

ORDINANCE 883

MICROBUSINESS, DRUG FREE ZONE, AND MARIJUANA RETAIL BUSINESS

TA 20-26

Zoning Text Amendments for Microbusinesses and Marijuana Retail Businesses (Medical and Recreational)

City of Inkster

12/14/2020

- In § 155.029 “Definitions”, include definitions for “Recreational Marijuana Microbusiness and “Drug-free Zone”.
- In § 155. 036 “Schedule Of Land Uses”, include Recreational Marijuana Microbusinesses Facility in appropriate place.
- In § 155.047 (D) “B-3 General Business District, Special Land Uses”, establish Recreational Marijuana Microbusiness as special land use.
- Modify § 155.146 “Standards for all Medical Marijuana Facilities and Recreational Marijuana Establishments.”
- Establish new zoning ordinance section and special land use standards for § 155.155I “Recreational Marijuana Microbusiness”.

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§ 155.029. DEFINITIONS.

“Drug-free Zone” means any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, city-owned playgrounds, or like facility.

“Recreational Marijuana Microbusiness” means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments, as defined in the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq.

§ 155.036. SCHEDULE OF LAND USES (*abridged just to show “Miscellaneous Land Uses”*)

Table 2-1. Schedule of Land Uses displays specific land uses in reference to their respective zoning districts. The schedule is general and intended to provide initial guidance for users. A complete list with land use conditions is set forth in §§ 155.041 through 155.049. Regulations in §§ 155.041 through 155.049 take precedent over Table 2-1 below.

Table 2-1 Schedule of Land Uses by Zoning District

	Zoning Districts								
	R-1	RM	RM-1	O-1	B-1	B-2	B-3	M-1	TCD
	A, B, C								
Miscellaneous Land Use Types									
Accessory Buildings and Structures	P	P	P	P	P	P	P	P	
Accessory Businesses				P	P	P	P	P	P
Accessory Uses				P	P	P	P	P	
Agricultural (5+ acres)	P	P	P						
Amateur Radio Antenna	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Automobile Parking	P	P	P	P	P	P	P	P	P
Electric Transformer Stations w/o storage yards						SLU	P	P	
Gas Regulator Stations w/o storage yards						SLU	P	P	
Medical Marijuana Cultivation Facility								SLU	
Medical Marijuana Provisioning Center					SLU	SLU	SLU		SLU
Medical Marijuana Processing Facility								SLU	
Medical Marijuana Testing Facility								SLU	
Medical Marijuana Transportation Facility								SLU	
Recreational Marijuana Grower								SLU	
Recreational Marijuana Microbusiness							SLU		

Recreational Marijuana Processing								SLU	
Recreational Marijuana Retailer					SLU	SLU	SLU		SLU
Recreational Marijuana Safety Compliance								SLU	
Recreational Marijuana Transporter								SLU	
Telephone Exchanges w/o storage yards						SLU	P	P	
Temporary Buildings for Construction	P	P	P						
Water and Sewage Pumping Stations w/o storage yards						SLU	P	P	
Wireless Towers and Antennas							SLU	SLU	
Notes: P = Permitted Use, SLU = Special Land Use									

§ 155.047 (D). B-3 GENERAL BUSINESS DISTRICT, Special Land Uses

(D) Special land uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards, and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

- (1) All uses allowed in a B-2 District which shall be subject to the same special land use as in a B-2 District.
- (2) Outdoor sales space for exclusive sale of new or secondhand vehicles or house trailers.
- (3) Open air business uses for the retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass.
- (4) Adult supply stores.
- (5) Adult motion picture theaters.
- (6) Arcades.
- (7) Bar or establishment for the sale of beer or intoxicating liquor for consumption on the premises.
- (8) Cabaret.
- (9) Firearms sales establishments.
- (10) Motels, inns and travel lodges.
- (11) Hotels.

- (12) Massage establishments.
- (13) Pawnshops.
- (14) Pool or billiard halls.
- (15) Public lodging house, transient housing, rooming houses.
- (16) Secondhand stores.
- (17) Specially designated distributor (SDD).
- (18) Specially designated merchant (SDM).
- (19) Tattoo establishments.
- (20) Carry-out, fast food, drive-thru or drive-in restaurants.
- (21) Vehicle wash establishments, when completely enclosed in building.
- (22) Commercial kennel provided all activities are conducted within a totally enclosed main building and provided further that no property line abuts a district zoned for residential use.
- (23) Automobile service stations.
- (24) Automobile service centers, when developed as part of a larger planned shopping center. The design shall integrate the automobile service center within the site plan and architectural character of the total shopping center. A building permit shall not be issued separately for the construction of any automobile service center.
- (25) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, with no maximum height.
- (26) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.
- (27) Nursing and convalescent homes.
- (28) Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings, subject to the requirements of § 155.218.
- (29) Business schools and colleges or private schools operated for profit.
- (30) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.
- (31) Research and development facilities.
- (32) Manufactured housing communities, subject to requirements of § 155.140 of this chapter.
- (33) Fast food restaurants without drive-thru service.
- (34) Charitable gaming room subject to the regulations of § 155.145.
- (35) Minor vehicle repair, subject to the regulations of § 155.128.
- (36) Commercial warehouse, wholesale operations and distribution subject to the regulations of § 155.147.
- (37) Medical marijuana provisioning centers subject to the regulations of § 155.021, § 155.146, § 155.148.
- (38) Religious institutions.
- (39) New and used vehicle and trailer indoor sales, showroom or office.
- (40) Self-storage facilities.
- (41) Recreational marijuana microbusinesses subject to the regulations of § 155.021, § 155.146, and § 155.150J, and limited to the Entertainment District as defined in the city's Master Plan.

§ 155.048 (C). M-1 LIGHT INDUSTRIAL DISTRICT, Special Land Uses

(C) Special land uses. The following uses shall be permitted, subject to the conditions set forth in this subchapter, §§ 155.111 through 155.142, Special Land Use Standards and all applicable codes and ordinances set forth in this chapter and other codes and regulations hereinafter imposed for each

use. The following uses are subject further to the review and approval of the Planning Commission per standards set forth in this chapter:

(1) Convenience services which in the opinion of the Planning Commission intend to serve the daily needs of persons working in the M-1 District. Such uses include restaurants or other places serving food or beverage, except those having the character of drive-ins, automobile service stations, newsstands and tobacco shops.

(2) Major and minor vehicle repair centers, painting and varnishing shops, undercoating shops.

(3) Lumber and planing mills.

(4) Automobile or other machinery assembly plants.

(5) Canning factories (but not including slaughtering or rendering).

(6) Storage facilities for building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall on those sides abutting R-1A through R-1 C, R-2, RM, RM-1, O-1, B-1, B-2, or B-3 Districts and on any front yard abutting public land or thoroughfare. In M-1 Districts the extent of such wall may be determined by the Planning Commission on the basis of usage. Such wall shall be not less than four and one-half feet in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of §§ 155.071 through 155.082. Junk yards, when permitted, shall be entirely enclosed within an obscuring masonry wall six feet in height on all sides of sufficient strength to serve as a retaining wall. All applications for junk yards must receive the approval of the Mayor and the City Council as prescribed in §§ 155.271 through 155.275, Powers and Duties of Boards, Commissions and Departments.

(7) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(8) Metal working, stamping, punching or pressing machines, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(9) Greenhouse and florist operations involving the growing, wholesaling and/or retailing of plant materials.

(10) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(11) Amateur radio antenna, subject to regulations of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(12) Wireless towers and antennas, subject to the requirements of §§ 155.211 through 155.217, Wireless Communication Towers and Antennas.

(13) Greenhouses.

(14) Manufactured housing communities, subject to requirements of § 155.140.

(15) Charitable gaming room customarily accessory to a use permitted (principal or subject to special land use) in the M-1 District such as a fraternal organization or lodge hall subject to the regulations of § 155.145.

(16) Medical marijuana cultivation facilities subject to the regulations of § 155.021, § 155.146, and § 155.150C.

(17) Medical marijuana processing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150.

(18) Medical marijuana testing facilities subject to the regulations of § 155.021, § 155.146, and § 155.150A.

(19) Medical marijuana transportation facilities subject to the regulations of § 155.021, § 155.146, and § 155.150B}.

(20) Recreational Marijuana Grower establishments subject to the regulations of §155.021, § 155.146, and §155.150D

(21) Recreational Marijuana Processing establishments subject to the regulations of §155.021, § 155.146, and §155.150F

(22) Recreational Marijuana Safety Compliance establishments subject to the regulations of §155.021, § 155.146, and §155.150H.

(23) Recreational Marijuana Secure Transporter establishments subject to the regulations of §155.021, § 155.146, and §155.150G.

§ 155.146 STANDARDS FOR ALL MEDICAL MARIJUANA FACILITIES and RECREATIONAL MARIJUANA ESTABLISHMENTS.

(A) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act, Medical Marijuana Facilities Licensing Act, State of Michigan regulations for the transfer of medical marijuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time. The recreational use of marijuana shall comply at all times and in all circumstances with the Michigan Regulation and Taxation of Marijuana Act, the rules and regulations established by the Marijuana Regulatory Agency, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

(B) A state license and local business license is required for all medical marijuana facilities and recreational marijuana establishments.

(C) Smoking and/or use of any marijuana products shall be prohibited at *all* medical marijuana facilities and recreational marijuana establishments

(D) Security cameras shall be installed and maintained; and are subject to approval by the City Police Chief. All security cameras shall have a minimum resolution of 1080p, and at least 14 concurrent days of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 14 days of continuous operation. An alarm system is required that is operated and monitored by a recognized security company.

(E) Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.

(F) The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

(G) Quarterly inspections may be made by the City Official's designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, state law and city ordinances.

(H) All medical marijuana facilities or recreational marijuana establishments shall not have exterior signage using the word "marihuana" and/or "marijuana" or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that "No loitering is permitted" on such property.

(I) If the medical marijuana facility or recreational marijuana establishment ceases operation for a length of time of six months or greater, the special land use shall expire.

§ 155.150A MEDICAL MARIJUANA TESTING FACILITIES.

(A) Testing facilities shall have a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) All testing facilities shall have a secured laboratory space that cannot be accessed by the general public.

(C) All medical marijuana shall be contained indoors within the main building in an enclosed, locked facility.

(D) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(E) Application for a medical marijuana testing facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana testing facilities license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council. (Ord. 862, passed 9-18-17; Am. Ord. 870, passed 4-5-18)

§ 155.150C MEDICAL MARIJUANA CULTIVATION FACILITIES.

(A) Cultivation facilities shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) All activity related to the medical marijuana cultivation facilities shall be done indoors.

(C) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(D) Application for a medical marijuana cultivation facilities license shall be made to the City Clerk upon application forms provided by the Clerk for medical marijuana cultivation facilities license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150D. RECREATIONAL MARIJUANA GROWER ESTABLISHMENT

(A) Recreational marijuana grower establishments shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) All activity related to recreational marijuana grower establishments shall be done indoors.

(C) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(D) Application for a recreational marijuana grower establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana grower establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150E. RECREATIONAL MARIJUANA RETAILER ESTABLISHMENT

(A) A recreational marijuana retailer establishment shall not be located within a 1,000 foot radius of a school, measured as the shortest distance from front door to front door, or drug-free zone.

(B) Recreational marijuana retailer establishment shall not be located within a 1,000 foot radius of a lawfully existing medical marijuana provisioning center, recreational marijuana retailer establishment, or recreational marijuana microbusiness, measured as the shortest distance from front door to front door, except that a licensee who holds both a medical marijuana provisioning license and a recreational retailer license may co-locate both establishments in one building.

(C) Growing, cultivating, manufacturing, or processing of marijuana is prohibited.

(D) All activity related to the recreational marijuana retailer establishment shall be done indoors.

(E) All recreational marijuana retailer establishment shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(F) Recreational marijuana retailer establishment drive-through facilities shall be prohibited.

(G) All marijuana shall be contained within the main building in an enclosed, locked facility.

(H) Application for a recreational marijuana retailer establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana retailer establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

(I) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the provisioning center.

§ 155.150F RECREATIONAL MARIJUANA PROCESSING ESTABLISHMENT.

(A) Recreational marijuana processing establishments shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) All marijuana shall be contained indoors within the main building in an enclosed, locked facility.

(C) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(D) Application for a recreational marijuana processing establishment license shall be made to the City Clerk upon application forms provided by the Clerk for recreational marijuana processing establishments license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150H RECREATIONAL MARIJUANA SAFETY COMPLIANCE ESTABLISHMENT.

(A) Recreational marijuana safety compliance establishments shall have a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) All recreational marijuana safety compliance establishments shall have a secured laboratory space that cannot be accessed by the general public.

(C) All marijuana shall be contained indoors within the main building in an enclosed, locked facility.

(D) All permit holders must ensure that any water emanating from the permitted facility meets or exceeds all applicable state and local environmental standards.

(E) Application for a recreational marijuana safety compliance establishment license shall be made to the City Clerk upon application forms provided by the Clerk for a recreational marijuana safety compliance establishment license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

§ 155.150I. RECREATIONAL MARIJUANA MICROBUSINESS

(A) Recreational marijuana microbusinesses shall have a minimum 300-foot radius, measured as the shortest distance from front door to front door, to any structure in residentially zoned districts, and a minimum 1,000 foot radius, measured as the shortest distance from front door to front door to any library, church, child care center, licensed day care facility, preschool program center, primary, intermediate or secondary school, drug-free zone, or like facility.

(B) Recreational marijuana microbusinesses shall not be located within a 1,000 foot radius, measured as the shortest distance from front door to front door, of a lawfully existing medical marijuana provisioning center or recreational marijuana retailer establishment. A licensee who holds both a medical marijuana provisioning license and a recreational retailer license may co-locate both establishments in one building

(C) All activity related to the recreational marijuana microbusiness shall be done indoors.

(D) All recreational marijuana microbusinesses shall comply with all rules and regulations established by the Marijuana Regulatory Agency.

(E) Recreational marijuana microbusiness drive-through facilities shall be prohibited.

(F) All marijuana shall be contained within the main building in an enclosed, locked facility.

(G) Application for a recreational marijuana microbusiness license shall be made to the City Clerk upon application forms provided by the Clerk for the recreational marijuana microbusiness license and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council.

(H) The sale, consumption, or use of alcohol or tobacco products on the premises shall be prohibited at the recreational marijuana microbusinesses.

(I) All permit holders must ensure that any water emanating from the recreational marijuana microbusiness meets or exceeds all applicable state and local environmental standards.

(J) Cultivation is limited to a maximum of 150 marijuana plants.

(K) A recreational marijuana microbusiness shall not operate at multiple locations.

Publish: 9/24/20 AND 10/8/20

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2nd Reading: 12/7/20

Adoption: 1/7/21