

Introduced: November 22, 2016
Public Hearing: _____
Adopted: _____
Effective: _____

ORDINANCE NO. 1395
(Revised 10-31-17)

AN ORDINANCE TO AMEND SECTIONS ~~50-7 AND 50-9~~ OF ARTICLE I -IN GENERAL- ~~SECTION 50-552 OF DIVISION 2 – GENERAL OFFICE BUSINESS DISTRICT, B-1 – SECTION 50-572 OF DIVISION 3 – RETAIL SALES BUSINESS DISTRICT, B-2 - SECTION 50-222 OF DIVISION 2 – RESIDENTIAL, AGRICULTURAL DISTRICT, RA – OF ARTICLE IV – SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICTS –~~ SECTIONS 50-612 OF DIVISION 5 - RESTRICTED OFFICE BUSINESS DISTRICT, B-~~45~~ - ~~AND~~ SECTION 50-632 OF DIVISION 6 - COMMUNITY RETAIL SALES BUSINESS DISTRICT, B-5 – ~~SECTION 50-651 OF DIVISION 7 – MANUFACTURING DISTRICT, M-1 – AND SECTION 50-672 OF DIVISION 8 – OFFICE INDUSTRIAL PARK DISTRICT, OIP -~~ OF ARTICLE VI - BUSINESS, OFFICE AND INDUSTRIAL DISTRICTS OF CHAPTER 50 - ZONING - OF THE CODE OF THE CITY OF EAST LANSING AND TO ADD SECTION 50-94a - TO DIVISION 3 - SPECIAL USE PERMIT - TO ARTICLE II - ADMINISTRATION AND ENFORCEMENT - TO CHAPTER 50 - ZONING - OF THE CODE OF THE CITY OF EAST LANSING TO DEFINE, ALLOW FOR, AND REGULATE MEDICAL MARIHUANA FACILITIES.

THE CITY OF EAST LANSING ORDAINS:

Sections 50-7, 50-222, 50-612 and 50-632 of Chapter 50 of the Code of the City of East Lansing are hereby amended and section 50-94a is hereby added to read as follows:

Sec. 50-7. - Definitions, G through M.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage, private, means a building or other structure designed for the housing of automobiles and having capacity for not more than four automobiles.

Garage, public, means any building or premises, other than a gasoline filling station, used for housing or care of more than four automobiles, or where any such automobiles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Ground coverage means that part or percent of lot area included within the outside boundary lines of all buildings and structures located on the lot, including porches, decks, patios, breezeways, balconies, bay windows, paved drives and walks, and other area covered with impervious materials.

Habitable room means a room designed for living and/or sleeping, excluding bathrooms, kitchens, dining areas, closets, hallways, and service areas.

Home occupation means an accessory use of a dwelling for gainful employment on a recurring basis involving the manufacture, sale, or provision of goods, materials or services. Class A home occupations may involve the provision of personal service, such as typing, computing, sewing and tutoring; the provision of professional services such as medical and health care, legal, financial, accounting, engineering, architectural, real estate, insurance, counseling, and religious assistance; the creation and/or sale of goods, materials, or handicrafts, except for the sale of food or beverages to be consumed on the premises; and the repair of small appliances, bicycles, and similar products which are not powered by internal combustion engines. Class A home occupations shall be established and operated in compliance with the provisions of section 50-147(7). Also, for the purposes of this chapter, "child care organizations," as defined in section 50-5, shall be considered separate from home occupations.

Hotel means a multiple-family dwelling in which persons are lodged for hire as the more or less temporary abiding place, and in which as a rule the rooms are occupied singly and without any provision therein for cooking, and in which there are more than 25 sleeping rooms, and a public dining room with kitchen facilities for accommodation of at least 25 guests. Household pet daycare means a premises containing up to six cats or dogs or a combination making a total of six where care and supervision are provided for periods of 12 hours or less per day with or without financial compensation. This does not include household pets as allowed under section 4-4 of this Code.

Kennel means any premises where more than four cats or dogs or a combination making a total of more than four are kept overnight or where more than ten animals, including those allowed under section 4-4 of this Code, are provided care and supervision regardless of duration, except where accessory to an agricultural use.

Lodginghouse means a building or part thereof, other than a hotel, where lodging is provided for hire, more or less transiently, including so-called tourist homes, and with or without provisions for meals.

Lot means a parcel of land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this chapter and having its principal frontage upon a street.

Lot line. Lot line or adjacent property line shall be any boundary line separating one lot from another, whether the line be at the side, rear, or front of the properties.

Lot width means the distance from one side lot line to the other side lot line measured at the minimum building setback permitted in this chapter.

Lots, corner, interior, and through. A "corner lot" is a lot of which at least two contiguous sides abut upon a street for their full length. An "interior lot" is a lot other than a corner lot. A "through lot" is an interior lot or a corner lot, having a frontage on two streets which do intersect at a point contiguous to such lot.

Lots, front, rear, and depth. The front of a lot is that boundary line which borders on a street other than an alley. In the case of a through lot, the front of the lot shall be that boundary which does not border on a major street as designated in the major street plan and which would most conform to adjacent development patterns as designated in the approved plat, or otherwise, as determined by the planning and zoning official. In the case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregularly shaped lots, the mean depth shall be taken.

- [Marihuana means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.](#)

[Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana, as defined by the Michigan Medical Marihuana Facilities Act, that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused products shall not be considered a food.](#)

[Medical marihuana grower facility means a location where an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity is licensed as a commercial entity by the State of Michigan, under the Michigan Medical Marihuana Facilities Act, to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.](#)

[Medical marihuana processor facility means a location where an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity is licensed as a commercial entity by the State of Michigan, under the Michigan medical marihuana facilities act, to purchase marihuana from a grower and extract resin from the marihuana or create a marihuana-infused product for sale and transfer in packaged form to a provisioning center.](#)

[Medical marihuana provisioning center facility means a location where an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity is licensed as a commercial entity by the State of Michigan, under the Michigan Medical Marihuana Facilities](#)

Act to purchase marihuana from a grower or processor and sell, supply, or provide marihuana to registered qualifying patients, directly or through the patients' primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail, under the Michigan medical marihuana facilities act, to registered qualifying patients or registered primary caregivers. Dispensaries and noncommercial locations used by primary caregivers to assist qualifying patients connected to the caregiver through the marihuana registration process in accordance with the Michigan medical marihuana act are not provisioning centers.

Medical marihuana safety compliance facility means a location where an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity is licensed as a commercial entity by the State of Michigan, under the Michigan Medical Marihuana Facilities Act, to receive marihuana from a marihuana facility or primary caregiver, test it for contaminants and for tetrahydrocannabinol and other cannabinoids, return the test results and the marihuana to the marihuana facility.

Medical marihuana secure transporter facility means a location where an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity is licensed as a commercial entity by the State of Michigan, under the Michigan Medical Marihuana Facilities Act, to store marihuana and transport marihuana between marihuana facilities for a fee.

Michigan Medical Marihuana Act means the Michigan Medical Marihuana Act, Public Act e1 of 2008, being MCL 333.26421 to 333.26430.

Michigan Medical Marihuana Facilities Act means the Michigan Medical Marihuana Facilities Act, Public Act 281 of 2016, being MCL 333.27101 to 333.27801.

Mixed market rental unit means a rental dwelling unit within a multiple-family dwelling which has a mix of studio, one-bedroom, two-bedroom and three-bedroom units with no more than 25 percent of the units being three-bedroom units and each dwelling unit rented under a single rental contract.

Sec. 50-9. - Definitions, S through Z.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secure Transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Setback means the minimum required horizontal distance between the front, side, or rear line of a building, excluding steps and unenclosed porches, and the front, rear, or side lot line.

Shed means a lightly constructed one- or two-story building for temporary use during the

erection of a permanent building; or a light one-story structure attached to, or auxiliary to, another building and intended for storage only.

Shopping center means a group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises, and related in its location, size, and type of stores, to the trade area which it serves.

(1) *Regional shopping center* means a large-scale shopping center designed to provide general merchandising and opportunities to the consumer for comparison shopping in a regional trade area. Minimum site size is 50 acres.

(2) *Community shopping center* means a moderate-scale shopping center designed to provide general merchandising of a limited nature, such as junior department stores, variety stores, and home furnishings in a community trade area. Minimum site size is 20 acres.

(3) *Neighborhood shopping center* means a small-scale center designed for the sale of convenience goods and personal services in a neighborhood trade area. Minimum site size is two acres.

Site plan means the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. A site plan shall include one or more accurate drawings at a scale of at least one inch to 100 feet which covers at least one lot or parcel, that shows the boundaries of the lot or parcel, and specifies the: proposed use and occupancy; exact location and dimensions of structures; preliminary floor plans and elevations of buildings; pedestrian and vehicular circulation, parking and loading facilities; free-standing signs and exterior lighting; existing grades and contours, significant vegetation, wetlands, floodplains and other natural features; and a proposed schedule for development. A site plan shall also include surrounding existing conditions within 50 feet beyond the property lines so as to show existing grades and contours, vegetation, retaining walls, and other manmade and physical features. Other related data may be required when relevant to city's evaluation.

Solar energy systems means any equipment or structure used to harness radiant heat and/or light from the sun for heating, cooling, conversion to electricity, or other similar purposes and rated at less than 15 kWh.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six or fewer persons under 24-hour supervision or care.

Story or story height . A story is the portion of a building included between the surface of any floor, and the surface of the floor next above it, or to the ceiling for the top floor. A half story is the space under a sloping roof which has the line of intersection of the roof decking and the wall face not more than three feet above the top floor level and in which not more than two-thirds of the floor area is finished for use. Story height is the number of stories in a building which are placed above the average finished grade along the facade of the building which faces the nearest public street. Basements which extend more than six feet above the average finished grade along

the facade of the building which faces the nearest public street shall be considered as a story. Attic space, penthouses or similar structures used only for storage or mechanical purposes and rooftop gardens and recreational facilities provided for residents or employees of the building shall not be considered as a story. Story height shall not apply to multiple-level parking garages or to parking levels within multi-use structures; such structures shall comply with the building height limit, as stated in feet, for the district in which the structure is located.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial changes in the roof or exterior walls.

Townhouse means one of a series of single-family dwelling units connected by common side walls, each with its own outside entrance and exit, and constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls and roofs.

Unrelated persons means two or more persons not constituting a family as defined in section 50-6.

Utility scale solar systems means a collection of solar energy systems rated at 15 kWh or higher, installed with its primary purpose being the sale of generated energy for commercial sale or its primary end user being a utility company.

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

Wetland consultant shall mean a person(s) professionally knowledgeable in wetland delineation and resource value assessment, wetland protection, wetland restoration and wetland mitigation.

Wetland inventory map refers to the City of East Lansing Wetland Inventory Map completed to comply with Section 30308 of Act 451 and adopted by the city council on April 22, 2003, as may be amended in accordance with chapter 49 of the City Code.

Wind energy system means any structure-mounted or tower-mounted device, such as a windmill or wind turbine, which is designed and used to convert wind power into a form of useful energy. Equipment needed to convert and transfer the power, such as generators, alternators, rotors, towers, and transformers, are included under this definition.

Wireless communications facilities means a broad range of telecommunication services that enables people on devices to communicate independent of location. This includes, but is not limited to, current technologies of cellular communications and personal communication services. This excludes public utilities, noncommercial antennas, radio and television signals and noncommercial satellite dishes.

Yard means an open space, unoccupied and unobstructed from the ground upwards, except

as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

- (1) A "required yard" is that portion of any lot on which the erection of a main building is prohibited.
- (2) A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- (3) A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- (4) A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

50-94a. Additional Standards for medical marihuana facility uses.

~~(a)~~ *All uses.* Except as may be provided elsewhere in this section or chapter and except to the extent the standards would interfere with or conflict with statutory regulations for the licensing of marijuana facilities under the Medical Marihuana Facilities Licensing Act, each special use permit for a medical marihuana facility shall meet the standards of section 50-94(a).

- (1) They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan department of community health and the department of licensing and regulatory affairs;
- (2) They must be located outside of a one thousand (1,000) foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug-Free School Zones" requirements;
- (3) They may not be operated out of a residence or residential structure.
- (4) The consumption of medical marihuana on the premises is prohibited.
- (5) The facility shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety or welfare.
- (6) All transfers and deliveries of medical marihuana, marihuana infused products, marihuana seeds, and marihuana plants must be to a processor, a provisioning center, or safety compliance facility and only by means of a secure transporter and must occur within the structure out of public view.
- (7) They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with a processor, a safety compliance facility, a secure transporter

facility, or a growing facility.

- (8) Except when in the process of being transferred, being processed, or during the process of testing all marihuana and marihuana infused product shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensed growers or their employees, as reviewed and approved by the building official and the police department.
- (9) The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued.
- (10) No marihuana shall be cultivated, grown, manufactured, or processed in any manner that would emit odors beyond the interior of the structure of which is otherwise discernible to another person. The odor must be prevented by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
- (11) The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.

~~(b) Additional specific special use standards for medical marihuana facilities uses. In addition to the standards set forth in section 50 94(a) of this code, to address their unique characteristics, the following uses shall also meet the applicable standards below except to the extent the standard or standards would interfere with or conflict with statutory regulations for the licensing of marijuana facilities under the Michigan Medical Marihuana Facilities Licensing Act.~~

~~(1) Medical Marihuana grower facilities.~~

~~a. They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan department of community health and the department of licensing and regulatory affairs;~~

~~b. They must be located outside of a one thousand (1,000) foot radius from~~

~~any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug Free School Zones" requirements;~~

~~c. They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with the grower facility and all transfers of medical marihuana must be to a processor or a provisioning center and only by means of a secure transporter.~~

~~d. Except when in the process of being transferred, all marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensed growers or their employees, as reviewed and approved by the building official and the police department.~~

~~e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana.~~

~~f. Any portion of the structure where energy usage and heat exceeds typical residential use, such as a grow room, the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the fire department to insure compliance with the Michigan Fire Protection Code.~~

~~g. They shall not be operated from a business or in the same building as a business which sells alcoholic beverages or any other licensed retail business.~~

~~h. The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or the persons conducting, attending, or traveling to or from such premises.~~

~~i. The establishment shall not cause or continue an undue concentration of similar uses such that growers become a dominant influence or feature of the district or neighborhood and no medical marihuana grower facility shall be located within 3,000 feet of another medical marihuana grower facility.~~

~~j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a grower facility.~~

~~k. No drive through facilities shall be permitted.~~

~~_____ l. _____ They may not be operated out of a residence or residential structure.~~

~~_____ m. _____ All transfers and deliveries of medical marihuana must be to a secure transporter and must occur within the structure out of public view.~~

~~_____ n. _____ The consumption of medical marihuana on the premises is prohibited.~~

~~_____ o. _____ The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.~~

~~_____ (2) _____ *Medical marihuana processor facilities.*~~

~~_____ a. _____ They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan Department of Community Health and the Department of Licensing and Regulatory Affairs;~~

~~_____ b. _____ They must be located outside of a one thousand (1,000) foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug Free School Zones" requirements;~~

~~_____ c. _____ They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with their license as a processor facility and all transfers of medical marihuana must be to a provisioning center and only by means of a secure transporter.~~

~~_____ d. _____ Except when being processed or in the process of being transferred, all marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensee and licensee's employees, as reviewed and approved by the building official and the police department.~~

~~_____ e. _____ All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure which contains those features.~~

~~_____ f. _____ The structure shall be subject to inspection and approval by the fire department to insure compliance with the Michigan Fire Protection Code.~~

~~_____ g. _____ They shall not be operated from a business or in the same building as a business which sells alcoholic beverages or any other licensed retail business.~~

~~_____ h. _____ The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or the persons conducting, attending, or traveling to or from such premises.~~

~~_____ i. _____ The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that processing facilities become a dominant influence or~~

~~feature of the district or neighborhood and no processing facility shall be located within 3,000 feet of another processing facility.~~

~~j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a dispensary or caregiver operation.~~

~~k. No drive-through facilities shall be permitted on the premises.~~

~~l. They may not be operated out of a residence or residential structure.~~

~~m. All transfers and deliveries of medical marihuana to a secure transporter must occur within the structure out of public view.~~

~~n. The consumption of medical marihuana on the premises is prohibited.~~

~~o. The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.~~

~~(3) *Medical Marihuana Secure Transporter Facility.*~~

~~a. They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan Department of Community Health and the Department of Licensing and Regulatory Affairs;~~

~~b. They must be located outside of a one thousand (1,000) foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug-Free School Zones" requirements;~~

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~~c. They may not concurrently act as a vehicle for hire for the transport of any other goods or persons and may not concurrently act as a primary caregiver out of or in conjunction with their license as a secure transporter and all transfers of medical marihuana must be to a provisioning center and only by means of a secure transporter.~~

~~d. While being stored by a secure transporter, all medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensee and the licensee's employees, as reviewed and approved~~

~~by the building official and the police department.~~

~~g. They shall not be operated from a business which sells alcoholic beverages or any other retail business.~~

~~h. The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or the persons conducting, attending, or traveling to or from such premises.~~

~~i. The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that dispensaries and medical marihuana paraphernalia trade become a dominant influence or feature of the district or neighborhood and no secure transporter facility shall be located within 3,000 feet of another secure transporter facility.~~

~~j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a dispensary or caregiver operation.~~

~~k. They may not be operated out of a residence or residential structure.~~

~~l. All transfers and deliveries of medical marihuana to or from another licensed facility shall occur inside a structure out of public view.~~

~~m. The consumption of medical marihuana on the premises is prohibited.~~

~~n. The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.~~

~~(4) *Medical Marihuana Provisioning Center Facility.*~~

~~a. They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan Department of Community Health and the Department of Licensing and Regulatory Affairs;~~

~~b. They must be located outside of a one thousand (1,000) foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug Free School Zones" requirements;~~

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~~c. They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with the provisioning center facility and all transfers of medical marihuana must be to a processor or a provisioning center and only by means of a secure transporter.~~

~~d. Except when in the process of being provided to registered qualifying patients or registered qualifying primary caregivers, medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensee and licensee's employees, as reviewed and approved by the building official and the police department.~~

~~e. All necessary building, electrical, plumbing and mechanical permits shall be obtained.~~

~~f. The structure shall be subject to inspection and approval by the fire department to insure compliance with the Michigan Fire Protection Code.~~

~~g. They shall not be operated from a business which sells alcoholic beverages or tobacco or which alcohol and tobacco are consumed on the premises.~~

~~h. The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or the persons conducting, attending, or traveling to or from such premises.~~

~~i. The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that dispensaries and medical marihuana paraphernalia trade become a dominant influence or feature of the district or neighborhood and no caregiver operation or dispensary shall be located within 500 feet of another caregiver operation or dispensary.~~

~~j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a dispensary or caregiver operation.~~

~~k. No drive-through facilities shall be permitted.~~

~~l. They may not be operated out of a residence or residential structure.~~

~~m. All transfers and deliveries of medical marihuana to qualifying patients~~

~~must occur within the structure out of public view or inside the patient's residence.~~

~~n. The consumption of medical marihuana on the premises is prohibited.~~

~~o. The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.~~

~~(5) Medical marihuana safety compliance facility.~~

~~a. They shall comply at all times and in all circumstances with the Michigan Medical Marihuana Facilities Licensing Act, the Michigan Medical Marihuana Act and the rules of the Michigan Department of Community Health and the Department of Licensing and Regulatory Affairs;~~

~~b. They must be located outside of a one thousand (1,000) foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug-Free School Zones" requirements;~~

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~~c. They may not concurrently act as a primary caregiver or dispensary out of or in conjunction with the safety compliance facility and all transfers of medical marihuana must be to a medical marihuana facility and only by means of a secure transporter.~~

~~d. Other than during the process of testing and transporting medical marihuana, all medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensee and the licensee's employees, as reviewed and approved by the building official and the police department.~~

~~e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting and/or other devices that support the testing of marihuana.~~

~~f. The structure shall be subject to inspection and approval by the fire department to insure compliance with the Michigan Fire Protection Code.~~

~~g. They shall not be operated from a business which sells alcoholic beverages.~~

~~h. The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or the persons conducting, attending, or traveling to or from such premises.~~

~~i. The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that safety compliance facilities become a dominant influence or feature of the district or neighborhood and no safety compliance facility shall be located within 3,000 feet of another safety compliance facility.~~

~~j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a dispensary or caregiver operation.~~

~~k. No drive-through facilities shall be permitted.~~

~~l. They may not be operated out of a residence or residential structure.~~

~~m. All transfers and deliveries of medical marihuana to and from a secure transporter must occur within the structure out of public view.~~

~~n. The consumption of medical marihuana on the premises is prohibited.~~

~~o. The licensee of the facility must pay an annual, nonrefundable fee of \$5,000.00 to the city.~~

Sec. 50-222. -- Permitted uses.

~~In the RA district no buildings or premises shall be used and no building shall be erected or altered unless otherwise specifically provided for in this chapter, except for the following uses:~~

~~(1) Permitted principal uses--~~

~~a. Single-family dwellings--~~

~~b. Nurseries and allied uses, general farming, orchards, greenhouses, and truck farming, except that the raising of poultry, pets, or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor shall not be permitted.--~~

~~(2) Permitted principal uses subject to an approved site plan as set forth in section 50-36 of this chapter.--~~

~~a. Public schools.--~~

~~b. Private or parochial schools.--~~

~~c. Publicly owned parks and recreation areas.--~~

~~d. Commercial outdoor recreation establishment.~~

~~(3) Permitted principal uses subject to an approved special use permit as provided for in article II, division 3 of this chapter.~~

~~a. Construction contracting businesses that provide services off-premises, including concrete, masonry, carpentry, plumbing, electrical, mechanical, roofing, siding, fencing and similar services; provided, that all equipment, materials, trailers and vehicles, except typical passenger vehicles, used in conjunction with the business, shall be stored in enclosed buildings or in yard areas that are completely enclosed with screen fencing or walls.~~

~~b. In conjunction with a nursery or greenhouse, the retail sale of related supplies and accessories, such as soil, fertilizer, mulch, ground cover materials, planters, gardening tools, and equipment.~~

~~c. Household pet daycare as defined in section 50-7 which is provided in conjunction with an owner-occupied residential property.~~

~~d. Utility scale solar energy systems, subject to the regulations in section 50-155.~~

~~e. Medical marijuana grower facilities.~~

Sec. 50-552. - Permitted uses.

The following uses of buildings and premises shall be permitted in the B-1 business district:

(1) Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter.

a. General office, professional office building, or professional clinic.

b. Church, club, or lodge.

c. Public assembly building such as a theater or auditorium.

d. Museum or art gallery.

e. Funeral home.

f. Publicly owned and occupied building.

g. Building owned and occupied by a public utility.

h. Dental, medical, or clinical laboratory.

i. Hospital, except veterinary.

j. Financial institutions.

k. Extended care/nursing facilities.

l. Parking lots developed and operated as an accessory use to serve one or more business, office, or multiple-family residential use(s) located no more than 200 feet from the lot.

m. Automatic teller machines which are the principal use of the lot, or those enclosed within an existing principal building.

n. Colleges, universities, business or trade schools or similar education or training facilities.

o. Personal service businesses when located in an office building, provided that such businesses shall not occupy more than 25 percent of the gross floor area of the office building. Such businesses may include: barber shop or hair stylist; beauty salon or spa; shoe and leather goods repair; tailor or seamstress; photographic or art studio; pick-up station for a dry cleaner or laundry; or exercise or fitness center.

(2) Principal uses permitted subject to an approved special use permit as provided for by article II, division 3 of this chapter.

a. Drive-through facilities provided in conjunction with a financial institution or a pick-up station for a dry cleaner or laundry.

b. Automatic teller machines externally attached to a principal building.

c. Class B, Multiple-family dwellings.

d. Multiple-family dwelling units provided within a building which also contains one or more of the principal uses permitted in subsection (1) of this section.

e. Medical marihuana safety compliance facilities and Medical marihuana secure transporter facilities.

(3) Accessory uses permitted:

a. Cafeterias provided principally for employees.

b. Recreational or exercise facilities provided principally for employees or

patients.

c. Board rooms and similar assembly facilities.

d. Mail or parcel drop-off centers and facilities.

e. Other uses or facilities subordinate to and customarily incidental to the permitted principal use.

Sec. 50-572. - Permitted uses.

The following uses of buildings and premises shall be permitted in the B-2 business district.

(1) Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter.

a. Store or shop for the conducting of any retail business, except establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.

b. Personal service shop, such as barbershop, beauty shop, etc.

c. Bank, theater, office, and similar service, except drive-ins.

d. Restaurant, except a restaurant licensed for the sale of alcoholic beverages or alcoholic liquor as defined by section 105(1) of the Michigan Liquor Control Code of 1988, MCL 436.1105(2).

e. General office or professional office building.

f. Public assembly building, similar to a theater or an auditorium.

g. Structure occupied and used by a public utility.

h. Publicly owned building.

i. Shop for custom work, i.e., shop for making articles or products to be sold at retail on the premises, provided that, the conduct of such business is not objectionable as being odorous, unsightly, or noisy.

j. Bakery employing not more than five persons, exclusive of retail sales personnel.

- k. Combined retail-wholesale business when conducted entirely within a building, i.e., sale and storage in bulk of clothing, drugs, dry goods, food, furniture, hardware, machinery, metals, paints and paint supplies, pipe, rubber, and shop supplies.
- l. Dental, medical, or clinical laboratory.
- m. Shopping center, containing uses permitted in this district.
- n. Auto service center (as part of an approved regional shopping center only).
- o. Hotels and motels.
- p. Parking lots developed and operated as an accessory use to serve one or more business, office or multiple-family residential use(s) located no more than 200 feet from the lot.
- q. Automatic teller machines which are the principal use of the lot, or those enclosed within an existing principal building.
- r. Colleges, universities, business or trade schools or similar education or training facilities.

(2) Principal uses permitted subject to an approved special use permit as provided for by article II, division 3 of this chapter.

- a. Uses with drive-in facilities, including banks, savings, and loan associations, and other financial institutions.
- b. Drive-in restaurant. No permit shall be issued to build, occupy, or construct a drive-in restaurant on any site where 80 percent of the buildings within a radius of 400 feet of any part of the proposed site are used exclusively for one- or two-family dwelling purposes, until there is on file in the office of the planning and zoning official the written consent of 60 percent of the property owners according to total frontage on any public street with a radius of 400 feet of any part of the premises where said drive-in restaurant is to be occupied or constructed, and not separated therefrom by more than one street or one alley, and not until the location and plans shall have been submitted to and approved in writing by the city. All customer parking areas shall be provided with artificial lighting. Such lighting shall be provided at an average maintained level of one footcandle and shall be so arranged as to reflect the light down and away from adjoining streets and residential property. The lighting installation shall be approved by the building official.
- c. Any recreational use, including a bowling alley, billiard, or pool parlor.

d. Motor vehicle sales room or sales lot. In the case of a new motor vehicle sales room and/or sales lot, the premises may also be used for motor repair, bump, and paint services as an accessory use. Such accessory use shall be permitted only on application for and granting of a special use permit permitting such accessory use in accordance with the provisions of article II, division 3 of this chapter. In the event that a special use permit is sought for such accessory use on a parcel on which the principal use is existing at the time of application, the planning commission may, as a precondition to the issuance of the special use permit, stipulate specific provisions for the entire parcel and existing use in accordance with section 50-93(4).

e. Auto service center.

1. Before a permit is used to build, occupy or construct an auto service center on any site where 80 percent of the buildings within a radius of 400 feet of any part of the proposed site are used exclusively for one- and two-family dwelling purposes, there shall be on file in the office of the planning and zoning official the written consent of 60 percent of the property owners according to total frontage on any public street within a radius of 400 feet of any part of the premises whereon this auto service center is to be occupied or constructed and not separated therefrom by more than one street or one alley, and the location and plans shall have been submitted to and approved by the city; and

2. All pumps and lubricating devices, situated outside of a building, are located at least ten feet from any street line or lot line; and

3. All wrecked or dismantled vehicles are kept within a building; and

4. No vehicles shall be parked on the site for the purpose of selling or renting such vehicles, unless they are properly screened with landscaping or are enclosed within a building.

f. Car washing establishments.

g. Automatic teller machines externally attached to a principal building.

h. Restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined

1. By section 105(1) of the Michigan Liquor Control Code of

1988, MCL 436.1105(2).

- i. Multiple-family dwellings, providing dining, social, or recreational facilities for persons residing off-site such as sororities or fraternities.
- j. Establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.
- k. Multiple-family dwelling units containing four or fewer bedrooms per dwelling unit provided within a building which also contains one or more of the principal uses permitted in subsection (1) of this section.
- l. Small animal veterinary hospitals or clinics, excluding outdoor kennels for the general boarding of animals.
- m. Medical marihuana safety compliance facilities and medical marihuana secure transporter facilities.

~~(4) Permitted accessory uses.~~

~~a. Private garages, the capacity of which shall not exceed three automobiles, in conjunction with a single family dwelling.~~

~~b. Outdoor sheds and storage buildings.~~

~~c. The keeping of not more than one roomer by an owner residing in a single family dwelling, except that a person owning a single family dwelling on the effective date of Ordinance No. 900 shall be permitted to keep two roomers while continuing to own and reside in the dwelling. The maximum occupancy shall not exceed three unrelated persons, including the owner, for an owner-occupied dwelling or two unrelated persons for a non-owner-occupied dwelling. For purposes of this subsection, persons comprising a "domestic unit" as defined under "family" in section 50-6 shall be deemed related persons.~~

~~d. The sale of items grown upon the premises.~~

~~e. Swimming pools, tennis courts, and other similar uses when used for noncommercial purposes.~~

~~f. Class A home occupations.~~

Sec. 50-612. - Permitted uses.

The following uses of buildings and premises shall be permitted in the B-4 district.

- (1) Principal uses permitted, subject to an approved site plan as provided for in section 50-36 of this chapter where no building on the site exceeds two stories in height and where the total gross square footage of all principal buildings on the site does not exceed 25,000 square feet:
 - a. General and professional offices;
 - b. Dental or medical offices, clinics, or laboratories;
 - c. Financial institutions;
 - d. Parking lots developed and operated as an accessory use to serve one or more business, office, or multiple-family uses located within 200 feet from the lot; and
 - e. ATMs which are the principal use of the lot, or those enclosed within an existing principal building; and
 - f. Colleges, universities, business or trade schools or similar education or training facilities.

- (2) Principal uses permitted, subject to an approved special use permit as provided for in article II, division 3 of this chapter.
 - a. Automatic teller machines, externally attached to a principal building, except those which are drive-in accessible, unless provided in conjunction with a bank for financial institution as provided below.
 - b. Drive-in banks or financial institutions, including drive-in accessible automatic teller machines.
 - c. Any use(s) permitted in subsection (1) of this section where a building is more than two stories in height or where the total gross square footage of all principal buildings on the site exceeds 25,000 square feet.
 - d. Dispensaries and primary caregiver operations.
 - f. Medical marihuana safety compliance facilities and marihuana processor facilities, medical marihuana secure transporter facilities, medical marihuana provisioning center facilities, and medical marihuana secure transporter facilities marihuana safety compliance facilities.

- (3) Accessory uses permitted:
 - a. Cafeterias provided principally for employees;

- b. Recreational or exercise facilities provided principally for employees or patients;
- c. Board rooms and similar assembly facilities; and
- d. Other uses or facilities subordinate to and customarily incidental to the permitted principal use.

Sec. 50-632. - Permitted uses.

The following uses of buildings and premises shall be permitted in the B-5 district.

- (1) Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter:
 - a. Retail business establishments with a community-wide trade area or greater, such as department stores, furniture stores, appliance stores, apparel shops, and businesses of a like nature, excluding drive-in uses and excluding those uses which require extensive storage of bulk materials or merchandise in a separate building or upon the premises; and excluding establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105, including specially designated merchants and specially designated distributors as described at MCL 436.1537.
 - b. General and professional offices, medical and dental offices and laboratories, and banks and financial institutions, excluding drive-in uses.
 - c. Restaurants, except restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by section 105(2) of the Michigan Liquor Control Code of 1988, MCL 436.1105, cafes, and similar establishments, including such establishments having outdoor dining areas, but excluding drive-in uses.
 - d. Shopping centers containing uses permitted in this district and also permitting personal service establishments and retail stores which sell groceries, baked goods, or other food products and beverages.
 - e. Public assembly buildings including theaters, auditoriums, and banquet facilities.
 - f. Hotels and motels.
 - g. Colleges, universities, business or trade schools or similar education or training facilities.

- (2) Principal uses permitted subject to an approved special use permit as provided for in article II, division 3 of this chapter.
- a. Drive-in banks or financial institutions.
 - b. Drive-in restaurants.
 - c. Recreation facilities similar to bowling alleys, health or exercise centers, and racquet or court facilities.
 - d. Restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by section 105(2) of the Michigan Liquor Control Code of 1988, MCL 436.1105.
 - e. Establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(1) of the Michigan Liquor Control Code of 1998, MCL 436.1105, including specially designated merchants and specially designated distributors as described at MCL 436.1537.
 - f. Medical marihuana safety compliance facilities and medical marihuana secure transporter facilities.~~Medical marihuana processor facilities, medical marihuana secure transporter facilities, medical marihuana provisioning center facilities, and medical marihuana safety compliance facilities.~~

- (3) Accessory uses permitted.
- a. Any use customarily incidental and subordinate to the main use of the building or lot.
 - b. ATMs enclosed within a principal building.
 - c. ATMs externally attached to a principal building subject to an approved special use permit.

Sec. 50-651. – Uses Permitted.

Uses permitted in the M-1 district are as follows:

- (1) Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter.
- a. Wholesale business, i.e., storage in bulk of, or warehouse for such material as building material, contractors equipment, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice, machinery, metals, paints and paint supplies, pipe, rubber, shop supplies, tobacco, wood, or similar

_____ products.

b. Painting, varnishing, or vulcanizing shop.

c. Cold storage plant.

d. Bottling works, including milk bottling or distribution station.

e. Manufacture of food products.

f. Public garage, motor vehicle repair shop, automobile paint and bump shop, or car washing establishment.

g. Tin shop or plumbing supply shop.

h. Light manufacturing and wholesale business, provided that, the conduct of such business is not objectionable as being unsightly, odorous, or noisy.

i. Coal or building materials storage yard.

j. Kennel.

k. Veterinary hospital or clinic.

l. Contractor's storage yard.

m. Research laboratory.

n. Radio and television towers.

(2) Principal uses permitted subject to an approved special use permit as provided for in article II, division 3 of this chapter.

a. Medical marihuana grower facilities, medical marihuana processor facilities, and medical marihuana secure transporter facilities.

Sec. 50-672. – Uses Permitted. (OIP)

The following uses of buildings and premises, individually or in combination, shall be permitted in this district.

(1) Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter:

a. Corporate headquarters, administrative offices, or business or professional offices.

b. Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities.

(2) Principal uses permitted subject to an approved special use permit as provided for in article II, division 3 of this chapter.

a. Facilities for the assembly, treatment, or packaging of finished or semi-finished parts or components from prefabricated parts or previously prepared materials. Manufacturing, processing, and assembling from basic raw materials shall be prohibited, except as provided below.

b. The manufacture, production, packaging and distribution of products created, designed or substantially improved in on-site research and development laboratories, or products made using innovative processes or techniques that are created, designed or substantially improved in on-site research and development laboratories, provided the scale and character of such manufacturing operations are consistent with the purpose of this district.

c. The retail sale of products or services produced or assembled on the property, together with related accessories or similar supporting goods or services, provided such use occupies no more than ten percent of the total floor area of all principal buildings on the lot.

d. Commercial recreation facilities designed and equipped for the conduct of amateur sports, exercise and other recreation activities in primarily enclosed buildings, which are operated as a business and open to the public for such activities through a membership or use fee, such as: tennis, racquet or handball courts; ice and roller skating rinks; basketball or volleyball courts; exercise or fitness centers; golf driving or firearm shooting ranges; gymnasiums; swimming pools; and similar facilities. This shall not include entertainment facilities such as theaters, video or pinball arcades or billiard or pool parlors.

e. Medical marihuana grower facilities, medical marihuana processor facilities, medical marihuana safety compliance facilities, and medical marihuana secure transporter facilities.

(3) Permitted Accessory Uses:

a. Cafeterias, lunchrooms, meeting rooms, training facilities, day care facilities, recreation facilities, and similar uses provided primarily for the benefit of employees. Such facilities shall be provided in the principal building, or in a separate building within a development site to serve the employees of two or more buildings within the development site.

- b. Accessory structures for the storage of motor vehicles, equipment, products, or materials.
- b. Accessory structures for the collection and temporary storage of waste materials.
- d. Accessory structures for security personnel.
- e. In conjunction with commercial recreation facilities: the sale and rental of sporting goods, clothing and accessories; refreshment stands, snack bars and similar facilities; and public restrooms and lockers.
- f. Parking and loading facilities as provided in accordance with the provisions in article XVI of this chapter.