



Legislation Details (With Text)

**File #:** 18-1125      **Version:** 2      **Name:** 7/16/18 - Separation of MM Provisioning Centers  
**Type:** Ordinance      **Status:** Defeated  
**File created:** 7/16/2018      **In control:** City Council  
**On agenda:** 9/4/2018      **Final action:** 9/4/2018  
**Enactment date:** 7/16/2018      **Enactment #:** ORD-18-21

**Title:** An Ordinance to Amend Section 5.17.3G of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Medical Marijuana Provisioning Center Location Restriction) (Ordinance No. ORD-18-21)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-21 Unified Development Code - Medical Marijuana Provisioning Center Location Restriction Ordinance Briefed.pdf, 2. Chapter 55 UDC Medical Marijuana Provisioning Center ORD As Amended at First Reading.pdf, 3. Proposed Provisioning Center UDC Ordinance Amendment 600 to 1,000 feet.pdf, 4. Impact to current petitions.pdf

Date	Ver.	Action By	Action	Result
9/4/2018	2	City Council	Adopted on Second Reading	Fail
9/4/2018	2	City Council	Held and Closed	
8/23/2018	2	City Council	Held and Closed	
8/23/2018	2	City Council		
8/23/2018	2	City Council	Postponed at Second Reading	Pass
7/16/2018	2	City Council		
7/16/2018	2	City Council	Amended	
7/16/2018	2	City Council	Amended	Pass
7/16/2018	2	City Council	Approved as Amended on First Reading	Pass

An Ordinance to Amend Section 5.17.3G of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Medical Marijuana Provisioning Center Location Restriction) (Ordinance No. ORD-18-21)

The proposed ordinance amendment would increase the minimum separation requirement of medical marijuana provisioning centers from 600 feet to 1,000 feet. This separation requirement is measured from the two nearest parcel boundaries on which existing and/or proposed provisioning centers are located.

In 2017, after review and recommendation by the Planning Commission, the City Council enacted amendments to the Zoning Ordinance, to regulate land use aspects of medical marijuana facilities. This effort resulted in the identification of appropriate zoning districts, and other regulations, for five types of medical marijuana facilities, including provisioning centers.

This ordinance was largely enacted as recommended by the Planning Commission, but included one

notable change to separation distance requirements between medical marijuana provisioning centers. The Planning Commission had recommended a separation requirement of 1,000 feet, but at the time of adoption, the City Council revised this provision to require a separation of 600 feet. Subsequent to adoption of this zoning ordinance, the City has received 38 applications for special exception use consideration for medical marijuana provisioning centers.

On April 16, 2018, the City Council passed a resolution directing the City Administrator and Planning Commission to:

- Reconsider the proposed separation requirement between medical marijuana provisioning centers, specifically a proposed 1,000 feet separation in place of the current 600 feet requirement, and
- Consider any other revisions that would limit the concentration of facilities within zoning districts
- Consider exceptions for pending and approved provisioning centers from any new requirements

The City Council has identified the basis of this direction from:

- Concern about the health, safety and welfare of all of its residents
- The number and concentration of provisioning centers
- The proximity of provisioning centers to established neighborhoods

As this was the original recommendation, on July 16<sup>th</sup>, the Planning Commission recommended approval to forward the 1,000 feet recommendation again. Increasing this dimension from 600 to 1,000 feet would achieve a reduced concentration of provisioning centers. In addition to any proposed changes to this dimension, the City Council has now limited the number of provisioning centers to 28, which could further limit concentration.

To further address concentration, the City could consider restriction on the districts in which provisioning centers are permitted. For example, if provisioning centers were not permitted in C1 or C1B districts, fewer areas in the City could accommodate them. At this same time, this could have the impact of furthering concentration in C3, D1, D2 or other districts. Additionally, despite differing intents of commercial zoning districts, there are instances of all commercial zoning districts abutting established neighborhoods. Thus eliminating the inclusion of provisioning centers from a particular commercial zone may not have the impact of addressing any proximity of centers to residential neighborhoods.

The proposed ordinance amendment establishes September 30, 2018 as a date of determination for applicability of the proposed changes. Based on the proposed language, any medical marijuana provisioning center that is issued a special exception use permit by the Planning Commission after September 30<sup>th</sup> would require a 1,000 separation between a similarly used parcel. For those approved prior, the standard would remain at 600 feet.

Attachments: Proposed Ordinance  
Impact on Existing Provisioning Centers and Applications  
Prepared by: Brett Lenart, Planning Manager  
Reviewed by: Derek Delacourt, Community Services Area Administrator  
Approved by: Howard S. Lazarus, City Administrator

[\(See Attached Ordinance\)](#)