

## **INITIATION OF AN ORDINANCE**

We, the undersigned qualified and registered electors, residents in the City of Detroit in the County of Wayne, State of Michigan, respectively petition by initiation to submit to the registered voters of the City of Detroit an ordinance to amend Chapter 61 of the 1984 Detroit City Code, Article III, Division 12, Sections 61-3-351 through 61-3-354, to establish land use standards and procedures, to designate medical marihuana facilities as permitted uses subject to site plan approval and use regulations in specified zoning districts to minimize the adverse effects from the cultivation, processing, dispensing and storage of medical marihuana. See the reverse side of the petition for the full text of the Ordinance.

# INITIATION OF ZONING ORDINANCE FOR MEDICAL MARIHUANA FACILITIES

## SUMMARY

An Ordinance to amend Chapter 61 of the 1984 Detroit City Code, Article III, Division 12, Sections 61-3-351 through 61-3-354 to establish land use standards and procedures for the regulation of medical marihuana facilities consistent with the Medical Marihuana Facilities Licensing Act, 2016 PA 281, to provide definitions, to designate medical marihuana facilities, including growers, processors, provisioning centers, safety compliance facilities and secure transporters, as permitted uses subject to site plan approval and use regulations in specified zoning districts, and to require compliance with zoning district standards for the purpose of providing qualifying patients access to medical marihuana, to ensure safety of patients, caregivers and the general public, to authorize fees to the City, and to minimize the adverse effects, if any, from the cultivation, processing, dispensing and storage of medical marihuana, all in order to protect the public health, safety and welfare.

CITY COUNCIL  
CITY OF DETROIT  
Wayne County, Michigan

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE TO AMEND ARTICLE III, DIVISION 12, OF THE ZONING ORDINANCE OF THE CITY OF DETROIT TO PROVIDE FOR THE REGULATION OF MEDICAL MARIHUANA FACILITIES

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

Section 1. Chapter 61 of the 1984 Detroit City Code, Article III, Division 12, Sections 61-3-351 through 61-3-354, is amended to read as follows:

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

#### **DIVISION 12. MEDICAL MARIHUANA FACILITIES**

##### **Sec. 61-3-351. Purpose.**

The purpose of this division is to establish land use standards and procedures consistent with the Medical Marihuana Facilities Licensing Act, 2016 PA 281, to: (1) provide qualifying patients access to medical marihuana, (2) ensure the safety of qualifying patients, primary caregivers, and the general public; (3) minimize adverse effects, if any, from the cultivation, processing, dispensing and storage of medical marihuana, and (4) protect and enhance the public health, safety, and welfare.

Sec. 61-3-352. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings provided in this section.

- (a) *Act* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- (b) *City* means the City of Detroit, Michigan.
- (c) *Department* means the City of Detroit Buildings, Safety Engineering and Environmental Department.
- (d) *Grower* means a state operating license holder that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- (e) *Medical Marihuana Facility* means any facility, entity, establishment or center that is required to be licensed under the Act and this article, including a grower, processor, provisioning center, safety compliance facility, and/or a secure transporter.
- (f) *Primary Caregiver* means the term as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*
- (g) *Processor* means a state operating license holder that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- (h) *Provisioning center* means a state operating license holder that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to qualifying patients, directly or through the patients registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to qualifying patients or primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the state's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this article.

(i) *Qualifying Patient* means the term as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*

(j) *Safety compliance facility* means a state operating license holder that is a commercial entity that receives marihuana from a medical marihuana facility or primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

(k) *Secure transporter* means a state operating license holder that is a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Sec. 61-3-353. Application.

(a) This division shall apply to all medical marihuana facilities.

(b) This division shall not apply to locations operated by a qualifying patient or a primary caregiver in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*, that are not licensed by the City or the state of Michigan as a medical marihuana facility.

(c) Nothing contained within this division shall be construed to relieve a person of the duties and obligations imposed under state or federal law. Notwithstanding the foregoing, it is not the intent of this division to diminish, abrogate or restrict protections for the medical use of marihuana provided in the Act.

Sec. 61-3-354. Zoning Districts.

(a) Medical marihuana facilities shall be a permitted use as provided in this section, subject to site plan approval, parking requirements, landscaping requirements, screening requirements, dimensional requirements, use regulations and all other applicable provisions of the City's zoning ordinance, and subject to applicable provisions of the City's code of ordinances, including, but not limited to, Chapter 24, Article XIII, *Medical Marihuana Facilities*.

(b) Growers may be located in the M1, M2, M3, M4, and M5 zoning districts.

(c) Processors may be located in the B1, B2, B3, B4, B5, M1, M2, M3, M4 and M5 zoning districts.

(d) Provisioning centers may be located in the B1, B2, B3, B4, B5, M1, M2, M3, M4 and M5 zoning districts.

(e) Safety compliance facilities may be located in the B1, B2, B3, B4, B5, M1, M2, M3, M4 and M5 zoning districts.

(f) Secure transporters may be located in the M1, M2, M3, M4, and M5 zoning districts.

(g) A medical marihuana facility shall comply with all standards of the zoning district in which it is located.

(h) The Department shall determine compliance with the requirements of this section.

Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety and welfare of the People of the City of Detroit.

Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective no later than thirty (30) days after publication by the City Clerk in accordance with Sec. 4-118 of the 2012 Charter of the City of Detroit.

Approved as to form:

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Melvin B. Hollowell  
Corporation Counsel