# Legislation Details (With Text)

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| **File #:** | 19-1636 | **Version:** | 1 | **Name:** | 9/16/19 -- Ordinance to Amend Chapter 55 (UDC) for Marijuana Retailers, Marijuana Microbusinesses, Designated Marijuana Consumption Facilities |
| **Type:** | Ordinance | | | **Status:** | Passed |
| **File created:** | 9/16/2019 | | | **In control:** | City Council |
| **On agenda:** | 10/7/2019 | | | **Final action:** | 10/7/2019 |
| **Enactment date:** | 9/16/2019 | | | **Enactment #:** | ORD-19-32 |

**Title:** An Ordinance to Amend Sections 5.15, 5.16.3, 5.19.2, and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana Retailers, Marijuana Microbusinesses, Designated Marijuana Consumption Facilities) (Ordinance No. ORD-19-32)

**Sponsors:** Christopher Taylor, Ali Ramlawi, Anne Bannister

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-19-32 UDC Briefed and Approved.pdf, 2. ORD-19-32 UDC Medical Marijuana Ordinance Briefed.pdf, 3. MarijuanaZoningOrdinanceAsAmended091619.pdf, 4. RevisedMarijuanaZoningOrdinanceCouncil.pdf, 5. UDC Amendments - MRTMA Ordinance .pdf, 6. August 20, 2019 Planning Staff Report, 7. Memo to Mayor and Council 10-7-19 - Medical Marijunana.pdf

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 10/7/2019 | 1 | City Council | Held and Closed | |
| 10/7/2019 | 1 | City Council | | |
| 10/7/2019 | 1 | City Council | Amended | Fail |
| 10/7/2019 | 1 | City Council | Amended | Fail |
| 10/7/2019 | 1 | City Council | Adopted on Second Reading | Pass |
| 9/16/2019 | 1 | City Council | | |
| 9/16/2019 | 1 | City Council | Amended | |
| 9/16/2019 | 1 | City Council | Amended | |
| 9/16/2019 | 1 | City Council | Approved as Amended on First Reading | Pass |

An Ordinance to Amend Sections 5.15, 5.16.3, 5.19.2, and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana Retailers, Marijuana Microbusinesses, Designated Marijuana Consumption Facilities) (Ordinance No. ORD-19-32) Amendments are proposed to the Unified Development Code to regulate the new marijuana-related uses allowed by the Michigan Regulation and Taxation of Marijuana Act (MRTMA) and incorporate and integrate these new use regulations within the existing marijuana-related regulations.

Following is a summary and brief explanations of the proposed amendments.

- Three new marijuana facilities are defined, permitted, and regulated:
    1. Marijuana Retailer, a licensed business that purchases marijuana from a grower or processor and sells, supplies or provides marijuana to adults over 21 years, are

regulated as one and the same as Medical Marijuana Provisioning Centers. Any approved provisioning center may also or instead operate as a retailer. Provisioning centers, and now retailers, are allowed with special exception approval in most mixed use zoning districts, must be at least 600 feet from another and microbusinesses, and must be at least 1,000 feet from a K-12 school.

2. Designated Marijuana Consumption Facility, a licensed business where customers may consume, via smoking, ingestion or other means, marijuana individually purchased through a State Licensed Medical Marijuana Provisioning Center, Marijuana Retailer, or marijuana microbusiness, are allowed with special exception approval in most mixed use zoning districts. Designated Marijuana Consumption Facilities must be at least 1,000 feet from a K-12 school and must provide a maximum of 1 vehicle parking space per 100 square feet of floor area.
3. Marijuana Microbusiness, a licensed business that grows, processes, and sells or transfers marijuana directly to adults over 21 years, are allowed with special exception approval in the C3 district and most special purpose districts, must be at least 600 feet from another and provisioning centers/retailers. A Marijuana Microbusiness must provide a maximum of 1 vehicle parking space per 2,000 square feet of cultivation area and 250 square feet of noncultivation area.

- Facilities that grow marijuana (Marijuana Microbusinesses and Marijuana Growers) must obtain 10% of their energy from solar panels on-site, and must provide annual reports of their actual energy, water use and sanitary discharge.
- The term “medical” is struck wherever the marijuana-related word or phrase is now applicable to both medical and retail applications, such as ~~medical~~ marijuana grower and ~~medical~~ marijuana safety compliance facility.
- All marijuana-related terms are grouped together in the Definitions section.
- The paragraph regulating the number of state operating licenses per lot is reformatted by inserting a table for clarity and updated to include the new marijuana facilities.
- References to the MRTMA are added where appropriate along with existing references to the Michigan Medical Marihuana Act (MMMA) and/or the Medical Marijhuana Facilities Licensing Act (MMFLA).
- Marijuana Growers are no longer permitted in mixed use districts. They remain permitted in some special purpose districts. (There are no growers in mixed use districts.)
- The Permitted Use Table is corrected to indicate Marijuana Safety Compliance Facility and Marijuana Secure Transporter are permitted uses in the M1A district.

The Planning Commission recommended approval of the proposed ordinance amendments, following a public hearing, on August 20, 2019.

Attachments: Ordinance to Amend Chapter 55 (Marijuana Retailer, Marijuana Microbusiness, Designated Marijuana Consumption Facility)
Planning Staff Report - August 20, 2019
Planning Commission Minutes - August 20, 2019

Prepared by: Alexis DiLeo, City Planner
Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator
**(See Attached Ordinance)**

Sponsored by: Mayor Taylor and Councilmembers Ramlawi and Bannister