

ORDINANCE NO. 2021-9
CHAPTER 50
ARTICLES II, III, IX, X, XI,
XII, XIV, XVI

AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*:

- (1) By repealing Article II, *Review and Decision-Making Bodies*, Division 6, *Advisory Review Committees*, Subdivision J, *Medical Marihuana Facility Review Committee*, which consists of Section 50-2-261, *Creation*, Section 50-2-262, *Personnel*, Section 50-2-263, *Officers*, Section 50-2-264, *Duties and functions*, and Section 50-2-265, *Meetings, records and procedures*;
- (2) By changing the title of Division 12 in Article III, *Review and Approval Procedures (Part 1)* from “Medical Marihuana Caregiver Centers and Medical Marihuana Facilities” to “Medical Marijuana Facilities and Adult-Use Marijuana Establishments”; and
- (3) By amending Article II, *Review and Decision-Making Bodies*, Division 6, *Advisory Review Committees*, Subdivision A, In General, Section 50-2-91, *Advisory group structure*; Article III, *Review and Approval Procedures (Part 1)*, Division 12, *Medical Marihuana Caregiver Centers and Medical Marihuana Facilities*, Section 50-3-531, *Purpose*; in general, Section 50-3-532, *Medical marihuana caregiver centers and medical marihuana facilities subject to this division*, Section 50-3-534, *Medical marihuana caregiver center procedures*, Section 50-3-535, *Permitted districts for medical marihuana facilities; conditional use; restrictions*, Section 50-3-536, *Medical marihuana facility procedures*, and Section 50-3-537, *Accessory uses; public nuisance*; Article IX, *Business Zoning Districts*, Division 3, *B2 Local Business and Residential District*, Section 50-9-54, *Conditional other uses*, Division 5, *B4 General Business District*, Section 50-9-114, *Conditional other uses*, Division 6, *B5 Major Business District*, Section 50-9-144, *Conditional other uses*, and Division 7, *B6 General Services District*, Section 50-9-174, *Conditional other uses*; Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-24, *Conditional other uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-54, *Conditional other uses*, Division 4, *M3 General Industrial District*, Section 50-10-84, *Conditional other uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-114, *Conditional other uses*, and Division 6, *M5 Special Industrial District*, Section 50-10-144, *Conditional other uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 2, *PD Planned Development District*, Section 50-11-13, *Use regulations*, Division 10, *SD2 – Special Development District, Mixed-use*, Section 50-11-244, *Conditional other uses*, and Division 14, *Overlay Areas*, Subdivision A, *Gateway Radial Thoroughfare Overlay Areas*, Section 50-11-364, *Prohibitions and limitations*, and Subdivision B, *Traditional Main Street Overlay Areas*, 50-11-386, *Prohibited use*; Article XII, *Use Regulations*, Division 1, *Use Tables*, Subdivision F, *Other Uses*, Section 50-12-110, *Medical caregiver centers*, Division 2, *General Use Standards*, Section 50-12-132, *Other uses – spacing*, Section 50-12-135, *Waiver of general spacing requirements*, and Section 50-12-136, *Waiver of spacing from schools*, Division 3, *Specific Use Standards*, Subdivision I, *Other Uses – Miscellaneous*, Section 50-12-413, *Medical marihuana caregiver centers and medical marihuana facilities*, and Division 6, *Temporary Uses and Structures*, Subdivision B, *Specific Temporary Uses Allowed*, Section 50-12-563, *Prohibited temporary uses*; Article XIV, *Development Standards*, Division 1, *Off-Street Parking, Loading, and Access*, Subdivision B, *Off-Street Parking Schedule “A”*, Section 50-14-69, *Medical marihuana caregiver centers*; and Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*, Subdivision B, *Letter “A”*, Section 50-16-111, *Words and terms (Aa-Ag)*; Subdivision D, *Letter “C”*, Section 50-16-153, *Words and terms (Cn-Cs)*, and Section 50-16-154, *Words and terms (Ct-Cz)*; Subdivision E, *Letter “D”*, Section 50-16-171, *Words and terms (Da-Dg)*, and Section 50-16-172, *Words and terms (Dh-Dz)*; Subdivision F, *Letter “E”*,

Section 50-16-191, Words and terms (Ea-Ez); Subdivision K, Letters "K" Through "L", Section 50-16-283, Words and terms (Lh-Lm); Subdivision L, Letter "M", Section 50-16-301, Words and terms (Ma—Mg), and Section 50-16-302 Words and terms (Mh—Mm), to add marijuana retailer establishment, designated marijuana consumption establishment, and marijuana microbusiness as conditional uses in B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts; to add marijuana safety compliance facility as a conditional use in B2, B4, B5, B6, M1, M2, M3, M4, M5, and SD2 zoning districts; to add marijuana secure transporter facility as a conditional use in B5, B6, M1 M2, M3, M4, and M5 zoning districts; to add marijuana processor facility as a conditional use in B6, M1, M2, M3, M4, and M5 zoning districts; to add marijuana grower facility as a conditional use in M1, M2, M3, M4, and M5 zoning districts; to specify marijuana-related land uses as a legislatively approved use on land zoned PD, where established as a non-residential PD; to amend the list of prohibited uses in Gateway Radial Thoroughfare overlay areas; to amend the list of prohibited uses in Traditional Main Street overlay areas; to add use regulations for adult-use marijuana establishments; and to add definitions related to adult-use marijuana.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 50 of the 2019 Detroit City Code, *Zoning*, be amended by repealing Article II, Division 6, Subdivision J, which consists of Sections 50-2-261, 50-2-262, 50-2-263, 50-2-264, and 50-2-265; by changing the title of Division 12 in Article III, *Review and Approval Procedures (Part 1)* from "Medical Marihuana Caregiver Centers and Medical Marihuana Facilities" to "Medical Marijuana Facilities and Adult-Use Marijuana Establishments"; and by amending Sections 50-2-91, 50-3-531, 50-3-532, 50-3-534, 50-3-535, 50-3-536, 50-3-537, 50-9-54, 50-9-114, 50-9-144, 50-9-174, 50-10-24, 50-10-54, 50-10-84, 50-10-114, 50-10-144, 50-11-13, 50-11-244, 50-11-364, 50-11-386, 50-12-110, 50-12-132, 50-12-135, 50-12-136, 50-12-413, 50-12-563, 50-14-69, 50-16-111, 50-16-153, 50-16-154, 50-16-171, 50-16-172, 50-16-191, 50-16-283, 50-16-301 and 50-16-302, to read as follows:

CHAPTER 50. ZONING.
ARTICLE II. REVIEW AND DECISION-MAKING BODIES
DIVISION 6. ADVISORY REVIEW COMMITTEES
Subdivision A. In General

Sec. 50-2-91. Advisory committee structure

The chairpersons and membership rosters of certain advisory committees are summarized in Table 50-2-91.

Table 50-2-91. Advisory committee structure.

Advisory Committee	Chair-person	Members
Floodplain Management Review	BSEED/DEA	BSEED/DEA; CPC; DPW; DWSD; PDD.
Hazardous Waste Facility Review	BSEED/DEA	BSEED; BSEED/DEA; CPC; DHD/EH; DPW/TE; DWSD; Fire; PDD; WC/DPSESG; Representative of the hazardous waste industry, either a management facility operator or waste generator; Two representatives appointed by City Council.
Industrial Review	BSEED/DEA	BSEED/DEA; CPC; DWSD; Fire; GDRRA; DHD/EH; DPW/SW; PDD; WC/DPSESG.
Loft Review	PDD	BSEED/DEA; CPC; DHD/EH; DHD/LP; Fire; PDD; WC/DPSESG.
Solid Waste Facility Review	DPW	BSEED/DEA; CPC; DHD/EH; DPW/SW; Fire; PDD; WC/DPSESG; two <i>ad hoc</i> members.
Wireless Telecommunications Site Review	Mayor's Office	BSEED; ITS; Law; PDD, DPD; PLD; DPW; DOT; DWSD; CPC.

NOTE: **BSEED** = Buildings, Safety Engineering, and Environmental Department; **BSEED/EAD** = Environmental Affairs Division; **CPC** = City Planning Commission; **DHD** = Detroit Health Department; **DHD/EH** = Environmental Health Services Bureau; **DHD/LP** = Lead Poisoning Control Program; **DoIT** = Department of Information and Technology; **DOT** = Department of Transportation; **DPD** = Detroit Police Department; **DPW** = Department of Public Works; **DPW/SW** = Solid Waste Division; **DPW/TE** = Traffic Engineering Division; **DWSD** = Detroit Water and Sewerage Department; **Fire** = Fire Marshal; **GDRRA** = Greater Detroit Resource Recovery Authority; **PDD** = Planning and Development Department; **PLD** = Public Lighting Department; **WC/DPSESG** = Wayne County Department of Public Services Environmental Services Group.

ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)
DIVISION 12. MEDICAL MARIJUANA FACILITIES AND ADULT-USE MARIJUANA ESTABLISHMENTS

Sec. 50-3-531. Purpose; in general.

The purpose of this division is to establish standards and procedures for the review and approval of the City of Detroit in permitting the land use categories of medical marijuana facilities and adult-use marijuana establishments, to prevent an over concentration of like uses, and to ensure the diversification of commercial and retail offerings along major and secondary corridors in order:

(1) To serve and protect the health, safety, and welfare of the general public through reasonable limitations on land use as related to traffic, noise, light, air and water quality, neighborhood and patient safety, security, and other health and safety concerns;

(2) To regulate land used in the operation of activities authorized by the Michigan Medical Marijuana Act, being MCL 333.26421 *et seq.* ("MMMA"), the Michigan Medical Marijuana Facilities Licensing Act, being MCL 333.27101 *et seq.* ("MMFLA"), and the Michigan Regulation and Taxation of Marijuana Act, being MCL 333.27951 *et seq.* ("MRTMA");

(3) To establish land use restrictions that are fair and equitable for those interested in establishing medical marijuana facilities and adult-use marijuana establishments, while protecting adjacent properties from potential adverse effects; and

(4) Provide reasonable regulation of land use pursuant to the City's general zoning power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL 117.1 *et seq.*, and the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*

(b) Nothing in this division, or in any companion regulatory provisions adopted in any other section of this Code is intended to prohibit, or shall be construed as prohibiting, access to health care or medical marijuana by registered medical marijuana patients.

(c) Nothing in this division, or in any companion regulatory provisions adopted in any other provision of this Code, is intended to grant, or shall be construed as granting, immunity from criminal prosecution:

(1) For cultivation, sale, consumption, use, distribution, manufacture or possession of marijuana in any form not in compliance with the Michigan Medical Marihuana Act, being MCL 333.26421 *et seq.* ("MMMA"), or the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101 *et seq.* ("MMFLA"), or the Michigan Regulation and Taxation of Marihuana Act, being MCL 333.27951 *et seq.* ("MRTMA"); or

(2) For any criminal prosecution under federal law, including seizure of property under the Federal Controlled Substances Act, being 21 USC 801 *et seq.*

Sec. 50-3-532. Medical marijuana facilities and adult-use marijuana establishments subject to this division.

This division applies to all medical marijuana facilities, as defined in Section 50-16-301 of this Code, and adult-use marijuana establishments, as defined in Section 50-16-111 of this Code.

Sec. 50-3-534 Medical marijuana caregiver center procedures.

Applications for medical marijuana caregiver centers will not be accepted after October 14, 2018, and:

(1) Medical marijuana caregiver centers that were legally established and issued a building permit or Certificate of Occupancy prior to October 14, 2018 are lawful non-conforming uses.

(2) A lawful nonconforming medical marijuana caregiver center may convert to a medical marijuana provisioning center facility or to a marijuana retailer establishment by submitting a change of use application, subject to any additional regulations for medical marijuana provisioning center facilities set forth in this Code.

(3) A lawful nonconforming medical marijuana caregiver center may convert to any type of medical marijuana facility other than a medical marijuana provisioning center facility, or to any type of adult-use marijuana establishment other than a marijuana retailer establishment, by submitting an application for the proposed use, subject to applicable zoning and any additional regulations for medical marijuana facilities and adult-use marijuana establishments set forth in this Code.

Sec. 50-3-535. Permitted districts for medical marijuana facilities and adult-use marijuana establishments; conditional use; restrictions

(a) Medical marijuana facilities and adult-use marijuana establishments may be permitted on land zoned PD, where established as a Planned Development District, and on a conditional basis in the following zoning districts in accordance with this article, subject to the provisions of this division and any other applicable provisions of this Code, and all applicable State of Michigan requirements. Notwithstanding anything to the contrary in this Code, the following uses may be located in PD zoning districts, excluding solely residential PD districts, as a major modification of the plans for the subject PD zoning district, and may approved by the City Council in accordance with Section 50-3-97 of this Code after making the findings set forth in Section 50-3-281 of this Code for the requested use:

(1) Designated marijuana consumption establishments may be permitted in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts;

(2) Marijuana grower facilities may be permitted on a conditional basis in the M1, M2, M3, M4, and M5 zoning districts;

(3) Marijuana microbusinesses may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts;

(4) Marijuana processor facilities may be permitted on a conditional basis in the B6, M1, M2, M3, M4, and M5 zoning districts;

(5) Marijuana retail/provisioning facilities may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, and SD2 zoning districts;

(6) Marijuana safety compliance facilities may be permitted on a conditional basis in the B2, B4, B5, B6, M1, M2, M3, M4, M5 and SD2 zoning districts; and

(7) Marijuana secure transporter facilities may be permitted on a conditional basis in the B5, B6, M1, M2, M3, M4, and M5 zoning districts.

(b) A marijuana retail/provisioning facility, marijuana designated consumption establishment, or a marijuana microbusiness must not be located in any of the following:

(1) Within a drug-free zone, as defined in Section 50-3-533 of this Code;

(2) Within a Gateway Radial Thoroughfare Overlay Area or Traditional Main Street Overlay Area, as provided for in Article XI, Division 14, of this chapter; or

(3) On a zoning lot that is located less than:

(i) 1,000 radial feet from any zoning lot occupied by any religious institution identified as exempt by the City Assessor;

(ii) 1,000 radial feet from any zoning lot with an unexpired conditional land use approval, building permit, or Certificate of Occupancy for a designated marijuana consumption establishment, marijuana retail/provisioning facility, or a marijuana microbusiness; or

(iii) 1,000 radial feet from any zoning lot occupied by a controlled use.

(c) A marijuana grower facility, marijuana processor facility, or marijuana secure transporter facility must not be located in a drug-free zone, as defined in Section 50-3-533 of this Code, or within a Traditional Main Street Overlay Area, as provided in Article XI, Division 14, of this chapter.

(d) Neither the Buildings, Safety Engineering, and Environmental Department, nor the Board of Zoning Appeals is authorized to waive or modify the locational specifications set forth in Subsections (b)(1), (b)(2), (b)(3), and (c) of this section. Applications that are not consistent with the locational specifications set forth in Subsections (b)(1), (b)(2), (b)(3), and (c) of this section, which may be confirmed by the City Engineer, shall be considered ineligible for further processing and shall be denied.

(e) If a property has previously received zoning approval for a medical marijuana facility or for an adult-use marijuana establishment, no further approval is required under this chapter to operate a business under an equivalent license, as defined in Section 50-3-533 of this Code, at the property, although a new business license under Chapter 20, Article VI, of this Code and state operating license are required prior to commencing operation.

(f) If the Buildings, Safety Engineering, and Environmental Department establishes that a use posing a restriction under this section has been abandoned or has ceased all operations for at least one year, the Department may disregard the locational specifications of Subsections (b)(1), (b)(2), (b)(3), and (c) of this section.

Sec. 50-3-536. Medical marijuana facility and adult-use marijuana establishment procedures.

(a) An application for a medical marijuana facility or adult-use marijuana establishment must be submitted by the applicant online through the City's application portal.

(b) Upon receipt of an application package, the Buildings, Safety Engineering, and Environmental Department shall determine whether the proposed location complies with the locational specifications set forth in Section 50-3-535 of this Code. If the proposed location does not comply with all such specifications, the Buildings, Safety Engineering, and Environmental Department shall deny the application.

(c) Upon a determination that the proposed location complies with the locational specifications set forth in Section 50-3-535 of this Code, the application is subject to site plan review in accordance with Article III, Division 5, of this chapter.

(d) Upon approval of the applicant's site plan, the application is subject to a conditional land use hearing in accordance with Article III, Division 7, of this chapter, or subject to legislative approval where the land is zoned PD in accordance with Article III, Division 4, and Article XI, Division 2, of this chapter.

Sec. 50-3-357. Accessory uses; public nuisance; continuing violations.

(a) Medical marijuana facilities and adult-use marijuana establishments are not permitted as accessory uses and must not include accessory uses. Multiple types of medical marijuana facilities and adult-use marijuana establishments may co-locate in the same building, as separate principal uses of the premises, subject to all applicable regulations of this Code and operated in accordance with the rules promulgated by the State of Michigan. The applicant may submit a joint application for any combination of such uses, but each use requires separate approval under this Code.

(b) Any premises, building, or other structure in which a marijuana facility or adult-use marijuana establishment operates in violation of the standards set forth in this Code constitutes a public nuisance and is subject to civil abatement proceedings initiated by the City of Detroit in a court of competent jurisdiction, in addition to the penalties authorized by this chapter. Any premises, building, or other structure declared by the court to be a public nuisance must be closed and the property owner assessed the costs of abatement.

(c) Each day that a violation is permitted to exist or occur on the premises constitutes a separate occurrence or maintenance of the violation.

ARTICLE IX. BUSINESS ZONING DISTRICTS

DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT

Sec. 50-9-54. Conditional other uses.

Other conditional uses in the B2 Local Business and Residential District are as follows:

- (1) Antennas as provided for in Article XII, Division 3, Subdivision G, of this chapter.
- (2) Designated marijuana consumption establishment.
- (3) Marijuana microbusiness.
- (4) Marijuana retail/provisioning facility.
- (5) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.

DIVISION 5. B4 GENERAL BUSINESS DISTRICT

Sec. 50-9-114. Conditional other uses.

Other conditional uses in the B4 General Business District are as follows:

- (1) Antennas as provided for in Article XII, Division 3, Subdivision G, of this chapter.
- (2) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (3) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (4) Designated marijuana consumption establishment.
- (5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (6) Marijuana microbusiness.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (9) Telecommunications building, private.

DIVISION 6. B5 MAJOR BUSINESS DISTRICT

Sec. 50-9-144. Conditional other uses.

Other conditional uses in the B5 Major Business District are as follows:

- (1) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (2) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (3) Designated marijuana consumption establishment
- (4) Farmers markets as defined in Article XVI, Division 2, Subdivision G, of this chapter.
- (5) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (6) Heliports.
- (7) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (8) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (9) Marijuana microbusiness.
- (10) Marijuana retail/provisioning establishment.
- (11) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (12) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (13) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (14) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 7. B6 GENERAL SERVICES DISTRICT

Sec. 50-9-174. Conditional other uses.

Other conditional uses in the B6 General Services Business District are as follows:

- (1) Ferry terminal.
- (2) Designated marijuana consumption establishment.
- (3) Heliports.
- (4) Marijuana microbusiness.
- (5) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (6) Marijuana retail/provisioning facility.
- (7) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (8) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (9) Passenger transportation terminal.

ARTICLE X. INDUSTRIAL ZONING DISTRICTS
DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT

Sec. 50-10-24. Conditional other uses.

Other conditional uses in the M1 Limited Industrial District are as follows:

- (1) Aircraft landing areas for winged aircraft.
- (2) Ferry terminal.
- (3) Designated marijuana consumption establishment.
- (4) Marijuana grower facility as provided for in Article III, Division 12, of this chapter.
- (5) Marijuana microbusiness.
- (6) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (9) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT

Sec. 50-10-54. Conditional other uses.

Conditional other uses in the M2 Restricted Industrial District are as follows:

- (1) Ferry terminals.
- (2) Heliports.
- (3) Designated marijuana consumption establishment.
- (4) Marijuana grower facility as provided for in Article III, Division 12, of this chapter.
- (5) Marijuana microbusiness.
- (6) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (9) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT

Sec. 50-10-84. Conditional other uses.

Other conditional uses in the M3 General Industrial District are as follows:

- (1) Boat or ship yards: construction, repair, maintenance, dry dock.
- (2) Designated marijuana consumption establishment.
- (3) Docks, waterway shipping/freighters.
- (4) Ferry terminals.
- (5) Heliports.
- (6) Marijuana grower facility as provided for in Article III, Division 12, of this chapter.
- (7) Marijuana microbusiness.
- (8) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (9) Marijuana retail/provisioning facility.
- (10) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (11) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (12) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (13) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT

Sec. 50-10-114. Conditional other uses.

Other conditional uses in the M4 Intensive Industrial District are as follows:

- (1) Ferry terminals.
- (2) Designated marijuana consumption establishment.
- (3) Heliports
- (4) Marijuana grower facility as provided for in Article III, Division 12, of this chapter.
- (5) Marijuana microbusiness.

- (6) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (7) Marijuana retail/provisioning facility.
- (8) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (9) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT

Sec. 50-10-144. Conditional other uses.

Other conditional uses in the M5 Special Industrial District are as follows:

- (1) Ferry Terminals.
- (2) Heliports.
- (3) Marijuana grower facility as provided for in Article III, Division 12, of this chapter.
- (4) Marijuana processor facility as provided for in Article III, Division 12, of this chapter.
- (5) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (6) Marijuana secure transporter facility as provided for in Article III, Division 12, of this chapter.
- (7) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.
- (8) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

**ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS
AND OVERLAY AREAS**

DIVISION 2. PD PLANNED DEVELOPMENT DISTRICT

Sec. 50-11-13. Use regulations.

Uses permitted shall include any and all uses subject to review by the City Planning Commission and to approval by the City Council, provided, that the major land use shall correspond to the most general category of land use proposed in the Master Plan for the area involved. Land use categories include residential, retail and local services, industrial, mixed use, parks and open space, and other. Medical marijuana facilities and adult-use marijuana establishments, as specified in Section 50-12-110 of this Code, are not permitted on land zoned PD, where established as a residential planned development. See Article XII of this chapter for a complete listing of all use regulations and standards, and Article XII, Division 5, of this chapter for accessory uses, including home occupations.

DIVISION 10. SD2 — SPECIAL DEVELOPMENT DISTRICT, MIXED-USE

Sec. 50-11-244. Conditional other uses.

Other conditional uses in the SD2 Special Development District, Mixed-Use are as follows:

- (1) Designated consumption establishment.
- (2) Marijuana microbusiness.
- (3) Marijuana retail/provisioning facility.
- (4) Marijuana safety compliance facility as provided for in Article III, Division 12, of this chapter.
- (5) Passenger transportation terminal.
- (6) Urban Gardens not exceeding 0.5 acres in size as provide for in Article XII, Division 3, Subdivision H, of this chapter.

DIVISION 14. OVERLAY AREAS

Subdivision A. Gateway Radial Thoroughfare Overlay Areas

Sec. 50-11-364. Prohibitions and limitations.

(a) The following uses are prohibited on any zoning lot zoned B2 or B4 abutting any Gateway Radial Thoroughfare:

- (1) Confection manufacture.
- (2) Dental products, surgical, or optical goods manufacture.
- (3) Emergency shelter.
- (4) Go-cart track.
- (5) Ice manufacture.
- (6) Jewelry manufacture.
- (7) Lithographing.
- (8) Marijuana retail/provisioning facility.
- (9) Motor vehicle washing and steam cleaning.

- (10) Motor vehicle services, major.
- (11) Motor vehicles, used, salesroom or sales lots.
- (12) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles.
- (13) Pawnshop.
- (14) Plasma donation center.
- (15) Precious metal and gem dealer.
- (16) Pre-release adjustment center.
- (17) Radio, television, or household appliance repair shop.
- (18) Rebound tumbling center.
- (19) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or where not located in a multi-story building having a mixed-use or multi-tenant development; prohibition limited to Woodward Avenue only.
- (21) Substance abuse service facility.
- (22) Taxicab dispatch and/or storage facility.
- (23) Toiletries or cosmetic manufacturing.
- (24) Tool, die, and gauge manufacturing.
- (25) Trade services, general.
- (26) Trailer coaches or boats, sale or rental, open air display.
- (27) Trailers or cement mixers, pneumatic-tired, sales, rental or service.
- (28) Used goods dealer.
- (29) Vending machine commissary.
- (30) Wearing apparel manufacturing.
- (31) Wholesaling, warehousing, storage buildings, or public storage houses, except on Gratiot Avenue.

(b) Accessory parking lots or parking areas on zoning abutting a designated Gateway Radial Thoroughfare that are not farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter shall be permitted by right subject to Article XIV, Division 1, Subdivision E, Article XIV, Division 1, Subdivision G, and Article XIV, Division 2, Subdivision C, of this chapter.

(c) Commercial parking lots or areas and accessory parking lots or areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are farther than the maximum distance specified in Article XIV, Division 1, Subdivision B, of this chapter, shall be reviewed as Conditional Uses subject to Article XIV, Division 1, Subdivision E, Article XIV, Division 1, Subdivision G, and Article XIV, Division 2, Subdivision C, of this chapter.

Subdivision B. Traditional Main Street Overlay Areas

Sec. 50-11-386. Prohibited use.

Designated marijuana consumption establishments, marijuana grower facilities, marijuana microbusinesses, marijuana processor facilities, marijuana retail/provisioning facilities, marijuana safety compliance facilities, and marijuana secure transporter facilities are prohibited within any Traditional Main Street Overlay Area.

DIVISION 2. GENERAL USE STANDARDS

Sec. 50-12-132. Other uses—Spacing.

Regulations regarding spacing of other uses are as follows:

Use Type	Minimum Distance from Same Use Type or (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Adult uses/sexually oriented business	1000 radial feet	- Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 radial feet; - Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 radial feet; - Elementary, middle, or high school: 1000 radial feet; - Park, playlot, playfield, playground, recreation center, youth activity center: 1000 radial feet; - Religious institution identified as exempt by the City Assessor: 1000 radial feet - Regulated Use: 1000 radial feet	Section 50-3-504
Designated marijuana consumption establishment	1000 radial feet	Drug free zone Religious institution identified as exempt by the City Assessor: 1000 radial feet Marijuana retail/provisioning center facility: 1000 radial feet Marijuana microbusiness: 1000 feet Controlled uses: 1000 radial feet	
Marijuana grower facility		Drug-free zone	Section 50-3-535

Use Type	Minimum Distance from Same Use Type or (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Marijuana microbusiness	1000 radial feet	Drug free zone Religious institution identified as exempt by the City Assessor: 1000 radial feet Marijuana retail/provisioning center facility: 1000 radial feet Designated marijuana consumption establishment: 1000 feet Controlled uses: 1000 radial feet	
Marijuana processor facility		Drug-free zone	Section 50-3-535
Marijuana retail/provisioning facility	1000 radial feet	Drug-free zone Religious institution identified as exempt by the City Assessor: 1000 radial feet Designated marijuana consumption establishment: 1000 feet Marijuana microbusiness: 1000 radial feet Controlled uses: 1000 radial feet	
Marijuana secure transporter		Drug-free zone	Section 50-3-535

Sec. 50-12-135. Waiver of general spacing requirements.

(a) Except for controlled uses, only the Board of Zoning Appeals may adjust the spacing requirements between land uses, as provided for in the tables in Section 50-12-129, Section 50-12-130, Section 50-12-131, and Section 50-12-134 of this Code, as a "locational variance" in accordance with the criteria specified in Section 50-4-121 of this Code and where the proposed use satisfies all the following conditions:

- (1) The proposed use will comply with all applicable regulations of this Code;
- (2) The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing regulations will still be observed;
- (3) The proposed use will not aggravate or promote a deleterious effect upon adjacent areas through causing or encouraging blight, and will not discourage investment in the adjacent areas or cause a disruption in neighborhood development; and
- (4) The establishment of the use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.

(b) The spacing and locational requirements for adult uses as specified in Section 50-3-504 of this Code and Section 50-12-132 of this Code, and for medical marijuana facilities and adult-use marijuana establishments as specified in Article III, Division 12 of this Code, may not be waived. The "drug-free zone" spacing requirement for mari-

juana grower facilities, marijuana processor facilities, medical marijuana retailer/provisioning centers, and marijuana secure transporter facilities, as specified in Section 50-3-535 and Section 50-12-132 of this Code, may not be waived.

Sec. 50-12-136. Waiver of spacing from schools.

(a) The prohibition that relates to the location of a use, referenced in the tables in Section 50-12-129 through Section 50-12-134 of this Code, within 500 radial feet of a school site may be waived by:

(1) The Buildings, Safety Engineering, and Environmental Department, provided, that the proposed use is at least 450 radial feet from the school site; or

(2) The Board of Zoning Appeals where the proposed use is less than 450 radial feet from the school site.

(b) The waiver of the prohibition is subject to a finding based on evidence presented at a public hearing that the establishment of the use will not impede the normal and orderly development, operation, and improvement of the school.

(c) Such waiver shall be documented by a statement of facts upon which such determination was made and shall indicate that such use would not be injurious or harmful to the school.

(d) The prohibition that relates to the location of designated marijuana consumption establishments, marijuana grower facilities, marijuana microbusinesses, marijuana processor facilities, marijuana retail/provisioning facilities, and marijuana secure transporter facilities within 1,000 feet of a school, among other uses specified in a “drug-free zone,” as defined in Section 50-3-535 of this Code and referenced in the table of Section 50-12-132 of this Code, must not be waived by either the Buildings, Safety Engineering, and Environmental Department, or the Board of Zoning Appeals, as applicable.

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Other Uses — Miscellaneous

Sec. 50-12-413. Medical marijuana facilities and adult-use marijuana establishments.

Medical marijuana facilities and adult-use marijuana establishments are subject to the following:

(1) Medical marijuana facilities and adult-use marijuana establishments must be licensed as such by the State of Michigan, as well as by the City of Detroit in accordance with Chapter 20, Article VI, of this Code and shall be required to have such license prior to its opening for business, and as a condition for its continued operation.

(2) A medical marijuana facility or adult-use marijuana establishment shall not allow loitering inside or outside its premises and shall take care to prevent the transmission of any odors from the medical marijuana facility or adult-use marijuana establishment to the exterior of the licensed premises.

(3) A marijuana grower facility may operate only in a commercial or industrial building that has a building footprint, which does not to exceed 30,000 square feet, and that is located on a parcel no larger than three acres. A marijuana grower facility may operate in a multi-story building subject to applicable height limitations. A marijuana grower facility may operate in a building that has a building footprint, which exceeds 30,000 square feet, but does not exceed 50,000 square feet, regardless of height, and that is located on a parcel no larger than five acres only if the marijuana grower facility is co-located with another medical marijuana facility or another adult-use marijuana establishment.

(4) Marijuana grower facilities must not grow marijuana outdoors.

(5) The provisions of Article III, Division 12, of this chapter.

DIVISION 6. TEMPORARY USES AND STRUCTURES

Subdivision B. Specific Temporary Uses Allowed

Sec. 50-12-563. Prohibited temporary uses.

The following temporary uses are prohibited:

(1) Sales of fireworks as defined in Section 50-16-20 of this Code.

(2) Sales of firearms.

(3) Sales of any materials characterized by an emphasis on specified anatomical areas or specified sexual activities as defined in Section 50-16-384 of this Code.

(4) Medical marijuana facilities and adult-use marijuana establishments.

**ARTICLE XIV. DEVELOPMENT STANDARDS
DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS
Subdivision B. Off-Street Parking Schedule "A"**

Sec. 50-14-69. - Medical marijuana facilities and adult-use marijuana establishments.
Off-street parking regulations for medical marijuana facilities and adult-use marijuana establishments are as follows:

Use Category	Specific Land Use	Off-Street Parking Spaces Required, Minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
Medical Marijuana Facilities and Adult-Use Marijuana Establishments	Marijuana retail/provisioning facility	1 per 200 square feet	same lot
	Designated marijuana consumption establishment Marijuana grower facility Marijuana microbusiness Marijuana processor facility Marijuana safety compliance facility Marijuana secure transporter facility	2 per 3 employees, or 1 per 800 square feet, whichever is fewer	100 feet

**ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS
DIVISION 2. WORDS AND TERMS DEFINED
Subdivision B. Letter "A"**

Sec. 50-16-111. Words and terms (Aa – Ag).

For the purposes of this chapter, the following words and phrases beginning with the letters "Aa" through "Ag," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Abut or abutting	Having a common border with.
Access drive	A paved surface that provides vehicular access from a public street to a parking area or parking garage or pedestrian pick-up/drop-off area.
Accessory building or accessory structure	A building or structure that: (1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) Is subordinate in area, extent and purpose to the principal building or principal use; and (3) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.
Accessory parking	See "Parking, accessory."
Accessory use	A use that: (1) Is incidental and subordinate to and devoted exclusively to a principal building or a principal use legally existing on the same zoning lot; (2) Is subordinate in area, extent and purpose to the principal building or principal use; and (3) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.

Term	Definition
Addition	Construction or alteration that increases the square footage, number of dwelling units, bulk or other extent of a building or structure, but the term "addition" does not apply in a situation where, for example, all but one wall of an existing building is demolished for the purposes of reconstructing the building with a larger footprint and containing a greater gross floor area. For regulatory purposes, such a situation is considered as demolition and new construction.
Adjacent	Same as "abut or abutting"
Adult-use marijuana establishment	A location where a licensee operates one of the following commercial entities or activities under the authority of the Michigan Regulation and Taxation of Marihuana Act, being MCL 333.27951 <i>et seq.</i> (MRTMA): grower, processor, retailer, secure transporter, safety compliance facility, marijuana microbusiness, excess marijuana grower, marijuana event organizer, temporary marijuana event, designated marijuana consumption establishment, or any other type of marijuana-related business licensed to operate in accordance with the MRTMA.
Adult bookstore or adult video store	<p>A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia, which are designed or marketed primarily for stimulation of human genital organs or anus, including but not limited to dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, and physical representations of the human genital organs; but not including condoms or other items primarily intended for protection against sexually-transmitted diseases or for preventing pregnancy. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:</p> <ol style="list-style-type: none"> (1) At least 35 percent of the establishment's displayed merchandise consists of said items; or (2) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or (3) The establishment maintains at least 35 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or (4) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items) and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests; or (5) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture

Term	Definition
Adult bookstore or adult video store <i>(continued)</i>	machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."
Adult cabaret	A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic liquor is served, which regularly features live conduct characterized by semi-nude persons. An establishment shall not avoid classification as an adult cabaret by offering or featuring nudity.
Adult day care	A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons 18 years of age or older. Care is provided for periods of less than 24 hours a day.
Adult foster care facility	An establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to seven or more adults. An adult foster care facility is other than a nursing home, a home for the aged, a mental hospital for mental patients, or a pre-release adjustment center.
Adult motion picture theater	A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of "specified sexual activity" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.
Adult use or adult use/sexually-oriented business (use category)	Sexually-oriented businesses, including the following: <ul style="list-style-type: none"> • Adult bookstore or adult video store • Adult cabaret • Adult motion picture theater • Semi-nude model studio (See Section 50-16-381)

Subdivision D. Letter "C"

Sec. 50-16-153. Words and terms (Cn – Cs).

For the purposes of this chapter, the following words and phrases beginning with the letters "Cn" through "Cs," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Coffee house	Any room, place, or building where the serving of coffee is the principal business and where tables and chairs are provided for the use of patrons to play table games and for other similar activities, but where alcoholic liquor is not provided.
Co-location (marijuana)	A practice where more than one licensee is authorized by the State of Michigan to operate a medical marijuana facility or an adult-use marijuana establishment in one building in accordance with the applicable rules promulgated by the State of Michigan and the license requirements of Chapter 20, Article VI, of this Code.
Commercial parking	See <i>Parking, commercial</i> .
Commercial vehicle	See <i>Vehicle, commercial</i> .

Term	Definition
Common area, general	That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the condominium master deed.
Common area, limited	That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in as described in the master deed.
Community Service (use category)	Uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time, for instance, any senior citizen could join a senior center. The use may provide special counseling, education, or training of a public, non-profit or charitable nature. Examples include the following uses: <ul style="list-style-type: none"> • Customs office; • Fire or police station, post office, courthouse and similar public building; • Governmental service agency; • Neighborhood center, non-profit; • Substance abuse service facility; Private lodges, private clubs, and private or commercial athletic or health clubs are classified as retail sales and service. Public parks and recreation are classified as parks and open space.
Compost	Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.
Concert café	Any establishment, which provides food with music or entertainment, but does not serve alcoholic liquor. Concert cafés shall be regulated the same as “theaters” for zoning purposes.
Condominium Act	MCL 559.101 <i>et seq.</i>
Condominium master deed	The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.
Condominium project, commercial, office or industrial	A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act, being MCL 559.101 <i>et seq.</i>
Condominium subdivision	A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the Michigan Land Division Act, being MCL 560.101 <i>et seq.</i> , as amended. Also known as a site condominium.

Term	Definition
Condominium subdivision plan	The drawings attached to the condominium master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.
Condominium unit	That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the condominium master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of the site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, and maximum lot coverage.
Conforming land uses	Any land use located in a zoning district where the land use is permitted either by-right or as a conditional use and not otherwise prohibited in that district.
Conical surface	A surface sloping upward and outward to an altitude of 150 feet above the established heliport elevation at a slope ratio of one to eight beginning at the heliport elevation on the perimeter of a circle of 200 feet radius centered on each helipad.
Construction refuse	Waste from building construction, alteration, demolition or repair, and dirt from excavations.
Contractor yard, landscape or construction	A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil.
Controlled uses	Any of the following: (1) Arcades; (2) Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments; and (3) Pool halls.
Convalescent, nursing, or rest home	Establishments primarily engaged in the providing of in-patient nursing care, other than a private home, where seven or more older adults or disabled persons receive on-going care and supervision. (Same as "convalescent home" or "rest home.") These are facilities that provide a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses' aides prescribed by a resident's physician. They are designed for older adults or disabled persons who need health care supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided.

Sec. 50-16-154. Words and terms (Ct – Cz).

For the purposes of this chapter, the following words and phrases beginning with the letters "Ct" through "Cz," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Cultural center	The portion of the City within the area bounded by the center lines of the Edsel Ford Freeway, Brush Street, Forest Avenue, and the John C. Lodge Freeway.
Cul-de-sac	A street ending in a turn-around, designed, and intended as a permanent or temporary terminus.
Cultivate (marihuana)	All phases of growth of marijuana from seed to harvest, or preparing, packaging or repackaging, labeling, or relabeling of any form of marijuana.
Customer service center	A facility, other than a retail store, operated by a public or private utility, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Subdivision E. Letter "D"

Sec. 50-16-171. Words and terms (Da – Dg).

For the purposes of this chapter, the following words and phrases beginning with the letters "Da" through "Dg," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Dance hall, public	A place, enclosed or unenclosed, building or that portion of a building that is used for public dances where the public is invited or allowed and where a moneary contribution, donation, or fee is made or paid.
Dance studio	Any school of dancing or any place where dancing of any type of style shall be taught. (Does not include any establishment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas.")
Day care (use category)	Uses that provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include the following uses: • Adult day care center; • Child care center; • Group day care home; • Family day care home.
Debris	The remains of something broken down or destroyed.
Deciduous	A plant with foliage that is shed annually.
Decision-making body	The entity that is authorized to finally approve or deny an application or permit required under this chapter.
Dedication	The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Term	Definition
Designated marijuana consumption establishment	A location where a licensee that is licensed as a designated marijuana consumption establishment under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and as a designated consumption establishment under Chapter 20, Article VI, of this Code, operates a commercial entity, which allows adults 21 years of age and older to consume marijuana products at a commercial location designated by the state operating license.
Developer	The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase. The developer performs all functions necessary to obtain land control and financing to construct or rehabilitate a property and expects to assume all the risks and rewards upon completion of the project.
Development	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this chapter.

Sec. 50-16-172. Words and terms (Dh – Dz).

For the purposes of this chapter, the following words and phrases beginning with the letters “Dh” through “Dz,” shall have the meaning respectively ascribed to them by this section:

Term	Definition
Dish antenna	An antenna consisting of a radiation element that transmits or receives signals generated as electrical light, or sound energy supported by a structure that may or may not provide a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface.
Dormitory	A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.
Driveway	That portion of the zoning lot that has been so designated, designed and improved as to afford a suitable means and a direct route for vehicular access to the private parking garage or to a rear yard parking area. Semicircular driveways are addressed in Section 50-14-286(5) of this Code.

Term	Definition
Drug-free zone	An area that is within 1,000 radial feet of a zoning lot of: <ul style="list-style-type: none"> • A child care center, as defined in Section 50-16-152 of this Code; • An educational institution, as defined in Section 50-16-191 of this Code; • A library, as defined in Section 50-16-283 of this Code; • An outdoor recreation facility, as defined in Section 50-16-324 of this Code, other than parkways and parklots; • A school, as defined in Section 50-16-381 of this Code; • A youth activity center, as defined in Section 50-16-462 of this Code; or • Public housing, as defined in 42 USC 1437a(b)(1).
Dwelling	Any building, or part thereof, that is designed for or occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily, or transiently.
Dwelling unit	A building, or part thereof, that is designed and used for residential occupancy by a single “family” and that includes exclusive sleeping, cooking, eating, and sanitation facilities.

Subdivision F. Letter “E”

Sec. 50-16-191. Words and terms (Ea – Ez).

For the purposes of this chapter, the following words and phrases beginning with the letters “Ea” through “Ez,” shall have the meaning respectively ascribed to them by this section:

Term	Definition
Educational institution	Educational institution is a post-secondary institution such as a college, university, or community college. For zoning purposes, educational institution does not include K-12 schools, business colleges, trade schools, or penal or correctional institutions.
Efficiency unit	A dwelling unit containing not more than one room or enclosed floor space arranged for living, eating, and sleeping purposes not including bathrooms, water closets, laundry rooms, pantries, foyers, hallways, and other accessory floor spaces.
Emergency shelter	A facility that provides congregate style temporary lodging with or without meals and ancillary services on the premises to primarily the homeless for more than four weeks in any calendar year. An emergency shelter shall be considered a different land use than adult foster care facilities, designated transitional housing, nursing homes, pre-release adjustment centers, temporary emergency shelters, or warming centers. Emergency shelters are subject to licensing by the Buildings, Safety Engineering, and Environmental Department Business License Center.
Employee recruitment center	Establishments that recruit people to fill temporary employment positions with other businesses or agencies. Typical uses include day labor recruitment centers and temporary employment agencies where prospective employees come to the site.

Term	Definition
Equivalent licenses (marijuana)	Any of the following pairs of licenses held by a single licensee: <ul style="list-style-type: none"> • A marijuana grower license, of any class, issued under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and a grower license, of any class, issued under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA); • A marijuana processor license issued under the MRTMA and a processor license under the MMFLA; • A marijuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA; • A secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA; or • A safety compliance facility license issued under the MRTMA and a safety compliance facility license issued under the MMFLA.
Erected	The word “erected” includes built, constructed, reconstructed, altered, moved upon, or any physical operation on the premises required for the building or structure. Excavations, fill, drainage, paving, and the like, shall be considered a part of erection.
Evergreen	A plant with foliage that persists and remains green year-round.

Subdivision K. Letters “K” Through “L”

Sec. 50-16-283. Words and terms (Lh – Lm).

For the purposes of this chapter, the following words and phrases beginning with the letters “Lh” through “Lm,” shall have the meaning respectively ascribed to them by this section:

Term	Definition
Library (use category)	Libraries house collections of books, magazines or other material that is loaned to the general public without charge. Examples include public libraries.
Licensee (marijuana)	A person holding an operating license issued by the State of Michigan and a business license issued by the City to operate a medical marijuana facility or an adult-use marijuana establishment.
Linear measurement	Linear measurement between two uses shall be based on the distance, measured along the centerline of the roadway abutting the zoning lots on which the uses are located, at points perpendicular to the outermost portions of the uses closest to each other. This spacing requirement applies regardless of the side of the roadway on which the use is located.
Lithographing	A printing process in which the image to be printed is rendered on a flat surface, as on sheet zinc or aluminum, and treated to retain ink while the nonimage areas are treated to repel ink. For zoning purposes, silk screening may be permitted wherever lithographing is permitted.

Subdivision L. Letter “M”

Sec. 50-16-301. Words and terms (Ma – Mg).

For the purposes of this chapter, the following words and phrases beginning with the letters “Ma” through “Mg,” shall have the meaning respectively ascribed to them by this section:

Term	Definition
Manufactured Housing Unit	A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC § 5401) and that is designed to be used as a single dwelling unit.
Manufacturing and Production (Use Category)	<p>Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> • Very high-impact manufacturing or processing • High-impact manufacturing or processing • High/medium-impact manufacturing or processing • Low/medium-impact manufacturing or processing • Low-impact manufacturing or processing <p>Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.</p>
Manufacturing or Processing	See Manufacturing and Production (Use Category).
Marina	<p>Marina means a facility that offers service to the public or members of the marina for docking, loading, or other servicing recreational watercraft. Accessory uses include the following, provided they are for owners, crews, and guests:</p> <ul style="list-style-type: none"> • boat storage, • food and beverage facilities, including those for consumption of beer or alcoholic liquor on the premises, and • retail facilities
Marihuana or Marijuana	That term as defined in Section 3 of the Michigan Regulation and Taxation of Marihuana Act, being MCL 333.27953.
Marijuana grower facility	A location where a licensee that is licensed as a marijuana grower under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or as a grower under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and under Chapter 20, Article VI, of this Code, operates a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale or transfer to a medical marijuana facility or adult-use marijuana establishment.
Marijuana microbusiness	A location where a licensee that is licensed as a marijuana microbusiness under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and as a microbusiness under Chapter 20, Article VI, of this Code, operates a commercial

Term	Definition
Marijuana microbusiness <i>(continued)</i>	entity that cultivates not more than 150 marijuana plants, or more as allowed by the State of Michigan, processes and packages marijuana, and sells or otherwise transfers marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to medical marijuana facilities or to other adult-use marijuana establishments.
Marijuana processor facility	A location where a licensee that is licensed as a marijuana processor under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or as a processor under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that obtains marijuana from a medical marijuana facility or adult-use marijuana establishment and processes marijuana for sale and transfer in packaged form to a medical marijuana facility or to an adult-use marijuana establishment.
Marijuana retailer establishment	A location where a licensee that is licensed as a marijuana retailer under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and under Chapter 20, Article VI, of this Code, operates a commercial entity that obtains marijuana from adult-use marijuana establishments and sells or transfers marijuana to individuals who are 21 years of age or older and to other adult-use marijuana establishments.
Marijuana retail/provisioning facility	A marijuana retailer establishment or a medical marijuana provisioning center facility.
Marijuana safety compliance facility	A location where a licensee that is licensed as a safety compliance facility under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), and as a safety compliance facility under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that tests marijuana for contaminants and potency or as required by the MRTMA or the MMFLA for a primary caregiver, medical marijuana facility, or adult-use marijuana establishment.
Marijuana secure transporter facility	A location where a licensee that is licensed as a secure transporter facility under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), and as a secure transporter under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that stores marijuana, and transports marijuana between medical marijuana facilities or adult-use marijuana establishments for a fee.
Massage Therapy Clinic	An establishment (excluding "adult physical culture establishments") where a licensed or certified massage therapist provides massage in compliance with applicable provisions of Chapter 32 of this Code.
Master Deed	The condominium document recording the condominium project as approved by the City, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.

Term	Definition
Master Plan	The official "Master Plan of Policies" of the City of Detroit, as referenced in the Journal of City Council, August 5, 1992, Pages 1784–1787, as amended. The Master Plan of Policies specifies three levels of roadway under the "transportation" designation of the City of Detroit future general land use map: freeways, major thoroughfares, and secondary thoroughfares.
Measurement	See "Linear Measurement" and "Radial Measurement."
Medical marijuana	Any marijuana intended for medical use that meets all requirements for medical marijuana contained in this chapter, the Michigan Medical Marihuana Act (MMMA), the Medical Marihuana Facilities Licensing Act (MMFLA), and any other applicable law, but does not include marijuana in any form inconsistent with the definition of usable marijuana under the MMMA or the MMFLA.
Medical marijuana facility	A location in the State of Michigan where a licensee operates any one of the following commercial entities under the authority of the Michigan Medical Marihuana Facilities Licensing Act (MMFLA): grower, processor, provisioning center, secure transporter, or safety compliance facility, but does not include a non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the State of Michigan's formal registration process in accordance with the Michigan Medical Marihuana Act (MMMA).
Medical marijuana Provisioning Center Facility	A location where a licensee that is licensed as a provisioning center under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), as well as under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to qualifying patients, directly or through the registered primary caregivers of patients and includes any commercial property where medical marijuana is sold at retail to qualifying patients or primary caregivers, but does not include a medical marijuana provisioning center facility for purposes of this chapter.
Mercado	Open air sales of new retail goods, produce, handcrafts, and the like. For zoning purposes a Mercado shall be considered the same as a store of a generally recognized retail nature whose primary business is the selling of new merchandise.

Sec. 50-16-302. Words and terms (Mh – Mm).

For the purposes of this chapter, the following words and phrases beginning with the letters "Mh" through "Mm," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Michigan Planning Enabling Act	The Michigan Planning Enabling Act, Public Act 33 of 2008, being MCL 125.3801 <i>et seq.</i>
Michigan Zoning Enabling Act	The Michigan Zoning Enabling Act, Public Act 110 of 2006, being MCL 125.3101 <i>et seq.</i>

Term	Definition
Michigan Medical Marihuana Act or “MMMA”	Initiated Law 1 of 2008, being MCL 333.26421 <i>et seq.</i>
Michigan Medical Marihuana Facilities Licensing Act or “MMFLA”	Public Act 281 of 2016, being MCL 333.27101 <i>et seq.</i>
Michigan Regulation and Taxation of Marijuana Act or “MRTMA”	Initiated Law 1 of 2018, being MCL 333.27954 <i>et seq.</i>
Micro Brewery	A facility licensed as such by the Michigan Liquor Control Commission that annually produces in total less than twenty thousand (20,000) barrels of beer and that may include therein the licensed brewery premises.
Microwave-receiving Antenna	An antenna, usually parabolic or quasi-parabolic in shape, the purpose of which is to receive signals transmitted from terrestrial transmitters.
Mixed-use building	A mixed-use building includes at least one use from at least two of the following general land use headings in the same building: Residential Uses as specified in Article XII, Division 1, Subdivision B; Public, Civic and Institutional Uses as specified in Article XII, Division 1, Subdivision C; Retail, Service and Commercial uses as specified in Article XII, Division 1, Subdivision D; Manufacturing and Industrial Uses as specified in Article XII, Division 1, Subdivision E. A building shall also be deemed to be mixed-use where it includes both: (a) An “Office, business or professional” and (b) Any other retail use(s) specified in Section 50-12-62 [Food and Beverage Service], Section 50-12-66 [Recreation/entertainment indoor], Section 50-12-69 [Retail sales and service; sales-oriented] or Section 50-12-70 [Retail sales and service; service-oriented].

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. This ordinance shall become effective on the eighth day after publication in accordance with Section 401(6) of the Michigan Zoning Enabling Act, being MCL 125.3401(6), and Section 4-118(3) of the 2012 Detroit City Charter.

(J.C.C. Page):
 Passed:
 Approved:
 Published:
 Effective:

February 16, 2021
 March 16, 2021
 March 17, 2021
 March 26, 2021
 April 3, 2021

JANICE M. WINFREY
 City Clerk