

## **Ordinance #1301**

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1300.07, 1300.10, AND 1300.11 TO UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES AND THE RECENTLY ADOPTED FORM-BASED ZONING CODE.

### THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1300, Sections 1300.07, 1300.10 and 1300.11, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

#### 1300.07. License renewal application.

- (a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.
- (b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by Section 1300.04(b).
- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application for a license renewal shall be approved unless:
  - (1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for compliance with all laws for which they are charged with enforcement within the past calendar year.
  - (2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.
  - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marijuana operation are not currently in default to the City, including but not limited to property taxes.
  - (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.
  - (5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
  - (6) The applicant possesses the necessary State licenses or approvals.

- (7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.
  - (8) The marihuana operation has not been declared a public nuisance.
  - (f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.
  - (g) IF AN APPLICANT RECEIVES CONDITIONAL APPROVAL TO RECEIVE A LICENSE BUT FAILS TO OBTAIN THAT LICENSE WITHIN 24 MONTHS FROM THE DATE OF CONDITIONAL APPROVAL, THE CITY CLERK MAY REVOKE THE CONDITIONAL APPROVAL AND DENY LICENSURE. CONDITIONAL APPROVAL IS NOT A LICENSE AND IN NO WAY PERMITS GROWING, PROCESSING, TESTING, TRANSPORT, OR SALE OF MARIHUANA OR MARIHUANA PRODUCT.
- 1300.10. Location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers and Marihuana Retailers.
- (a) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within:
    - (1) One thousand feet, of an operational school, including pre-kindergarten that is located within a school; or
    - (2) Five hundred feet, of the following buffered uses: Public parks; a commercial child care organization (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services, or its successor agency; a church; a facility at which substance use disorder prevention services or substance use disorder treatment and rehabilitation services and those terms are defined in the Mental Health Code, PA 258 of 1974, MCL 330.1001 et seq. or another Medical Marihuana Provisioning Center or Marihuana Retailer.
  - (b) Medical Marihuana Provisioning Centers and Marihuana Retailers shall be limited to S-C (SUBURBAN CORRIDOR), MX-C (MIXED USE URBAN CORRIDOR), MX-2 (MIXED USE COMMUNITY CENTER), MX-3 (MIXED USE DISTRICT CENTER), IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~F and F1-Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial~~ as such districts are described and designated as provided in the Zoning Code provisions of this Code.
  - (c) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within another business except as permitted by the Marijuana Regulatory Agency.
  - (d) For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the

marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Medical Marihuana Provisioning Centers and Marihuana Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.

- (e) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

1300.11. Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

- (a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL) AND IND-3 (URBAN INDUSTRIAL) ~~H-Light Industrial and I-Heavy Industrial~~ zoning districts as identified in this Code.
- (b) All Marihuana Safety Compliance Facilities, Marihuana Processors, and Marihuana Secure Transporters shall be limited to IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~the H-Light Industrial, I-Heavy Industrial, or G2-Wholesale~~ zoning districts as identified in this Code.
- (c) All Designated Consumption Establishments shall be limited to S-C (SUBURBAN CORRIDOR), MX-C (MIXED USE URBAN CORRIDOR), MX-2 (MIXED USE COMMUNITY CENTER), MX-3 (MIXED USE DISTRICT CENTER), IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~F and F-1 Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial~~ zoning districts as identified in this Code.
- (d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. All applications for marihuana operations licenses submitted under the former Zoning Code and still pending at the time of enactment of this Amendment will proceed under the former Zoning Code. All licenses located outside of the new zoning designations shall be considered a preexisting nonconforming use.

Section 5. This ordinance shall take effect on the 30<sup>th</sup> day after enactment by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2029.