

UNIFIED DEVELOPMENT CODE
(MARIJUANA FACILITIES SCHOOL SEPARATION DISTANCE REMOVAL)

AN ORDINANCE TO AMEND SECTION 5.16.3.F OF CHAPTER 55 (UNIFIED
DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 5.16.3.F of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

F. Marijuana Facilities

1. Intent

- a. It is the intent of this section to provide appropriate locations and reasonable restrictions for *marijuana facilities* allowed by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 *et seq.* and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
- b. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of *marijuana* allowed by the Michigan Medical Marijuana Act, MCL 333.26421 *et seq.* and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning district and *home occupation* regulations.
- c. 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. Words and Phrases

Words and phrases contained in the Michigan Medical Marijuana Facilities Licensing Act (“MMFLA”), MCL 333.2701 *et seq.*, the Michigan Medical

Marihuana Act (“MMMA”), MCL 333.26421 *et seq.*, or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (“MRTMA”), shall have the same meanings in this code, as applicable. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA, the MMMA, or the MRTMA, but if any definition in Article VIII conflicts with the definition in the MMFLA, MMMA, or MRTMA, then the definition in the applicable state act shall apply.

3. All Marijuana Facilities

- a. No approvals under this chapter shall be granted for any *marijuana facility* in excess of any limits on permits for *facilities* in the City established by Chapter 96 of the City Code or other actions of the City.
- b. 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.
- c. No smoking, inhalation, or consumption of *marijuana* shall take place on the *premises* of any *marijuana facility*.
 - i. Exception: A *designated marijuana consumption facility* may permit smoking, inhalation, or consumption of *marijuana* on the *premises*.
- d. All activities of a *marijuana facility* shall be conducted indoors.
 - i. Exception: Curbside pickup may be provided for any marijuana provisioning center, marijuana retailer, or marijuana microbusiness.
- e. 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 *premises*.

4. Any Marijuana Facility Special Exception Use

In addition to the requirements in Section 5.29.5, the following information shall be provided to the Planning Commission for consideration of an application for *special exception use*. Additional information from what is listed below may be requested by staff or Planning Commission.

- a. A description of how deliveries are handled, methods of storage, 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 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.
- f. No minimum separation is required from public or private schools providing any education in kindergarten through grade 12, but any Special Exception Use application shall include the proximity from the

proposed facility to the nearest two known lots that contain any K-12 use. This proximity may be considered in evaluation of the Special Exception Use Permit.

5. Marijuana Provisioning Centers/Marijuana Retailers

- a. A marijuana retailer is a permitted use at a location where a medical marijuana provisioning center special exception use permit has been approved, with or without the continued medical marijuana provisioning center use. Any operation of the medical marijuana provisioning center, marijuana retailer, or combination of the two, shall comply with all conditions of the special exception use approval for the lot.
- b. A lot containing a medical marijuana provisioning center and/or a marijuana retailer shall be located at least 600 feet from any lot on which either a medical marijuana provisioning center, marijuana microbusiness, or marijuana retailer is located.
- ~~c. A lot containing a medical marijuana provisioning center and/or a marijuana retailer shall be located at least 1,000 feet from a lot on which a pre-existing public school or private school, but excluding dance or art schools, is located.~~
- ~~d.c.~~ A medical marijuana provisioning center or marijuana retailer may only be located within a PUD in compliance with the standards in this Section 5.16.3F and when retail use is permitted in the PUD Supplemental Regulations.
- ~~e.d.~~ An application for a medical marijuana provisioning center and/or a marijuana retailer in the M1, M1A, or M2 zoning districts may only be approved if the medical marijuana provisioning center and/or marijuana retailer is incidental to the principal activity or principal use and the floor area devoted to the medical marijuana provisioning center and/or marijuana retailer does not exceed 10% of the floor area of the principal marijuana facility.

6. Marijuana Growers

- ~~a. A lot containing a marijuana grower shall be located at least 1,000 feet from any lot on which a pre-existing public school or private school, but excluding dance or art schools, is located.~~
- ~~b.e.~~ Applications shall also include a description of the expected volume of water to be used.
- ~~e.f.~~ Applications shall also include a description of the volume, on-site treatment, and any permits required for wastewater for the maximum number of plants at the *marijuana grower*.
- ~~d.g.~~ Applications shall also include a description and plan of the energy needs of the *marijuana grower* where a minimum of 10% of the energy usage will be provided by a *solar energy system*, along with any necessary planned improvements to implement the plan.

~~e.h.~~ Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the *marijuana grower* shall be submitted to the City Clerk, upon request.

7. **Marijuana Microbusiness**

a. A lot containing a *marijuana microbusiness* shall be located at least 600 feet away from any *lot* containing a *provisioning center/retailer*, or *marijuana microbusiness*.

~~b. A lot containing a marijuana microbusiness shall be located at least 1,000 feet from any lot on which a pre-existing public school or private school, but excluding dance or art schools, is located.~~

~~e.b.~~ Applications shall also include a description of the expected volume of water to be used.

~~d.c.~~ Applications shall also include a description of the volume, on-site treatment, and any permits required for wastewater for the maximum number of plants at the *marijuana microbusiness*.

~~e.d.~~ Applications shall also include a description and plan of the energy needs of the *marijuana microbusiness* where a minimum of 10% of the energy usage will be provided by a *solar energy system*, along with any necessary planned improvements to implement the plan.

~~f.e.~~ Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the *marijuana grower* shall be submitted to the City Clerk, upon request.

~~8. Designated Marijuana Consumption Facility~~

~~A lot containing a designated marijuana consumption facility shall be located at least 1,000 feet from any lot on which a pre-existing public school or private school, but excluding dance or art schools, is located.~~

~~9.8. Medical Marijuana Home Occupations~~

Cultivation or other *medical use of marijuana* as a *medical marijuana home occupation* in *single-family dwellings* shall comply with the following standards:

a. *Medical marijuana home occupations* are not permitted in *two-family dwellings* or other *multiple-family dwellings*.

b. 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 *primary caregivers* and/or registered *qualifying patients* residing in the *dwelling unit*. The *principal use* of the *single-family dwelling* shall be residential occupancy and shall be in actual use as such.

c. All other performance standards for *home occupations* as provided in Section 5.16.6H shall be required.

d. A zoning permit per Section 5.29.1 shall be required.

10.9. Medical Marijuana Use or Cultivation

When the cultivation or other *medical use of marijuana* in *dwelling units* is not a *medical marijuana home occupation*, it shall comply with the following standards.

- a. The *principal use* of the *dwelling unit* shall be *residential occupancy* and shall be in actual use as such.
- b. No more than 12 plants for each registered *qualifying patient* who resides in the *dwelling unit* shall be grown.
- 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.
- d. All aspects of the *medical use of marijuana* shall comply at all times with the provisions of the MMMA.

Section 2. This Ordinance shall take effect and be in force ten days after legal publication.