

City of Battle Creek
Medical Marihuana Facilities
Draft to City Commission 1/16/2018

CHAPTER 1230.06 DEFINITIONS

(42) Medical Marihuana Facilities

(a) Medical Marihuana Grower or Grow Facility means a licensee that is a commercial entity located in this State and licensed pursuant to the MMFLA that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(b) Processor and Medical Marihuana Processing Facilities means a licensee that is a commercial entity and facility located in this State and licensed pursuant to the MMFLA 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.

(c) Medical Marihuana Provisioning Center means a licensee and facility that is a commercial entity located in this State and licensed pursuant to the MMFLA that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term 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 marihuana registration process of the Department of Licensing and Regulation in accordance with the Michigan Medical Marihuana Act will not be a provisioning center for purposes of the Licensing Act.

(d) Medical Marihuana Safety Compliance Facility means a licensee and facility that is a commercial entity and licensed pursuant to the MMFLA that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marihuana to the facility.

(e) Medical Marihuana Secure Transporter means a licensee and facility that is a commercial entity located in this State and licensed pursuant to the MMFLA that stores marihuana and transports it between marihuana facilities for a fee.

(43) Mobile Home. "Mobile home" means a factory assembled structure, at least eight feet wide and thirty-two feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to required utilities.

(44) Mobile Home Park. "Mobile home park" means any site required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for residents.

(45) Nonconforming Use. "Nonconforming use" means a building or land lawfully occupied by a use at the time of passage of this Zoning Code (December 18, 1984), or an

- amendment thereto, which does not conform, after the passage of this Zoning Code or an amendment thereto, with the use regulations of the district in which it is situated.
- (46) Nursery School. "Nursery school" means a day care group facility which has as its main objective a developmental program for three or more preschool children and whose staff meets the educational qualifications as established by the State Department of Education.
 - (47) Parking Space. "Parking space" means an area enclosed in the main building or in an accessory building, or unenclosed, sufficient in size to store one standard automobile and, if unenclosed, comprising an area of not less than 166.5 square feet, exclusive of a driveway or aisleway connecting the parking space with a street or alley, and permitting the satisfactory ingress and egress of an automobile.
 - (48) Recreational Vehicle. "Recreational vehicle" means a vehicle, as herein defined, which is intended for recreational use, including, but not limited to, travel trailers, folding campers, pick-up campers, motor homes and boats.
 - (49) Rooming House. "Rooming house" means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to three or more persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. This definition is in contradistinction to hotels open to transients.
 - (50) Story. "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
 - (51) Story, Half. "Half story" means a space under a sloping roof which has the line of intersection of the roof decking and the wall face not more than five feet above the top floor level, in which space not more than sixty percent of the floor area is finished off for use and which may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.
 - (52) Street. "Street" means all property dedicated or intended for public or private street, highway, freeway or roadway purposes, or subject to a public easement therefor.
 - (53) Street Line. "Street line" means a dividing line between a lot, tract or parcel of land and the right-of-way line for a contiguous street.
 - (54) Structural Alteration. "Structural alteration" means a change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or a substantial change in the roof or in the exterior walls except such alterations as may be required for the safety of the building and changes and alterations of the facade of the building.
 - (55) Structure. "Structure" means anything constructed or erected, the use of which requires a permanent location on the ground or which is attached to something having a permanent location on the ground, including, but not limited to, advertising signs, billboards,
 - (56) Tattoo parlor. "Tattoo parlor" means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance or method resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. (Ord. 19-01. Passed 12-4-01.)

- (57) Tourist Home. "Tourist home" means a building, other than a hotel, where lodging is provided and offered to the public by a resident family for compensation to three or more individuals and which is open to transient guests. "Bed and breakfast" houses are considered "tourist homes" for the purpose of this Zoning Code.
- (58) Vehicle. "Vehicle" means every device, regardless of its operable condition, in, upon or by which, by its original design and intent, any person or property might be transported or drawn upon a highway or waterway, except device designed to move by human power exclusively.
- (59) Yard. "Yard" means an open space that is on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the mean horizontal distance between the lot line and the main building shall be used.
- (a) "Front yard" means that area measured by the full width of the front lot line to a depth measured from such lot line to the first supporting member of the main structure. The first supporting member includes the main building or any projection thereof, other than the usual steps, entranceways, unenclosed balconies or open roofless porches. For the purpose of this Zoning Code, properties having frontage on a lake, river, creek or other waterway shall be required to meet front yard requirements along that water frontage and along any street frontage.
- (b) "Side yard" means a yard between the main building and the side line of a lot that extends from the front yard line to the rear yard line.
- (c) "Rear yard" means a yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or a projection thereof, other than steps, unenclosed balconies or porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard.
- (60) Zoning Administrator. "Zoning Administrator" means the Director of Planning and Zoning, as well as any division or employee reporting to the Director, which or who is charged with the responsibility for administering and enforcing this Zoning Code. (Ord. 8-95. Passed 4-18-95.)
- (61) Zoning Code. "Zoning Code" means Ordinance 36-84, passed December 18, 1984, codified herein as Title Six of Part Twelve - the Planning and Zoning

CHAPTER 1262 C-2 GENERAL BUSINESS DISTRICTS

- 1262.01 Applicable regulations.
- 1262.02 Purpose.
- 1262.03 Permitted uses.
- 1262.04 Prohibited uses.
- 1262.05 Height, yard, lot area, building coverage, sign and parking and loading and site plan review requirements.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Yard exceptions within commercial districts - see P. & Z. 1278.05
- Signs in the C-2 Districts - see P. & Z. 1296.37
- Rental housing - see B.R. & T. Ch. 842

1262.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations of the C-2 General Business District.
(Ord. 36-84. Passed 12-18-84.)

1262.02 PURPOSE.

The C-2 General Business District is established to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic.
It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.
(Ord. 36-84. Passed 12-18-84.)

1262.03 PERMITTED USES.

In a C-2 General Business District, a building or premises shall be used only for the following purposes:

- (a) Any use permitted in the C-1 Neighborhood Commercial District;
- (b) Restaurants and eating establishments, including drive-ins;
- (c) Dyeing and cleaning works, provided that the cleaning fluid used has a base which is of a nonexplosive material;
- (d) Hotels and motels;
- (e) Laundries;
- (f) Printing shops;
- (g) Recreation and amusement activities when enclosed within a building;

- (h) Theaters;
- (i) Radio broadcasting and telecasting stations, studios, offices and telecommunications exchange buildings;
- (j) Veterinary or animal hospitals, provided that no such building, kennel or exercise runway is closer than 100 feet to any residence or Residential District;
- (k) Accessory buildings and uses which are customarily incidental to the uses set forth in this section; and
- (l) Boarding houses for more than ten individuals.
- (m) State Licensed Medical Marihuana Provisioning Centers with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 *Medical Marihuana* when located at least 1,000 feet away from a property containing a Medical Marihuana Provisioning Center; and at least 1,000 feet away from K-12 schools and libraries open to the public. These setback measurements are between nearest property lines, regardless of ownership of property or licensee.

1262.04 PROHIBITED USES.

The following uses shall specifically be prohibited in the C-2 General Business District:

- (a) Sale, rental or display of motor vehicles, trailers or boats; and
- (b) Manufacturing and processing establishments not selling their entire output at retail on the premises.

(Ord. 36-84. Passed 12-18-84.)

1262.05 HEIGHT, YARD, LOT AREA, BUILDING COVERAGE, SIGN, PARKING AND LOADING AND SITE PLAN REVIEW REQUIREMENTS.

The uses provided for in Section 1262.03 are subject to the following requirements:

- (a) Maximum height, as required by Chapter 1276;
- (b) Yards, as required by Chapter 1278;
- (c) Lot area, as required by Chapter 1282;
- (d) Building coverage, as required by Chapter 1280;
- (e) Signs, as required by Chapter 1296;
- (f) Off-street parking and loading, as required by Chapter 1284; and
- (g) Site plan review, as required by Chapter 1294.

CHAPTER 1264 C-3 INTENSIVE BUSINESS DISTRICTS

1264.01 Applicable regulations.

1264.02 Purpose.

1264.03 Permitted uses.

1264.04 Height, yard, lot area, building coverage, sign and parking and loading and site plan review requirements.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Commercial businesses - see B.R. & T. Ch. 822

Yard exceptions within commercial districts - see P. & Z. 1278.05

Signs in the C-3 Districts - see P. & Z. 1296.37, 1296.39

Rental housing - see B.R. & T. Ch. 842

1264.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the C-3 Intensive Business District. (Ord. 36-84. Passed 12-18-84.)

1264.02 PURPOSE.

The C-3 Intensive Business District is intended to accommodate those business activities that typically generate large volumes of motor vehicle traffic, that require large areas of off-street parking, that produce, in varying amounts, noise, glare, odors, dust, hazards and that are potential obstacles to an efficient and convenient general business district. (Ord. 36-84. Passed 12-18-84.)

1264.03 PERMITTED USES.

In a C-3 Intensive Business District, a building or premises shall be used only for the following purposes:

- (a) Any use permitted in the C-2 General Business District;
- (b) Any retail business;
- (c) Motor vehicle, trailer and boat display, sales and rental, provided that the space used therefor is paved and adequately maintained so as to provide a durable, smooth and dust-free surface, and is so graded and provided with adequate drainage facilities so that all collected surface water is effectively carried away from the site;
- (d) Motor vehicle repairing, in which all storage of vehicles, as well as all activities, are conducted within a permanent, fully enclosed building;
- (e) Drive-in businesses, excluding drive-in theaters, where service may be in automobiles or outdoors, but with all other activities carried on within a building;

- (f) Second hand stores; and
- (g) Freezer lockers for retail business only.
- (h) State Licensed Medical Marihuana Secure Transporters and Safety Compliance Facilities with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 *Medical Marihuana* where located at least 1,000 feet away from properties, as measured between nearest property lines, containing any of the following uses:
 - 1) Religious assembly uses;
 - 2) Private or public schools;
 - 3) Public parks;
 - 4) Libraries open to the public;
 - 5) Any property with a residential use; and
 - 6) Any Residential ('R') zoned property.

(Ord. 36-84. Passed 12-18-84.)

1264.04 HEIGHT, YARD, LOT AREA, BUILDING COVERAGE, SIGN, PARKING AND LOADING AND SITE PLAN REVIEW REQUIREMENTS.

The uses provided for in Section 1264.03 are subject to the following requirements:

- (a) Maximum height, as required by Chapter 1276;
- (b) Yards, as required by Chapter 1278;
- (c) Lot area and lot width, as required by Chapter 1282;
- (d) Building coverage, as required by Chapter 1280;
- (e) Signs, as required by Chapter 1296;
- (f) Off-street parking and loading, as required by Chapter 1284; and
- (g) Site plan review, as required by Chapter 1294.

CHAPTER 1268 C-5 PLANNED SHOPPING DISTRICTS

- 1268.01 Applicable regulations.
- 1268.02 Plan required.
- 1268.03 Permitted uses.
- 1268.04 Procedure.
- 1268.05 Review and approval.
- 1268.06 Delay in construction.
- 1268.07 Off-street parking and loading.
- 1268.08 Height, yard, lot area, building coverage, sign and site plan review requirements.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Yard exceptions within commercial districts - see P. & Z. 1278.05

Signs in the C-5 District - see P. & Z. 1296.37

Rental housing - see B.R. & T. Ch. 842

1268.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the C-5 Planned Shopping District. (Ord. 36-84. Passed 12-18-84.)

1268.02 PLAN REQUIRED.

The C-5 Planned Shopping District shall be designed and developed as a unit according to an improved plan, as provided in this chapter, in order to provide for retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods. (Ord. 36-84. Passed 12-18-84.)

1268.03 PERMITTED USES.

In a C-5 Planned Shopping District, a building or premises shall be used only for the retail sale of merchandise, service facilities, parking areas and similar facilities ordinarily considered to be an indispensable function of residential neighborhoods, as follows:

(a) No plan shall be favorably considered unless it contains at least one retail establishment primarily selling food and other convenience and household goods for consumption or utilization off the premises. It is the intent of this requirement to provide for a grocery store or supermarket to service the needs of adjacent residential areas.

(b) Retail stores, such as drug, variety, apparel and furniture, nurseries and hardware stores are permitted.

(c) Restaurants limited to food service only, excluding drive-in establishments and establishments in which the principal activity is the dispensing of alcoholic beverages, are permitted.

(d) Residential uses, including transient facilities, are prohibited.

(e) Services generally required by a family at intervals of a week or less, such as dry-cleaning, laundromats, shoe repair, barber and beauty shops and gasoline service stations, are restricted as follows:

(1) Services shall be limited to passenger vehicles and trucks not exceeding one and one-half tons capacity, and all services except those limited to pump islands shall be carried on within a totally enclosed building.

(2) Services and repairs shall exclude those activities considered to be heavy repairs, including, but not limited to, the changing of chassis, bodies or motor trains, body repairs and painting. Included in these allowable services are muffler repair or replacement shops, oil change and tune-up facilities and tire and battery stores.

(f) State Licensed Medical Marihuana Provisioning Centers with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana when located at least 1,000 feet away from a property containing a Medical Marihuana Provisioning Center; and at least 1,000 feet away from K-12 schools and libraries open to the public. These setback measurements are between nearest property lines, regardless of ownership of property or licensee.

1268.04 PROCEDURE.

The owner of a tract of land which comprises five acres or more may submit to the City Commission a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth in, this chapter. Such plan shall be accompanied by evidence concerning the feasibility of the project and its effect on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

(a) A site plan defining the areas to be developed for buildings, parking, landscaping, pedestrian and vehicular circulation, points of ingress and egress, including service roads, where required, the location and height of walls, the provision of loading spaces, the location, size and number of signs and design techniques utilized to protect adjacent land uses and zoning districts. Such site plan shall include the existing and proposed topography of the site, either by two-foot contour intervals or spot elevations, vegetation on site, provisions for screening of refuse containers, exterior lighting plan, and provisions for proposed utilities and storm drainage collection and disposal.

(b) A report on the market to be served, the types and amount of service needed and general economic justification therefor;

(c) A traffic survey or study prepared by qualified experts which, among other things, indicates the total traffic impact of the proposed shopping center on adjacent streets and the anticipated points of origin, direction and amount of traffic flow to and from the shopping center; and

(d) A statement of financial responsibility to assure the construction of the planned shopping center is in accordance with the plan and the requirements of this chapter.

(Ord. 36-84. Passed 12-18-84.)

1268.05 REVIEW AND APPROVAL.

Before any action is taken thereon by the City Commission, the proposed planned shopping center plan, together with the required statements and supplementary information, shall be referred to the Planning Commission for study and report. The recommendation of the Planning Commission shall then be submitted to the City Commission for official adoption or disapproval. In making its report, the Planning Commission shall state the reasons for its recommendation and in doing so shall consider the economic feasibility of the district and its effect on the health, safety and general welfare of the residents, traffic and the values of surrounding property.

(Ord. 36-84. Passed 12-18-84.)

1268.06 DELAY IN CONSTRUCTION.

If the construction of the shopping center is not commenced within two years of the date of approval by the City Commission, the district shall revert to the same zoning classification that existed prior to approval of the C-5 District, and the zoning regulations of such former district shall thereupon be in full force and effect.

(Ord. 36-84. Passed 12-18-84.)

1268.07 OFF-STREET PARKING AND LOADING.

For each 1,000 square feet of gross floor area, there shall be provided five off-street parking spaces. Adequate provision for off-street loading and unloading of trucks and other vehicles shall also be shown on the plan.

(Ord. 36-84. Passed 12-18-84.)

1268.08 HEIGHT, YARD, LOT AREA, BUILDING COVERAGE, SIGN AND SITE PLAN REVIEW REQUIREMENTS.

The uses provided for in Section 1268.03 are subject to the following requirements:

- (a) Maximum height, as required by Chapter 1276;
- (b) Yards, as required by Chapter 1278;
- (c) Lot area, as required by Chapter 1282;
- (d) Building coverage, as required by Chapter 1280;
- (e) Signs, as required by Chapter 1296; and
- (f) Site plan review, as required by Chapter 1294.

(Ord. 36-84. Passed 12-18-84.)

CHAPTER 1270 C-6 MAJOR HIGHWAY INTERCHANGE BUSINESS DISTRICT

- 1270.01 Applicable regulations.
- 1270.02 Purpose.
- 1270.03 Permitted uses.
- 1270.04 Site development requirements.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Signs in C-6 Districts - see P. & Z. 1296.37
- Rental housing - see B.R. & T. Ch. 842

1270.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the C-6 Major Highway Interchange Business District.

(Ord. 36-84. Passed 12-18-84.)

1270.02 PURPOSE.

The C-6 Major Highway Interchange Business District is established to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded. The uses permitted in this District shall be limited strictly to those uses mentioned in Section 1270.03.

(Ord. 36-84. Passed 12-18-84.)

1270.03 PERMITTED USES.

In a C-6 Major Highway Interchange Business District, the following uses are permitted. However, all must be conducted wholly in a permanent, fully enclosed building, unless otherwise stated:

- (a) Retail establishments selling principally (ninety percent of total sales measured in dollar volume) new merchandise;
- (b) Personal and business services, excluding processing of physical materials;
- (c) Passenger terminals;

- (d) Offices, banks and public buildings;
- (e) Restaurants and drive-in businesses, excluding drive-in theaters, where service may be in automobiles or outdoors;
- (f) Motels or hotels, subject to the following conditions:
 - (1) Minimum lot area. The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be not less than 800 square feet of lot area for each guest unit.
 - (2) Lighting. No lighting shall have a source of illumination visible outside of the boundaries of the lot. Such lighting shall, in no way, impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- (g) Essential services;
- (h) Golf driving ranges and miniature golf courses under the following conditions:
 - (1) No lighting shall have a source of illumination visible outside of the boundaries of the lot from a residential area and no lighting shall shine directly on adjacent properties.
 - (2) Parking areas shall be screened from adjacent residences to prevent headlight glare.
 - (3) Access by motor vehicles to such lot by way of minor or residential streets is permitted, provided that such streets are paved with a bituminous or concrete surface meeting the specifications of the City Engineer.
- (i) Indoor amusement and entertainment, including, but not limited to, movie theaters, roller skating rinks, bingo, soccer and hockey.
- (j) State Licensed Medical Marihuana Provisioning Centers with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana when located at least 1,000 feet away from a property containing a Medical Marihuana Provisioning Center, regardless of ownership of property or licensee; and at least 1,000 feet away from K-12 schools and libraries open to the public. These setback measurements are between nearest property lines, regardless of ownership of property or licensee.

1270.04 SITE DEVELOPMENT REQUIREMENTS.

Developments permitted within the C-6 Major Highway Interchange District shall meet the following minimum site development requirements:

- (a) Minimum Lot Area. The minimum lot area shall be not less than 25,000 square feet, unless otherwise specified.
- (b) Minimum Lot Width. The minimum lot width shall be not less than 150 feet, unless otherwise specified.
- (c) Yards. A yard adjacent to a street right of way shall provide a minimum building setback of thirty-five feet, except that south of I-94 on lots fronting Beckley Road or Capital Avenue, S.W., such setback shall be a minimum of fifty feet, and the following:
 - (1) Safety strip. A strip of land at least ten feet wide along the street lot line shall be preserved with a berm or permanent natural plantings, neither of which shall exceed three feet in height. This ten-foot wide strip shall be referred to as the safety strip.
 - (2) Rear yard. No rear yard shall be required, but if any lot in this District abuts a residential use or a Residential District, a transition strip of at least fifty feet shall be provided. The inner thirty feet of the transition strip may be used for parking and there shall be erected along the boundary lines of any such lot abutting a Residential District a five-foot high landscaped berm or combination of natural plantings that total not less

than eight feet high and act as a year round visual barrier. A masonry wall of at least five feet but not more than eight feet in height will also satisfy this requirement. The fence or wall shall be neat and harmonious in appearance with the character of the immediate residential area and shall be maintained in good condition at all times. The fence or berm shall be considered an integral part of the requirements for the use proposed.

- (d) Compliance Requirements for New Businesses. For those sites that do not currently provide sufficient setbacks to ensure traffic safety along any public right of way, it shall be required that upon a site plan modification or a re-opening of a business closed for more than 120 days, a ten-foot wide safety strip shall be provided along the road frontage. No sign shall be permitted on or above the safety strip.

(Ord. 36-84. Passed 12-18-84; Ord. 7-87. Passed 6-2-87.)

- (e) Noise. Noise emanating from a use in this District shall not exceed the levels for ordinary conversation or normal traffic noise peaks at the boundaries of the lot. No physical vibration humanly perceptible at or beyond the lot boundaries shall be allowed.
- (f) Signs. Signs shall comply with Chapter 1296.
- (g) Off-Street Parking and Loading. Developments must comply with the off-street parking and loading requirements of Chapter 1284 unless otherwise specified.
- (h) Site Plan Review. Developments must comply with the site plan review requirements of Chapter 1294.

CHAPTER 1271 C-7 STREET-LEVEL RETAIL DISTRICT

- 1271.01 Applicable regulations.
- 1271.02 Purposes.
- 1271.03 Definitions.
- 1271.04 Permitted uses.
- 1271.05 Erection of poles and wires.
- 1271.06 Height, width, lot area, building coverage, sign and site plan review requirements.
- 1271.07 Mixed commercial and residential uses.
- 1271.08 Off-street parking and loading.
- 1271.09 Conflicts with State of local business licensing requirements or regulations.
- 1271.10 (Repealed).
- 1271.11 Prohibited uses.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Authority to zone; Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.3201

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.3208

Commercial businesses - see B.R. & T. Ch. 822

Rental housing - see B.R. & T. Ch. 842

1271.01 APPLICABLE REGULATIONS.

- (a) The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the C-7 Street-Level Retail District.
- (b) The restrictions and regulations of Chapter 814 shall be applicable to this chapter.
(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.02 PURPOSES.

The C-7 Street-Level Retail District is established to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this District, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.03 DEFINITIONS.

As used in this chapter:

- (a) "Apartment" means a living unit of at least 500 square feet which is intended or designed for use as a residence by a single family and which includes its own kitchen and bath facilities.
- (b) "Art gallery" means a premises used for the display and sale of original works of art.

- (c) "Art studio" means a building used for the production, display and sale of works of art.
- (d) "Banquet and meeting hall" means a premises available to the public for rental for the purpose of holding meetings, banquets and receptions.
- (e) "Box office" means a premises, not necessarily attached to a theater, museum, exhibition hall or athletic facility, used for the sale of tickets for admission to entertainment, including, but not limited to, athletic events, theatrical performances, museum admissions or concerts.
- (e)(1) "Brewpub" means a licensed facility that manufactures and sells at that licensed premises not more than 2,000 barrels of beer/ale per year for consumption on that premises only.
- (f) "Church" means a building that people regularly attend to participate in or hold religious services, meetings or other religious activities of any denomination. The term "church" also includes synagogues, temples and mosques.
- (g) "Collectibles shop" means a business limited to the sale or trade of first-edition hardcover books, board or electronic games, including card games, computer games, role-playing or miniature games, CD's, DVD's, sports trading cards, comic books, stamps, coins, antique jewelry or a combination thereof. The term "collectibles shop" does not include secondhand goods dealers or pawn shops.
- (h) "Exhibition hall" means a premises open to the public for the viewing of temporary exhibits of collections or displays of items relating to, or artifacts of, natural, local, State or national history; the presentation of theatrical performances or musical concerts; or the holding of flea markets, swap meets or other shows involving the sale or trade of publicly displayed items and merchandise.
- (i) "Financial institutions" means banks, savings and loans, credit unions, mortgage or loan companies and stock brokers. The term "financial institutions" does not include pawnbrokers, bail bondsmen or cash advance establishments.
- (j) "Florist shop" means a business whose principal purpose is the display and sale of natural and silk flowers, arrangements of flowers and decorative accessories used in the display of flowers.
- (k) "Interior decorating and design studio" means a business which displays interior decorating and design merchandise, such as furniture, wallpaper, fabric, floor coverings and accessories as samples shown on the premises which individuals may order from catalogues. The term "interior decorating and design studio" does not include the warehousing of interior decorating and design merchandise for on-site retail sale.
- (1) "Microbrewery" means a brewery that produces less than 20,000 barrels of ale/beer per year for on-site consumption, take-out and distribution to wholesalers and/or restaurants, taverns and retail stores, and is open to the general public for sales and tours.
- (m) "Mission" means a facility providing temporary lodging and ancillary services, such as the provision of food, clothing or other services, to alleviate the suffering of indigent, needy, homeless or transient persons.
- (n) "Museum" means a premises used for the storage and display of artifacts, memorabilia and works of art which are open to public viewing.
- (o) "Photocopy service" means a business that reproduces drawings, plans, maps or other documents by means of blueprinting or photocopying.

- (p) "Print shop" means a retail establishment which provides duplicating services using photocopy, blueprint or off-set printing equipment, which may also include the collating of booklets and reports.
 - (q) "Private club" means a premises not open to the public and used for the meeting of a nonprofit organization of persons operated for the promotion and promulgation of common interests. The term "private club" does not include churches and missions.
 - (r) "Professional offices" means, by way of example, but is not limited to, an attorney's offices, an architect's offices, an engineer's offices, insurance offices, an accountant's offices and real estate offices, but not medical, dental or veterinary offices, clinics or laboratories.
 - (s) "Retail sales" means the sale of new, unused goods.
 - (t) "Tailor, dressmaking or millinery shops" means premises used for the custom manufacture of clothing and hats as well as the alteration and repair of clothing and hats.
 - (u) "Visitor information center" means a premises used for the dissemination of cultural, historic or tourist information.
 - (v) "Work of art" means an original creation, such as, but not limited to, oil, acrylic or water color paintings, clay, pottery or papermache sculptures or screened or photographic prints, of such a nature as to be suitable for a juried art exhibition or auction. The term "work of art" does not include objects which are knitted or crocheted, items created by a kit, wooden toys or other similar craft or hobby items made from a pattern.
- (Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.04 PERMITTED USES.

- (a) In a C-7 Street-Level Retail District, a building or premises shall be used only for the following purposes:
 - (1) Retail sales;
 - (2) Art gallery;
 - (3) Museums;
 - (4) Visitor information centers;
 - (5) Beauty and barber shops;
 - (6) Tailor, dressmaking and millinery shops;
 - (7) Financial institutions;
 - (8) Photography studios;
 - (9) Restaurants, including fast food restaurants, but not including drive-in restaurants;
 - (10) Pet shops, but not kennels or veterinary offices;
 - (11) Printing and photocopying shops;
 - (12) Theaters having a minimum of fifty seats;
 - (13) Travel bureaus;
 - (14) Collectible shops;
 - (15) Florist shop;
 - (16) Exhibit hall;
 - (17) Stores for the collection and distribution of laundry and dry cleaning, but not for the actual treatment, cleaning or processing of such articles;
 - (18) Photographic film sales and development shops;
 - (19) Shoe repair/shoe shine shops;
 - (20) News and magazine stands;

- (21) Box offices;
(Ord. 25-92. Passed 11-24-92.)
- (22) Microbreweries and brewpubs; and
(Ord. 4-96. Passed 6-4-96.)
- (23) United States Military forces, including the U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marines, U.S. Coast Guard, and National Guard recruiting offices.
(Ord. 17-07. Passed 11-20-07.)
- (24) Professional offices;
- (25) Artist studios;
- (26) Banquet and meeting halls;
- (27) Private clubs;
- (28) Employment agencies;
- (29) In-door health and fitness facilities;
- (30) Medical or dental, but not veterinary, offices, clinics and laboratories;
- (31) Private trade, vocational, art, business, dance or music schools;
- (32) Recording studios;
- (33) Reading rooms;
- (34) Interior decorating studios;
- (35) Child day-care centers;
- (36) Apartments on the second floor, or higher;
- (37) Small appliance repair shop;
- (38) Video rental stores;
- (39) Dance studios.
- (40) State Licensed Medical Marihuana Provisioning Centers with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana when located at least 1,000 feet away from a property containing a Medical Marihuana Provisioning Center, regardless of ownership of property or license; and at least 1,000 feet away from K-12 schools and libraries open to the public. These setback measurements are between nearest property lines, regardless of ownership of property or licensee.

1271.05 ERECTION OF POLES AND WIRES.

No person shall erect poles or wires for telephone, telegraph, cable television or power distribution purposes within the boundaries of a C-7 Street-Level Retail District.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.06 HEIGHT, WIDTH, LOT AREA, BUILDING COVERAGE, SIGN AND SITE PLAN REVIEW REQUIREMENTS.

Uses provided for in this chapter are subject to the maximum height, width, lot area, building coverage, sign and site plan review requirements of a C-4 Central Business District.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.07 MIXED COMMERCIAL AND RESIDENTIAL USES.

Commercial and residential uses may occupy the same building, provided that the residential use is limited in its entirety to the second level or higher of the building and meets the requirements of the Building and Housing Code and all State building and fire codes.

1271.08 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements shall be in accordance with Chapter 1284, provided that in the case of mixed uses, the number of parking spaces shall equal the sum of the requirements for each use computed separately.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.09 CONFLICTS WITH STATE OR LOCAL BUSINESS LICENSING REQUIREMENTS OR REGULATIONS.

Nothing in this chapter is intended or should be construed as a waiver of any State or local business licensing requirement or regulation.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.10 (REPEALED)

Editor's Note: Section 1271.10, as adopted by Ord. 25-92, passed 11-24-92 was repealed by Ord. 08-2010, passed 7-6-10.

1271.11 PROHIBITED USES.

The following uses are prohibited in a C-7 Street-Level Retail District:

- (a) Adult businesses regulated by Chapter 1295;
- (b) Any form of transient dwelling, including, but not limited to, rooming houses, boarding houses, tourist homes, motels or hotels.
- (c) Retail sales of motor vehicles, motorcycles, recreational vehicles or motor homes, or the retail sale of motor vehicle or motorcycle parts.
- (d) Retail sales of large household appliances, such as washing machines, dryers, stoves, refrigerators, freezers or hot-water heaters.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

CHAPTER 1272 I-1 LIGHT INDUSTRIAL DISTRICT

1272.01 Applicable regulations.

1272.02 Purpose.

1272.03 Permitted uses.

1272.04 Height, yard, lot area, building coverage, sign, parking and loading and site plan review requirements.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Yard exceptions within industrial districts - see P. & Z. 1278.05

Signs in I Districts - see P. & Z. 1296.39, 1296.40

Rental housing - see B.R. & T. Ch. 842

1272.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the I-1 Light Industrial District. (Ord. 36-84. Passed 12-18-84.)

1272.02 PURPOSE.

The I-1 Light Industrial District is intended to accommodate those industrial uses that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District, commercial establishments not engaging in retail sales and service establishments which, if doing retail business, are of the type not generally requiring the customer to call at the place of business. (Ord. 36-84. Passed 12-18-84.)

1272.03 PERMITTED USES.

In an I-1 Light Industrial District, a building or premises shall be used only for the following purposes:

- (a) Any use permitted in the C-4 Central Business District, except that after the passage of this Zoning Code (Ordinance 36-84, passed December 18, 1984), no new dwelling may be erected and no existing structure may be converted for residential purposes in the I-1 District;
- (b) Bottling works;
- (c) Carting, express or hauling yards;
- (d) Contractor's yards;
- (e) Coal, coke or wood yards;

- (f) Essential service structures;
- (g) Assembly and manufacture, from prefabricated parts, of household appliances, electronic products and similar products or the processing or assembly of parts for production of finished equipment;
- (h) Lumber yards or millwork plants;
- (i) Petroleum storage, but only after the location and treatment of the premises have been approved by the Fire Chief and the State Fire Marshal;
- (j) Fruit and food processing and storage;
- (k) Sporting goods and athletic equipment manufacture;
- (l) Truck or transfer terminal or freight houses;
- (m) Utilities;
- (n) Warehousing and wholesale establishments;
- (o) Industrial manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, gas, odor, smoke or noise is emitted;
- (p) Storage yards for motor vehicles for salvage, including the removal of parts therefrom. Such use shall be screened from exterior view by a solid, well maintained fence which is eight feet in height, and vehicles shall not be stored in a manner exceeding the height of the fence. Such fence shall be setback a minimum of fifteen feet from all property lines and the yard shall be secured during nonoperational hours.
- (q) Normal accessory uses and structures.
- (r) State Licensed Medical Marihuana Growers, Processors, Secure Transporters, and Safety Compliance Facilities with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana where located at least 1,000 feet away from properties, as measured between nearest property lines, containing any of the following uses:
 - 1) Religious assembly uses;
 - 2) Private or public schools;
 - 3) Public parks;
 - 4) Libraries open to the public; and
 - 5) Residential ('R') zoned property.
- (s) State Licensed Medical Marihuana Provisioning Center located on the same property with an approved State Licensed Medical Marihuana Grower and Processor facilities (co-location); and is located at least 1,000 feet away from K-12 schools and libraries open to the public. This setback measurement is between nearest property lines.
- (t) State Licensed Medical Marihuana Provisioning Centers located in a building where a retail use was in operation at the date of this ordinance adoption and is located at least 1,000 feet away from K-12 schools and libraries open to the public. This setback measurement is between nearest property lines.

1272.04 HEIGHT, YARD, LOT AREA, BUILDING COVERAGE, SIGN AND PARKING AND LOADING AND SITE PLAN REVIEW REQUIREMENTS.

The uses provided for in Section 1272.03 are subject to the following requirements:

- (a) Maximum height, as required by Chapter 1276;
- (b) Yards, as required by Chapter 1278;
- (c) Lot area, as required by

- (d) Building coverage, as required by Chapter 1280;
- (e) Signs, as required by Chapter 1296;
- (f) Off -street parking and loading, as required by Chapter 1284; and
- (g) Site plan review, as required by Chapter 1294.

CHAPTER 1274 I-2 HEAVY INDUSTRIAL DISTRICT

- 1274.01 Applicable regulations.
- 1274.02 Dwellings prohibited.
- 1274.03 Permitted uses.
- 1274.04 Special requirements.
- 1274.05 Height, yard, lot area, building coverage, sign, parking and loading and site plan review requirements.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Yard exceptions within industrial districts - see P. & Z. 1278.05
- Signs in I Districts - see P. & Z. 1296.39, 1296.40
- Rental housing - see B.R. & T. Ch. 842

1274.01 APPLICABLE REGULATIONS.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the I-2 Heavy Industrial District. (Ord. 36-84. Passed 12-18-84.)

1274.02 DWELLINGS PROHIBITED.

In an I-2 Heavy Industrial District, no building shall be converted or erected for dwelling purposes. (Ord. 36-84. Passed 12-18-84.)

1274.03 PERMITTED USES.

In an I-2 Heavy Industrial District any building or premises may be used for any purpose not in conflict with any of the provisions of these Codified Ordinances regulating nuisances, this includes the following:

(a) State Licensed Medical Marihuana Growers, Processors, Secure Transporters, and Safety Compliance Facilities having an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana where located at least 1,000 feet away from properties, measured between nearest property lines, containing any of the following uses,:

- 1) Religious assembly uses;
- 2) Private or public schools;
- 3) Public parks;
- 4) Libraries open to the public; and
- 5) Residential ('R') zoned property.

(b) State Licensed Medical Marihuana Provisioning Center located on the same property with an approved State Licensed Medical Marihuana Grower and Processor facilities (co-location); and is located at least 1,000 feet away from K-12 schools and libraries open to the public. This setback measurement is between nearest property lines.

(c) State Licensed Medical Marihuana Provisioning Centers located in a building where a retail use was in operation at the date of this ordinance adoption and is located at least 1,000 feet away from K-12 schools and libraries open to the public. This setback measurement is between nearest property lines.

1274.04 SPECIAL REQUIREMENTS.

No building or occupancy permit shall be issued for any of the following uses until the location of such use is approved by the City Commission after a report regarding the effect of such use upon the safety and welfare of adjacent developments and its relationship to streets, sewers and other utilities is made by the Fire Chief, the City Engineer and the State Fire Marshal:

- (a) Acid manufacture;
- (b) Cement, lime or gypsum manufacture;
- (c) Distillation of bones or rendering plants;
- (d) Fertilizer manufacture;
- (e) Gas manufacture;
- (f) Garbage, offal or dead animal's reduction, dumping or incinerating;
- (g) Smelting plants;
- (h) Stockyards or slaughter of animals;
- (i) Distilleries; and
- (j) Wholesale storage of gasoline or other similar fuels or chemicals.

(Ord. 36-84. Passed 12-18-84.)

1274.05 HEIGHT, YARD, LOT AREA, BUILDING COVERAGE, SIGN, PARKING AND LOADING AND SITE PLAN REVIEW REQUIREMENTS.

The uses provided for in this chapter are subject to the following requirements:

- (a) Maximum height, as required by Chapter 1276;
- (b) Yards, as required by Chapter 1278;
- (c) Lot area, as required by Chapter 1282;
- (d) Building coverage, as required by Chapter 1280;
- (e) Signs, as required by Chapter 1296;
- (f) Off-street parking and loading, as required by Chapter 1284; and
- (g) Site plan review, as required by Chapter 1294.

CHAPTER 1290 SPECIAL LAND USES

- 1290.01 Objectives; authority of City Commission.
- 1290.02 Application for special uses; certificates of occupancy.
- 1290.03 Hearings and notices.
- 1290.04 Decision on application; basis for determination.
- 1290.05 Approval of special land use with conditions.
- 1290.06 Reapplication.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

1290.01 OBJECTIVES; AUTHORITY OF CITY COMMISSION.

- (a) The principal objective of this Zoning Code is to provide for the orderly arrangement of compatible buildings and land uses and for the proper location of all types of uses required for the social and economic welfare of the City. To accomplish this objective, each type of use is classified as permitted in one or more of the various districts established by this Zoning Code. However, in addition to those uses specifically classified and permitted by right in each district, there are certain additional uses which may be necessary or desirable to allow because of their unusual characteristics or the service they provide to the public. These special uses require particular consideration as to their proper location in relation to adjacent established or intended uses or to the planned development of the community. Such uses include:

(31) State Licensed Growing & Processing facilities with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 *Medical Marihuana* when the following are met.

A. Facility is located on a property in the I-1 or I-2 district which abuts the C-4 district;

B. Facility is permitted to grow more than 1,500 marihuana plants; and

C. The facility is located at least 1,000 feet away from properties (measured between nearest property lines) containing any of the following uses:

1) Religious Assembly Uses;

2) Private or public schools;

3) State Licensed Day Care Facilities;

4) Public parks;

5) Libraries open to the public

6) Any property where the primary use is Residential; and

7) Any Residential ('R') zoned property.

CHAPTER 1299 MEDICAL MARIHUANA

1299.01 Purpose

1299.02 Authority

1299.03 Permits & Process

1299.04 Locations & Standards

1299.05 Prohibited Areas & Setbacks

1299.06 Signage

1299.01 PURPOSE

The purpose of this chapter is to implement the provisions of State legislation PA 283 of 2008 'Medical Marihuana Act' (MMA) and PAs 281, 282, & 282 of 2016 'Medical Marihuana Facilities Licensing Act' (MMFLA) and, subsequent amendments, for establishing local zoning authority for the permitting of medical marihuana licenses and facilities. Further, the purpose of this chapter also provides:

- (a) A process for the City to legally facilitate the development of medical marihuana facilities which are otherwise illegal under federal law.
- (b) A procedure for growing, processing, testing, transporting, and selling medical marihuana for qualified persons.
- (c) Zoning authority for the protection and preservation of public safety, welfare, and property value; and ensuring consistency with the future land use map of the Master Plan.
- (d) A licensing and taxing authority to the City to defray costs to additional public safety, administrative, and enforcement with the result of facilitating development of medical marihuana facilities.
- (e) Additional economic industry and benefit to the community.

1299.02 AUTHORITY

With the adoption of PA 283 of 2008 and PAs 281, 282, & 282 of 2016 and subsequent amendments, the City of Battle Creek has legislative authority to establish zoning regulations, application processes and associated fees, and enforcement abilities for medical marihuana development without penalty or inconsistencies with Federal law.

1299.03 LICENSE AND PERMIT REQUIRED; APPLICATION; FEE;

- (a) Licenses Required. No person or entity shall operate a medical marihuana facility without receiving the following licenses:
 - (1) An approved medical marihuana operating license from the State;
 - (2) An approved medical marihuana license from the City pursuant to Chapter 833 *Medical Marihuana*; and
- (b) Permit Type. No person or entity shall operate a medical marihuana facility without receiving the following permits where required:
 - (1) Approved Building permit & Occupancy Permit. All medical marihuana facilities shall require an approved Building permit showing compliance with applicable zoning and building codes. A Certificate of Occupancy shall be issued once all

applicable inspections are show satisfactory compliance with all zoning and building codes.

(2) Approved Site Plan Application. Certain medical marihuana facilities shall require gaining an approved Site Plan Application pursuant to Chapter 1294 *Site Plan Review*.

(3) Approved Special Use Permit, if required. Certain medical marihuana facilities shall require an approved Special Use Permit pursuant to Chapter 1290 *Special Land Uses*.

1299.04 NON-CONFORMING USES

(a) Medical marihuana dispensaries and growing operations which may have been established under the auspices of the 2008 MMA but have not gained approved permits from the City shall not be considered legally non-conforming. Owners of such dispensaries or growing operations shall cease operation, or if applicable, obtain required permit pursuant to subsection Ch. 1299.03.

(b) Medical marihuana dispensaries and growing operations which may have been established under the auspices of the 2008 MMA and have approved permits from the City are considered legally non-conforming and may continue operating pursuant to Chapter 1288 *Nonconforming Uses and Structures*.

1299.05 LOCATIONAL STANDARDS

(a) Pursuant to the 2016 MMFLA and subsection 1299.03, all types of state licensed medical marihuana facilities are allowed in zoning districts established by this chapter and within specific zoning districts provided in this zoning ordinance.

(b) The official updated 'Medical Marihuana Map' of the City of Battle Creek will be maintained by the City's Planning Division.

(c) Co-location of Licenses. Where State Licensed Medical Marihuana Grower, Processor, and Provisioning Center are co-located on a single property, the usable floor area of the Provisioning Center shall not exceed 10% of the gross square footage of the overall combine areas of the growing and licensing areas.

(d) Only one State Licensed Provisioning Center shall be allowed on a property within the area defined by property lines.

1299.06 DEVELOPMENT, OPERATIONAL STANDARDS

The following regulations are applicable to all State Licensed medical marihuana facilities.

(a) Medical Marihuana Location. Except when being transporting by State Licensed Security Transporter, all medical marihuana shall be located entirely inside a building having permanent foundation, walls, and roof.

(1) Notwithstanding subsection (a), a roof on grow facilities may consist of a sturdy transparent material, such as glass, to allow sunlight into the growing areas of the building. If such transparent material is utilized, it must be fully covered with a non-transparent material between dusk and dawn that prevents interior lighting from escaping through the roof.

(2) Walls shall be constructed of brick or masonry construction from grade to eight (8) feet in height.

(b) Signage. Notwithstanding Chapter 1296 Signs, only one sign per street frontage shall be permitted for any state licensed medical marihuana facility. Neon lighted signs are prohibited.

(c) Fence. Use of barb wire outside of the Industrial districts is prohibited.