Religious institution identified as exempt by the City Assessor: 1000 radial feet;</li> <li>- Regulated Use: 1000 radial feet</li> </ul> | Section 50-3-504  |
| Designated marijuana consumption establishment | 500 radial feet                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> <li>- Religious institution identified exempt by the City Assessor: 1000 radial feet;</li> <li>- Controlled uses: 750 radial feet</li> </ul>                                                                                                                                                                                                                                                                                 | Section 50-12-413 |
| Marijuana grower facility                      |                                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 50-12-413 |
| Marijuana microbusiness                        | 500 radial feet                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> <li>- Religious institution identified exempt by the City Assessor: 1000 radial feet;</li> <li>- Marijuana retail/provisioning center facility: 500 radial feet</li> <li>- Controlled uses: 750 radial feet</li> </ul>                                                                                                                                                                                                       | Section 50-12-413 |
| Marijuana processor facility                   |                                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 50-12-413 |
| Marijuana retail/provisioning facility         | 500 radial feet                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> <li>- Religious institution identified as exempt by the City Assessor: 1000 radial feet;</li> <li>- Marijuana microbusiness: 500 radial feet</li> <li>- Controlled uses: 750 radial feet</li> </ul>                                                                                                                                                                                                                          | Section 50-12-413 |
| Marijuana secure transporter                   |                                                            | <ul style="list-style-type: none"> <li>- Uses included in the definition of a Drug free zone: 1000 radial feet;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 50-12-413 |

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

(a) Except for Controlled Uses, the Board of Zoning Appeals may modify the spacing requirements between land uses, as provided for in the tables in Section 50-12-129, Section 50-12-130, Section 50-12-131, and Section 50-12-135 of this Code, as a "locational variance" in accordance with the criteria specified in Section 50-4-121 of this Code and where the proposed use satisfies all the following conditions:

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

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

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

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

(b) The spacing and locational requirements for adult use sexually-oriented businesses, as specified in Section 50-3-504 and Section 50-12-132 of this Code, as well as for medical marijuana facilities and adult-use marijuana establishments, as specified in Section 50-12-132 of this Code may not be waived. If the Buildings, Safety Engineering, and Environmental Department establishes that a use presenting a spacing and locational requirement for any proposed medical marijuana facility or adult-use marijuana establishment has been abandoned or has ceased all operations for at least one year, it may disregard such requirement.

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

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

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

(2) The Board of Zoning Appeals where the proposed use is less than 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 designated marijuana consumption establishments, marijuana grower facilities, marijuana microbusinesses, marijuana processor facilities, marijuana retail/provisioning facilities, and marijuana secure transporter facilities within 1,000 feet of a school, among other uses specified in a "drug-free zone," as defined in Section 50-16-172 of this Code and referenced in the table in Section 50-12-132 of this Code, must not be waived by either the Buildings, Safety Engineering, and Environmental Department, or the Board of Zoning Appeals, as applicable.

**DIVISION 3. SPECIFIC USE STANDARDS**

**Subdivision 1. Other Uses — Miscellaneous**

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

(a) The purpose of the regulations in this chapter pertaining to medical marijuana facilities and adult-use marijuana establishments are intended to provide for permitting of associated land use categories, to prevent an over concentration of like uses, and to ensure the diversification of commercial and retail offerings along major and secondary corridors in order to:

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

(2) Regulate land used in the operation of activities authorized by the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.* ("MMMA"), and the Michigan Medical Marijuana Facilities Licensing Act, being Public Act 281 of 2016, MCL 333.27101, *et seq.* ("MMFLA"), and the Michigan Regulation and Taxation of Marijuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq.* ("MRTMA");

(3) Establish land use restrictions that are fair and equitable for those interested in establishing medical marijuana facilities and adult-use marijuana establishments, while protecting adjacent properties from potential adverse effects; and

(4) Provide reasonable regulation of land use pursuant to the City's general zoning power granted to cities by the Michigan Constitution of 1963 and the Home Rule 6 City Act, MCL 117.1 *et seq.*, as amended and the Michigan Zoning

Enabling Act, 7 MCL 125.3101 *et seq.*, as amended.

(b) Nothing in this chapter or in any companion regulatory provisions of any other chapter of this Code, is intended to prohibit, or to be construed as prohibiting, access to health care or medical marijuana by registered medical marijuana patients.

(c) Nothing in this chapter or in any companion regulatory provisions of any other chapter of this Code, is intended to grant, or to be construed as granting, immunity from criminal prosecution for:

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

(2) Any criminal prosecution under federal laws including seizure of property under the Federal Controlled Substances Act, 21 USC § 801 *et seq.*

(d) Applications for medical marijuana caregiver centers will not be accepted after October 14, 2018, and:

(1) Medical marijuana caregiver centers that were legally established and issued a building permit or certificate of occupancy prior to October 14, 2018 are lawful nonconforming uses.

(2) A lawful nonconforming medical marijuana caregiver center may convert to a medical marijuana provisioning center facility or to a marijuana retailer establishment by submitting a change of use application, subject to any additional regulations for medical marijuana provisioning center facilities set forth in this Code, as amended.

(3) A lawful nonconforming medical marijuana caregiver center may convert to any type of medical marijuana facility other than a medical marijuana provisioning center facility, or to any type of adult-use marijuana establishment other than a marijuana retailer establishment, by submitting an application for the proposed use, subject to applicable zoning and any additional regulations for medical marijuana facilities and adult-use marijuana establishments set forth in this Code.

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

(f) Medical marijuana facilities and adult-use marijuana establishments are subject to the following:

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

(2) A medical marijuana facility or adult-use marijuana establishment shall not allow loitering inside or outside its premises and shall take care to prevent the transmission of any odors from the medical marijuana facility or adult-use marijuana establishment to the exterior of the licensed premises.

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

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

(5) Designated marijuana consumption establishments may be located on the same zoning lot and/or in the same building as a non-marijuana use, as a separate principal use of the premises, subject to all applicable regulations of this Code and operated in accordance with the rules promulgated by the State of Michigan. Outdoor activities shall be prohibited for designated marijuana consumption establishments.

(6) Multiple types of medical marijuana facilities and adult-use marijuana establishments may co-locate in the same building or facility as separate principal uses of the premises, subject to all applicable regulations of this Code and the rules promulgated by the State of Michigan, provided that the spacing regulations contained in Section 50-12-132 shall not prohibit a marijuana retail/provisioning facility or marijuana microbusiness from operating at a location shared with a medical marijuana facility operating pursuant to the Medical Marijuana Facilities Licensing Act. The applicant may submit a joint application for any permissible combination of uses, but each use requires separate approval under this Code.



**DIVISION 5. ACCESSORY USES  
AND STRUCTURES**

***Subdivision C. Specific Accessory  
Use Standards***

**Sec. 50-12-524. Medical marijuana  
facilities and adult-use marijuana  
establishments.**

Medical marijuana facilities and adult-use marijuana establishments are not permitted as accessory uses and must not include accessory uses. The regulations set forth in this Section may not be modified or waived by the Board of Zoning Appeals.

**Secs. 50-12-525 – 50-12-530. Reserved.**

**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 character-

ized 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 approved by City Council in accordance with Section 20-6-24 of this Code.

**Section 2.** All ordinances, or parts of ordinances, that 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 day after publication in accordance with Section 401(6) of Public Act 110 of 2006, as amended, 125.3401(6), and Section 4-118(3) of the 2012 Detroit City Charter.

|                 |                 |
|-----------------|-----------------|
| (J.C.C. Page ): | June 6, 2023    |
| Passed:         | July 25, 2023   |
| Approved:       | July 31, 2023   |
| Published:      | August 2, 2023  |
| Effective:      | August 10, 2023 |

JANICE M. WINFREY  
City Clerk

