

ORDINANCE NO. ORD-17-21

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MEDICAL MARIJUANA FACILITIES

AN ORDINANCE TO AMEND CHAPTER 55 (ZONING ORDINANCE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR:

**The City of Ann Arbor Ordains:**

Section 1. That Section 5:10.14 (RE Research District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.14. RE research district**

(1) *Intent.*

This district is designed for research facilities to serve the needs of commerce, industry, business and education. The prime characteristics of this district are the low intensity of land coverage by utilizing campus-like developments and preserving significant natural features, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.

(2) *Permitted principal uses.*

- (a) Research, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.
- (b) Laboratories for the research, development and testing of, including, but not limited to, medical, optical, dental and pharmaceutical products.
- (c) Offices for the following occupations: executive, administrative, and professional, including engineering and engineering sales, but excluding medical and dental offices.
- (d) Data processing and computer centers including computer programming and software development, training, and services and maintenance of electronic data processing equipment.
- (e) Pilot manufacturing facilities for engineering, laboratory, scientific, electronic and research instruments and associated equipment.
- (f) Printing, publishing, duplicating and photographic processing.

(g) Medical marijuana safety compliance facility, subject to section 5:50.1

(3) *Special exception uses pursuant to section 5:104.*

(a) Multi-family dwellings, subject to all the applicable regulations for multi-family dwellings in the R4B district.

(b) Medical marijuana grower, subject to section 5:50.1.

(c) Medical marijuana processor, subject to section 5:50.1.

(4) *Permitted accessory uses.*

(a) Enclosed storage or maintenance buildings.

(b) Warehousing, storage, shipping and receiving of materials used on the premises.

(5) *Required conditions.* All uses established in the RE district must comply with the following requirements:

(a) Outdoor storage of equipment, goods, or materials shall be within an enclosed building or contained within an opaque, screened or fenced-in area.

(b) All ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a required open space that abuts a residential zoning district.

(c) No process carried on within the building shall cause noise discernible at the lot lines in excess of the average intensity of street and traffic noise at the lot lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the property lines.

(d) All hazardous materials, waste, and wastewater associated with use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.

(e) The emissions of air pollution shall not be detrimental to the public welfare.

Section 2. That Section 5:10.14A (ORL Office/Research/Limited Industrial District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.14A. - ORL office/research/limited industrial district.**

(1) *Intent.* This district is designed to provide for a mixture of research, office and light industrial uses whose external effects are restricted to the site and do not adversely impact surrounding districts. The ORL district is structured to permit the manufacturing, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared materials. The preservation of significant natural features and the

encouragement of low-density, campus-like developments are objectives for the establishment of such zones.

(2) *Permitted principal uses.*

- (a) Offices for the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales, and engineering, excluding medical and dental offices.
- (b) Research and development, technical training and related activities for industrial, scientific, and business enterprises, and design of pilot or experimental products.
- (c) Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment.
- (d) Trade or industrial schools.
- (e) Laboratories for the research, development, and testing of medical, optical, dental, and pharmaceutical products.
- (f) Any of the following industrial uses when conducted wholly within an enclosed building:
  - 1. Processing and assembly of engineering, laboratory, scientific, and research instruments and associated equipment.
  - 2. Manufacture, processing, packaging, or treatment of products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery.
  - 3. Manufacture, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals for stones, sheet metal (excluding large stamping such as automobile fenders, or bodies), shell textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
  - 4. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  - 5. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
  - 6. Manufacture or assembly of small electrical appliances, electronic instruments, small computers, and other electronic devices.
- (g) Printing, publishing, duplicating, and photographic processing.

(h) Warehousing, storage, shipping, and receiving of materials produced or used on the premises.

(i) Medical marijuana safety compliance facility, subject to section 5:50.1.

(3) *Special exception uses.*

(a) Assembly hall, display hall, convention center, or similar place of assembly with the exception of theaters, pursuant to section 5:104.

(b) Incidental sales and services intended for the convenience of occupants of the district, including child care centers, restaurants, personal service shops, medical and dental offices, and similar uses pursuant to section 5:104 and the following standards:

1. Not more than 5% of the total usable floor area within the continuous boundary of an area zoned ORL is used for incidental services.

2. All such services shall be situated to conveniently serve the employees of the district.

3. The total floor area dedicated to such uses shall not occupy more than 25% of the total floor area of a building.

(c) Places of recreation such as a bowling alley, tennis courts, or health club, pursuant to section 5:104.

(d) Medical marijuana grower, subject to section 5:50.1.

(e) Medical marijuana processor, subject to section 5:50.1.

(4) Permitted accessory uses.

(a) Retail sales of products or services produced on the site, provided that the total amount of floor area devoted to sales and display does not exceed 5% of the total floor area of the use.

(b) Enclosed storage or maintenance buildings.

(c) Recycling storage facilities where properly screened from the right-of-way and adjacent residential property.

(5) Required conditions. All uses established in the ORL district must comply with the following requirements:

(a) Outdoor storage of equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.

- (b) Loading facilities shall be provided. Truck storage areas must be provided in addition to the parking required by Chapter 59 where such storage is necessary for the operation of the use. These truck storage areas must meet the parking lot standards of Chapter 59. Loading facilities and truck storage areas must be screened from abutting residential uses and public street rights-of-way according to Chapter 62.
- (c) All ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a required open space that abuts a residential zoning district.
- (d) No process carried on within the building shall cause noise discernible at the lot lines in excess of the average intensity of street and traffic noise at the lot lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the property lines.
- (e) All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of abutting areas.
- (f) The emissions of air pollution shall not be detrimental to the public welfare.

Section 3. That Section 5:10.15 (C-1 Local Business District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.15. - C-1 local business district.**

- (1) *Intent.* A business district designed solely to serve the needs of the surrounding residential neighborhood, providing goods that are day-to-day needs and are classed by merchants as "convenience goods and services." The normal spacing between these shopping districts is approximately 1 mile, and the total land area averages 2 acres. Businesses which might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land. To these ends, the regulations establish standards comparable to the standards for residential districts resulting in similar area, height and placement regulations.
- (2) *Permitted principal uses.*
  - (a) Any permitted principal use in the R4 multiple-family dwelling districts.

(b) Any permitted principal use in the "O" office district, subject to the regulations of the office district, provided each such use occupies a total gross floor area of not more than 8,000 square feet.

(c) Retail sales of the following; provided each such use occupies a total gross floor area of not more than 8,000 square feet.

1. Food.
2. Apparel and accessory items.
3. Food and beverages at eating and drinking places having a total seating capacity of not more than 50 seats.
4. Variety and general merchandise.
5. Furniture, home furnishings and equipment stores.
6. Auto parts items without service.
7. Hardware and paint, glass and wallpaper.
8. Miscellaneous retail items including but not limited to: drugs, alcoholic beverages from S.D.D. and S.D.M. licensed establishments; antiques; flowers; pets without outdoor facilities; bicycles and service; sporting goods; jewelry; gifts and novelties; books; cameras; other shopping goods stores.

(d) Shops providing the following personal services including but not limited to the following, provided each use occupies a total gross floor area of not more than 8,000 square feet.

1. Barber and beauty.
2. Dry-cleaning, laundry pick-up service and self-serve.
3. Shoe shine and shoe repair.
4. Garment alteration and repair.
5. Photography.

(e) Permanent outdoor sales or display of goods and services that are sold on a regular basis from within the principal building on the same lot, if the sales or display area is shown on an approved site plan.

(f) Temporary outdoor sales or outdoor display of goods and services that are sold on a regular basis from within the principal building on the same lot, if the following standards are met:

1. The outdoor sales or outdoor display area shall not exceed 10% of the gross floor area of the principal building.
2. The activity shall not be located in any required front, side or rear open space.
3. The activity may be conducted for periods of up to 180 days in any 1 calendar year.
4. Notwithstanding subsections 1. and 2. above:
  - a. Vending machines are permitted if within 10 feet of the principal building.
  - b. Sales of Christmas trees are permitted if not located in a required open space.

(g) The temporary outdoor sales or display of goods and services, not covered by subsection (h) below that cannot meet the standards of subsection (f) above, may be approved as a special exception use pursuant to section 5:104.

(h) The City Council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. Said resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property. A property owner who wishes to conduct outdoor sales and displays on his or her private property, as provided for in the Council resolution, shall first apply for and receive a zoning compliance permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the zoning compliance permit issued to a property owner. Failure to comply with the conditions set in the resolution shall be a violation of this ordinance section and shall be grounds to revoke all permits granted to the property owner for the duration of the special event identified in the resolution.

(i) Neighborhood centers, provided each such use occupies a total gross floor area of not more than 8,000 square feet.

(3) *Permitted accessory uses.*

- (a) Those allowed in the R3 district.

(4) *Special exception uses pursuant to section 5:104.*

- (a) *Medical marijuana provisioning centers, subject to section 5:50.1.*

Section 4. That Section 5:10.16 (C-1A Campus Business District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.16. - C1A campus business district.**

(1) *Intent.* This business district is designed primarily to serve as a neighborhood shopping area for the University-oriented population which is concentrated around it, providing goods that are day-to-day needs, specialty shops and recreation. While the primary function of this district is to serve as a neighborhood shopping area for the student/faculty population concentrated around it, it also has a community-wide orientation due to its unique and distinctive commercial function peculiar to university-oriented population. These districts shall be located in close proximity to the central area of the city.

(2) *Permitted principal uses.*

(a) Any principal use permitted in the C1 local business district and the C1B community convenience center district.

(b) Enclosed theaters.

(c) Pinball parlors, in accordance with Chapter 87, section 7:327.

(3) Permitted accessory uses.

(a) Those allowed in the R3 district.

(4) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1.*

Section 5. That Section 5:10.17 (C1B Community Convenience Center) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.17. - C1B community convenience center.**

(1) *Intent.* A commercial service district designed primarily to serve the needs of the surrounding community. This includes establishments which although they serve primarily a surrounding neighborhood, could also serve a larger trade or service area. These districts tend to create greater environmental stresses than those districts permitted under C1, even though the goods or services offered might be in the convenience category or classification. Most persons entering this district will come by auto and typically park once. The economic welfare of merchandising activities in these districts depends on moderate development of comparison shopping. Office building



activities are compatible with the purpose of the district as long as adequate and convenient automobile parking can be provided for both the office and the retail merchandising activity.

(2) *Permitted principal uses.*

(a) Any principal use permitted under C1 local business district without limitations to floor area or seating capacity.

(b) Enclosed theaters, provided that the total seating capacity of such use does not exceed 600 seats.

(3) *Permitted accessory uses.*

(a) Those allowed in the R3 district.

(4) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1.*

Section 6. That Section 5:10.18 (C1A/R Campus Business Residential District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.18. - C1A/R campus business residential district.**

(1) *Intent.* This district is designed to encourage the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district.

(2) *Permitted principal uses.*

(a) Any principal use permitted in the C1 local business district and the C1B community convenience center district.

(b) All commercial uses other than office uses shall not be permitted above the third story.

(3) *Permitted accessory uses.*

(a) Those allowed in the R3 district.

(4) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1.*

Section 7. That Section 5:10.19 (D1 AND D2 Downtown Districts) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.19. - D1 and D2 downtown districts.**

(1) *Intent.* These districts, in coordination with the downtown character overlay zoning districts, are designed to support the downtown as the city's traditional center. The downtown serves both the region and local residents as a place to live, work, and take advantage of civic, cultural, educational, shopping, and entertainment opportunities. The downtown districts are intended to allow a mixture of land uses, dense urban development, pedestrian orientation, unique residential opportunities, and a compatible and attractive mix of historic and contemporary building design. Development in these districts is designed to be accessible by a variety of modes of transportation.

(a) D1 - Downtown Core District. This district is intended to contain the downtown's greatest concentration of development and serves as a focus for intensive pedestrian use. This district is appropriate for high-density mixed residential, office and commercial development.

(b) D2 - Downtown Interface District. This district is intended to be an area of transition between the Core and surrounding residential neighborhoods. This district is appropriate for medium density residential and mixed-use development.

(2) *Uses of land.*

(a) *Uses in the D1 and D2 districts are allowed in accordance with Table 5:10.19A - Schedule of Uses.* The following key is to be used with the Schedule of Uses:

1. *Permitted uses.* In accordance with section 5:6, these uses are permitted by right in the district. These uses may be mixed within a building, unless otherwise specified in this chapter. Permitted uses are identified with a "P".
2. *Special exception uses.* In accordance with sections 5:6 and 5:104, these uses may be allowed in a district subject to review and approval by the Planning Commission. Special exception uses are identified with an "S."
3. *Prohibited uses.* These uses are not permitted in the district. Prohibited uses are identified with an "X."
4. *Related zoning regulations.* The Schedule of Uses lists additional related zoning regulations that apply to specific uses. This list is not comprehensive and all uses must comply with all applicable laws and regulations.

**Table 5:10.19A - Schedule of Uses: D1 and D2 Downtown Districts**

**P=Permitted S=Special Exception X=Prohibited A=Active**

<b>Use</b>	<b>D1 Downtown Core</b>	<b>D2 Downtown Interface</b>	<b>Related Zoning Regulations</b>
<b>RESIDENTIAL</b>			
Single- or 2-family dwelling	P	P	
Multiple-family dwelling	P	P	
Fraternity, sorority or student cooperative	P	P	
Rooming or boarding house	P	P	
Emergency shelter	P	P	
Convalescent or nursing home	P	P	
<b>LODGING</b>			
Hotel	P	P	
Bed & breakfast	P	P	
<b>CIVIC AND INSTITUTIONAL</b>			
Religious assembly	P	P	
Educational services	P	P	
Day care center	P	P	
Community center	P	P	
Social or service club	P	P	
Library	P	P	
Government office	P	P	
Courthouse	P	P	
Park or plaza	P	P	
Museum	P	P	
<b>OFFICE</b>			
Office—General or business	P	P	

Office—Medical or dental	P	P	
Office—Veterinary	P	P	
Medical Laboratory	P	P	
<b>COMMERCIAL</b>			
Bank, credit union or financial services	P	P	
Retail sales	P	P	
Restaurant or bar	P	P	
Personal or business services	P	P	
<u>Provisioning Center</u>	<u>S</u>	<u>S</u>	<u>Section 5:50.1</u>
Outdoor sales, permanent	P	P	Section 5:10.15(2)e
Outdoor sales, temporary	P	P or S	Sections 5:10.15(2) f, g and h; section 5:104
Conference center	S	X	Section 5:104
Theater	P	P	
Entertainment—General	P	S	Section 5:104
Entertainment—Adult	X	X	Section 5: 50
Funeral services	P	P	
Drive-through facility	S	S	Section 5:104
Vehicle fueling station	S	S	Section 5:104
Vehicle sales or rental	S	S	Section 5:104
Vehicle repair or storage	S	S	Section 5:104
Vehicle wash	S	S	Section 5:104
<b>INDUSTRIAL &amp; TRANSPORTATION</b>			
Warehouse	X	P	
Building materials wholesale	X	P	



	Premiums)	(Sections 5:64—5:65)						
D1	400% of lot area	700% of lot area 900% of lot area with affordable housing premiums	24	2		None	None	None
			(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance (December 26, 2009); otherwise none. (2) The usable floor area of the second story must be a minimum of 75% of the first story usable floor area.		See Character Overlay Zoning District Massing Standards (Table 5:10.20A)			
D2	200% of lot area	400% of lot area	24	2	See Character Overlay Zoning District Massing Standards (Table 5:10.20A)	80% of lot area	10% of lot area	None
			(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance					

			(December 26, 2009); otherwise none. (2) The usable floor area of the second story must be a minimum of 75% of the first story usable floor area.				
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(b) *Relationship to downtown character overlay zoning districts.* The D1 and D2 downtown zoning districts shall be further regulated by the downtown character overlay zoning districts. Unless otherwise specified in this chapter, regulations identified for both the downtown district and the applicable downtown character overlay zoning district shall apply.

(4) *Parking structures.*

(a) In the D1 district, an off-street parking structure is not permitted at the level of the adjacent street unless separated from the street by a portion of the building that is occupied by a permitted use or uses, with the exception of the portion of a parking structure that provides vehicular or pedestrian access to the street. The permitted use(s) shall be located within the building and have a minimum depth of 25 feet from the exterior of the front wall.

1. On corner lots, this requirement shall apply to lot frontages on primary streets, as defined in section 5:10.20(4). If none of the street frontages is a primary street, an off-street parking structure must be separated from at least 1 street frontage by a portion of the building that is occupied by a permitted use, with the exception of the portion of a parking structure that provides access to the street.

(b) In the D2 district, an off-street parking structure shall be located a minimum of 10 feet from the front lot line at the level of the adjacent street and provide a landscape buffer or screening wall between the building and the front property line.

(c) In the D1 and D2 districts, any wall of an off-street parking structure that abuts a residential zoning district shall contain no openings or be separated from the lot line by a building occupied by a permitted use or uses.

Section 8. That Section 5:10.21 (C2B Business Service District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

### **5:10.21. - C2B business service district.**

(1) *Intent.* This district is designed to provide for certain types of commercial activities which have functional and economic relationships to a central business or fringe commercial district. Such activities will include wholesale suppliers retail and supply warehouses, motor vehicle major repair and service agencies, carports and other parking establishments, equipment and machinery dealers, building materials dealers, food processing plants, farm and garden supply stores, places of entertainment or recreation, public utility facilities and retail establishments related in a peripheral manner to those of the central business district. In this district the customer may come to the particular establishment either by automobile or as an extension of this CBD pedestrian shopping activity. Since there is little essential interdependence of activities, each establishment can have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers. The uses permitted, because of their required contact with auto and truck traffic, would be incompatible in the central business district.

(2) *Permitted principal uses.*

- (a) Any principal use permitted in the D1 downtown core district.
- (b) Retail sales that may have service, repair, leasing or rental, or manufacturing facilities in connection therewith, including: new and used automobile dealers; boat and sporting good dealers; mobile home dealers; agricultural implement, garden supply and motorcycle dealers.
- (c) Retail sales, as typically incidental to contractors, in which a workshop is required for successful operation and in which the retail outlet or show room may in fact be an accessory use, such as, but not limited to: plumber, electrician, lighting fixtures, air conditioning and heating (including incidental sheet metal work), radio and television, interior decorator, reupholstery and refinishing, sign painting and awnings.
- (d) Enclosed building for storage and repair of automobiles, trucks and construction equipment; food locker plant (including the cutting and packaging of meat or game, sale at retail, delivery of individual home orders, renting of individual lockers for home-customer storage of food, but excluding slaughtering or eviscerating thereof).
- (e) Wholesaling, warehousing, refrigerated and general storage.
- (f) Veterinary hospitals and kennels.
- (g) Outdoor recreation, such as: miniature golf, golf driving ranges, commercial swimming pools, outdoor theaters and canoe liveries.



(h) Medical marijuana secure transporter, subject to section 5:50.1.

(3) *Special exception uses pursuant to section 5:104.*

(a) A drive-thru facility that is an accessory to a permitted principal use in the C2B business service district, provided that the facility is not located between a street and the principal building, and the vehicular circulation to enter and exit the facility does not impair the general circulation on the site or with pedestrian circulation on and off the site.

(b) Automobile service and filling station and car washes.

(c) Medical marijuana provisioning centers, subject to section 5:50.1.

(4) *Permitted accessory uses.*

(a) Those allowed in the R3 district.

Section 9. That Section 5:10.23 (C3 Fringe Commercial District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.23. - C3 fringe commercial district.**

(1) *Intent.* The design and regulations of this district are set up to provide for certain types of commercial activities which have characteristics in common. In this district, the customer usually comes directly to the particular establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the central business district. Since there is little essential interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own automobile parking. Good automobile accessibility is essential to these districts. The uses permitted, because of their lack of intense pedestrian activity and their required contact with auto access, would be incompatible in the central business district.

(2) *Permitted principal uses.*

(a) Any principal use permitted in the C2B business service district.

(b) Medical marijuana secure transporter, subject to section 5:50.1.

(3) *Special exception uses pursuant to section 5:104.*

(a) The temporary outdoor sales or display of goods and services, not covered by section 5:10.15(h) that cannot meet the standards of section 5:10.15(f), may be approved as a special exception use pursuant to section 5:104.

(b) A drive-thru facility that is an accessory to a permitted principal use in the C3 fringe commercial district, provided that the facility is not located between a

street and the principal building, and the vehicular circulation to enter and exit the facility does not impair the general circulation on the site or the pedestrian circulation on and off the site.

(c) Medical marijuana provisioning centers, subject to section 5:50.1.

(4) *Permitted accessory uses.*

(a) Those allowed in the R3 district.

Section 10. That Section 5:10.24 (M1 Limited Industrial District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.24. - M1 limited industrial district.**

(1) *Intent.* The regulations of this district are set up to provide land for various types of industrial and manufacturing uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large setbacks, attractive building architecture and large, landscaped park-like areas. The purpose of the district is to provide suitable sites for such uses while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development is limited to a low concentration, external effects are minimized and permitted uses are limited to those which are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district. Manufacturing plants and uses shall have performance characteristics similar to those uses listed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses located within this district shall be so designed, constructed and operated that there is no production of sound discernible at the lot lines in excess of the average intensity of street and traffic noise at the lines, nor any production of heat or glare discernible at the same point.

(2) *Permitted principal uses.*

(a) Any principal use permitted in the RE research district or O office district (except residential uses).

(b) Special trade construction contractors; wholesale trade — building materials and wholesalers.

(c) Transportation, communications, electric, gas and sanitary services.

(d) Laundry, cleaning and garment services.

(e) Industrial plants, manufacturing, processing or assembling the following:

1. Agricultural products.
2. Food and kindred products, excluding slaughterhouses.
3. Furniture and fixtures.
4. Converted paper and paperboard products.
5. Printing, publishing and allied industries.
6. Biological products, drugs, medicinal, chemical and pharmaceutical preparation.
7. Glass products, made of purchased glass.
8. Electrical and electronic machinery, equipment and supplies.
9. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks.
10. Jewelry, silverware and plated ware; musical instruments; toys and amusement, sporting and athletic goods; pens, pencils and other office and artists' materials; costume jewelry, costume novelties, buttons and miscellaneous notions; and signs and advertising displays.
11. Canvas products made of purchased canvas.
12. Fabricated metal products, except heavy machinery and transportation equipment.
13. Metalworking machinery and equipment; general industrial machinery and equipment.
14. Office, computing and accounting machines.
15. Jobbing and repair machine shops.

(f) Any other manufacturing plants and uses having performance characteristics similar to those listed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation and odor. All uses located within this district shall be so designed, constructed and operated that there is no production of sound discernible at the lot lines in excess of the average intensity of street and traffic noise at the lines, nor any production of heat or glare discernible at the same point.

(g) General repair of automobiles, trucks and construction equipment.

(h) Places of recreation, such as: bowling alley; boat or canoe livery; indoor tennis courts and other indoor court game facilities including, but not limited to, handball, racketball, paddleball, squash, ping-pong and similar uses; and private club or lodge hall renting for meetings or social occasions, or similar recreation uses or place of assembly; and theaters for stage productions within an enclosed building shall be permitted as a special exception use pursuant to section 5:104.

(i) Medical marijuana secure transporter, subject to section 5:50.1.

(j) Medical marijuana safety compliance facility, subject to section 5:50.1.

(k) Medical marijuana grower, subject to section 5:50.1.

(l) Medical marijuana processor, subject to section 5:50.1.

(3) *Permitted accessory uses.*

(a) Retail sales of products customarily incidental to the principal use, provided that the total amount of internal floor area of the structure devoted to sales and display does not exceed 10% of the floor area of the total establishment.

(b) One dwelling unit, provided that it is specifically required to house a security person or resident manager who is needed to properly carry on the business of the permitted use, and shall be used as a dwelling only by said security person or resident manager and members of said person's family.

(4) Special exception uses pursuant to section 5:104.

(a) Medical marijuana provisioning centers, subject to section 5:50.1, provided that provisioning center is incidental to the principal use and that the total amount of internal floor area of the structure devoted to provisioning center does not exceed 10% of the floor area of the total establishment.

Section 11. That Section 5:10.25 (M1A Limited Light Industrial District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.25. - M1A limited light industrial district.**

(1) *Intent.* The regulations of this district are set up to provide land for various types of industrial manufacturing and low intensity commercial activity uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large, landscaped, park-like areas. The purpose of the district is to provide suitable sites for such uses while making certain that such uses are limited to those which are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by

excluding uses which would have a detrimental effect upon the orderly development and functioning of the district. Manufacturing plants and uses shall have performance characteristics similar to those uses listed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses located within this district shall be so designed, constructed and operated that there is no production of sound discernible at the lot lines in excess of the average intensity of street and traffic noise at the lines, nor any production of heat or glare discernible at the same point.

(2) *Permitted principal uses.*

- (a) Any principal use in the M1 limited industrial district.
- (b) General sales, rental and repair of automobiles, trucks, trailers, campers, construction equipment and recreation vehicles.

(3) *Permitted accessory uses.*

- (a) Those allowed in the M1 district.

(4) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1, provided that provisioning center is incidental to the principal use and that the total amount of internal floor area of the structure devoted to provisioning center does not exceed 10% of the floor area of the total establishment.*

Section 12. That Section 5:10.26 (M2 Heavy Industrial District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

**5:10.26. - M2 heavy industrial district.**

(1) *Intent.* This district is designed to provide land for more intense types of industrial and manufacturing uses which are usually located deep within the industrial areas of the city and downwind from residential and business areas. Regulations to minimize their incompatibility with other districts are the minimum required for mutual protection of the industrial areas and to that end, the district should not be adjacent to any residential or business district if such abutment can possibly be avoided.

(2) *Permitted principal uses.*

- (a) Any principal use permitted in the M1 limited industrial district.
- (b) General construction contractors such as highway and street, heavy construction and general buildings; coal and coke dealers.
- (c) Transportation facilities and services.

- (d) Transportation, communication, power and fuel rights-of-way.
  - (e) Industrial plants, manufacturing, processing or assembling the following:
    - 1. Prefabricated buildings and structural members.
    - 2. Chemical products such as plastic materials, medicinal, chemicals, biological products and pharmaceutical preparations.
    - 3. Leather and leather products.
    - 4. Stone, clay, glass and concrete products.
    - 5. Wooden containers, such as: boxes, crates and cooperage.
    - 6. Aluminum, bronze, copper, copperbase alloy and other nonferrous castings.
    - 7. Machinery, such as: engines and turbines; farm machinery and equipment; industrial machinery and equipment.
    - 8. Transportation equipment, such as: motor vehicle equipment and parts, motorcycles, bicycles and parts.
  - (f) Gasoline service stations.
  - (g) Any of the following uses as special exception uses pursuant to section 5:104.
    - 1. Scrap and waste materials.
    - 2. Asphalt and concrete mixing plants.
    - 3. Sand and gravel pits.
    - 4. Slaughterhouse.
- (3) *Permitted accessory uses.*
- (a) Those allowed in the M1 district.

(4) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1, provided that provisioning center is incidental to the principal use and that the total amount of internal floor area of the structure devoted to provisioning center does not exceed 10% of the floor area of the total establishment.*

Section 13. That Section 5:10.27 (PUD Planned Unit Development District) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

### **5:10.27. - PUD planned unit development district.**

(1) *Intent.* The purpose of this district is to permit flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; to encourage provision of usable open space and protection of natural features; to provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the city; to expand the supply of affordable housing for lower income households and to encourage the use, reuse and improvement of existing sites and buildings which will be developed in a compatible way with surrounding uses but where the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area. The district is intended to accommodate developments with 1 or more land uses, sites with unusual topography or unique settings within the community or sites which exhibit difficult or costly development problems or any combination of these factors. This zoning district shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications or other city regulations rather than to achieve the stated purposes above.

(2) *Permitted uses.*

(a) Any use or combination of uses and accessory uses permitted in the supplemental regulations for the PUD zoning district adopted pursuant to section 5:80.

(3) *Special exception uses pursuant to section 5:104.*

(a) *Medical marijuana provisioning centers, subject to section 5:50.1, and where retail use is permitted in the PUD supplemental regulations.*

Section 14. That Section 5:50.1 (Regulations Concerning Medical Use of Marijuana) in Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

### **5:50.1. - Regulations concerning medical use of marijuana.**

(1) *Intent.*

(a) *It is the intent of this section to provide appropriate locations and reasonable restrictions for medical marijuana facilities allowed by the Medical Marijuana Facilities Licensing Act, MCL 333.2701 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district regulations.*

(a) (b) It is the intent of this section to **also** provide appropriate locations and reasonable restrictions for the cultivation and transfer of marijuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et. seq. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. ~~Although some specific uses of marijuana are allowed by the Michigan Medical Marihuana Act, marijuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marijuana.~~

( b) It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

(2) *Definitions.* The following words and phrases shall have the following definitions when used in this Chapter.

(a) Words and phrases contained in the Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 et seq. This Chapter contains some words and phrases that are defined in the MMFLA. As used in this chapter, they have the same meaning as provided in the MMFLA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MMFLA, then the definition in the MMFLA shall apply. These words and phrases are as follows:

- (i) "Grower" means a licensee 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.
- (ii) "Licensee" means a person holding a state operating license.
- (iii) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
- (iv) "Marihuana facility" means a location at which a license holder is licensed to operate under the MMFLA.
- (v) "Marihuana plant" means any plant of the species Cannabis sativa L.
- (vi) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a



food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

- (vii) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
- (viii) "Processor" means a licensee 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.
- (ix) "Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
- (x) "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- (xi) "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.
- (xii) "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:
  - a. A grower.
  - b. A processor.
  - c. A secure transporter.
  - d. A provisioning center.
  - e. A safety compliance facility.

~~(a)~~(b) Words and phrases contained in the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq. This subsection contains some words and phrases that are defined in the MMMA. As used in this chapter section, they have the same meaning as provided in the MMMA, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the MMMA, then the definition in the MMMA shall apply. These words and phrases are as follows:

- ~~(i) Department means the State Department of Community Health.~~
- (i) ~~(ii)~~ Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- (ii) ~~(iii)~~ Medical Use of Marijuana means the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- (iii) ~~(iv)~~ Primary caregiver means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- (iv) ~~(v)~~ Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition.

(c) ~~(b)~~ Other words and phrases. The words and phrases in this Chapter, as used in this Chapter, shall have the following meanings:

- (i) "Marijuana" means "marihuana" as used defined in the MMMA MMFLA.
- ~~(ii) Medical marijuana cultivation facility means a building or part of a building where marijuana plants are being grown in compliance with the MMMA, other than a medical marijuana home occupation or a dwelling unit in which marijuana is being cultivated for a qualifying patient who resides in the dwelling unit as permitted under subsection (7).~~
- ~~(iii) Medical marijuana dispensary means a building or part of a building where 1 or more primary caregivers operate with the intent to transfer marijuana between primary caregivers and/or qualifying patients, other than a medical marijuana home occupation or a dwelling unit in which the transfer of marijuana occurs between a primary caregiver and qualifying patient who resides in the dwelling unit as permitted under subsection (7).~~

- (ii) ~~(iv)~~ “Medical marijuana home occupation” means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (A) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (B) is for the purpose of assisting 1 or more registered qualifying patients with the medical use of marijuana who do not reside in the dwelling and (C) complies with the MMMA.

~~(3) Locations of medical marijuana dispensaries and medical marijuana cultivation facilities. A medical marijuana dispensary or medical marijuana cultivation facility may be located in the city only in accordance with the following restrictions:~~

~~(a) Medical marijuana dispensaries shall only be located in a district classified pursuant to this chapter as D, C, or M, or in PUD districts where retail is permitted in the supplemental regulations.~~

~~(b) — Medical marijuana cultivation facilities shall only be located in a district classified pursuant to this chapter as C, M, RE, or ORL.~~

~~(c) — In C districts, buildings used for medical marijuana dispensaries or medical marijuana cultivation facilities shall meet the minimum parking requirements of Chapter 59 for retail uses, with no exceptions for existing nonconforming parking.~~

~~(d) — No medical marijuana dispensary or medical marijuana cultivation facility shall be located within 1,000 feet of a parcel on which a public or private elementary or secondary school is located.~~

(3) Additional medical marijuana facility location restrictions:

(a) No parcel containing a medical marijuana provisioning center shall be located within 600 feet of a parcel on which another medical marijuana provisioning center is located.

(b) A maximum of one state operating license shall be utilized per parcel.

(i) Exceptions: In the M1, M1A and M2 districts, a maximum of five marijuana facilities with state operating licenses may co-locate on a single parcel, and in the RE and ORL districts, a maximum of two marijuana facilities with state operating licenses may co-locate on a single parcel. No two facilities of the same type (grower, processor, secure transporter, provisioning center as an incidental use, and safety compliance facility) may be located on the same parcel.

(c) No parcel containing a medical marijuana provisioning center, grower, or processor shall be located within 1,000 feet of a parcel on which a public or private K-12 elementary or secondary school is located.

~~(4) Medical marijuana dispensary and medical marijuana cultivation facility regulations.~~

- ~~(a) No person shall reside in or permit any person to reside in a medical marijuana dispensary or medical marijuana cultivation facility, except as allowed in the M1 and M2 zoning districts.~~
- ~~(b) No one under the age of 18 shall be allowed to enter a medical marijuana dispensary or medical marijuana cultivation facility unless accompanied by a parent or guardian.~~
- ~~(c) No smoking, inhalation, or consumption of marijuana shall take place on the premises.~~
- ~~(d) In M1 and M2 districts, retail sales of products customarily incidental to the principal use shall be allowed provided that the total amount of internal floor area of the structure devoted to sales and display of such products does not exceed 10% of the floor area of the total establishment.~~
- ~~(e) Drive-in medical marijuana dispensaries shall be prohibited.~~
- ~~(f) All activities of a medical marijuana dispensary or medical marijuana cultivation facility shall be conducted indoors.~~
- ~~(g) No equipment or process shall be used in any medical marijuana dispensary or medical marijuana cultivation facility which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.~~
- ~~(h) A zoning compliance permit shall be required consistent with section 5:92.~~
- ~~(i) No more than 72 marijuana plants shall be grown on the premises of any medical marijuana cultivation facility.~~
- ~~(j) Medical marijuana dispensaries and medical marijuana cultivation facilities shall comply with all other regulations of the zoning district in which the medical marijuana dispensary or medical marijuana cultivation facility is located, except when they are in conflict, in which case this section shall prevail.~~
- ~~(j) Medical marijuana dispensaries and medical marijuana cultivation facilities shall be operated in compliance with the MMMA.~~

~~(4)~~ ~~(5)~~ Cultivation or other medical use of marijuana as a medical marijuana home occupation in single-family dwellings.

(a) In a single-family dwelling in any zoning district, no more than 72 marijuana plants shall be grown on the premises, regardless of the number of registered primary caregivers and/or registered qualifying patients residing in the dwelling. The principal use of the single-family dwelling shall be a residential occupancy and shall be in actual use as such.

(b) A zoning compliance permit shall be required, consistent with section 5:92.

(c) All other performance standards for home occupations as provided in section 5:10.2(4)(c) shall be required.

~~(5)~~ ~~(6)~~ Medical marijuana home occupations are not permitted in two-family or multiple-family dwellings.

~~(6)~~ ~~(7)~~ Cultivation or other medical use of marijuana in dwelling units when the use is not a medical marijuana home occupation.

(a) In a dwelling unit in any zoning district, where medical use of marijuana is not a medical marijuana home occupation, no more than 12 plants for each registered qualifying patient who resides in the dwelling unit shall be grown.

(b) The principal use of the dwelling unit shall be residential occupancy and shall be in actual use as such.

(c) No equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

(c) All aspects of the medical use of marijuana shall comply at all times with the provisions of the MMMA.

(7) Medical marijuana facility regulations.

(a) No person shall reside in or permit any person to reside in a marijuana facility, except as allowed in the M1 and M2 zoning districts.

(d) No smoking, inhalation, or consumption of marijuana shall take place on the premises of any marijuana facility.

(e) All activities of a marijuana facility shall be conducted indoors.

(f) No equipment or process shall be used in any marijuana facility which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

(8) Special exception use regulations for medical marijuana facilities.

(a) In addition to the requirements in section 5:104 (Special exceptions), the following information shall be provided to the Planning Commission for consideration of an application for special exception use. Additional information may be requested by staff or the Planning Commission.

(i) For provisioning centers, growers, and processors:

a. An operations statement that describes, but is not limited to, the life-cycle of marijuana and marijuana-infused products entering, stored on, grown, dried, and leaving the site. This may include how deliveries are handled, methods of storage, cash handling, a business floor plan, or other pertinent information.

b. A detailed safety and security plan that addresses marijuana, customers, employees, and neighboring residents, offices, or businesses.

c. A description of methods to be used to contain all odors within the building.

d. A waste disposal plan specific to marijuana, marijuana plant waste, and marijuana-infused products.

e. Days and hours of operation.

(ii) For growers:

a. A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class.

(b) A site plan that meets the requirements of Chapter 57, Subdivision and Land Use Controls, is required. For sites that require City Council approval of a site

plan, approval of the special exception use by the City Planning Commission shall be contingent upon site plan approval by City Council.

Section 15. This ordinance shall take effect and be of force on February 12, 2018.

**As Amended on First Reading on November 9, 2017 and Approved at Second Reading on December 18, 2017.**