

Of Commission as a Whole:

Ordinance No. 2019-\_\_\_\_

**Be it ordained by the City of Bay City:**

Section 1. Addition. Section 122-74 of Chapter 122 of the City of Bay City Zoning Ordinance, is added to read as follows:

**Sec. 122-74 Recreational Marihuana Facilities**

- (a) The following types of marihuana facilities, pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq., (hereafter the “Act” or “MRTMA”), shall be allowed as permitted uses only in the following zoning districts:
  - (1) *Marihuana Grower*, which is a “person” (used throughout this ordinance as that term is defined in the MRTMA) licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments, shall be a permitted use in the M-1, Light Industrial District, and the M-2, General Industrial District;
  - (2) *Marihuana Microbusiness*, which is a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2, General Industrial District;
  - (3) *Marihuana Processor*, which is a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments, shall be a permitted use in the M-1, Light Industrial District and M-2, General Industrial District;
  - (4) *Marihuana Retailer*, which is a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older, shall be a permitted use in the C-1, Neighborhood District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial Business District, and M-2, General Industrial District;

- (5) *Marihuana Secure Transporter*, which is a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2 General Industrial District;
  - (6) *Marihuana Safety Compliance Facility*, which is a person licensed to test marihuana, including certification for potency and the presence of contaminants, shall be a permitted use in the C-1, Neighborhood Business District, C-2-A, General Business District, C-2-B, Highway Business District, C-3, Central Business District, M-1, Light Industrial District, and M-2, General Industrial District.
- (b) Separation requirements from property line to property line: Notwithstanding the provisions of subsection (a) above, none of the persons licensed as set forth in (a)(1)-(6) shall be allowed to locate or establish a licensed business within the following boundaries:
- (1) At least 100 feet from any church property or active religious institution;
  - (2) At least 500 feet from any pre-existing public or private school providing education in any of grades pre-K through 12;
  - (3) At least 50 feet from a court facility or public safety office, including law enforcement centers and fire stations. This provision is not applicable to secure transporter or safety compliance facilities;
  - (4) At least 100 feet from any public park as identified in the city's parks and recreation plan. For the purposes of this chapter, the Bay City Railtrail/Riverwalk non-motorized pathway is exempt from this requirement.

Section 2. Amendment. The table in Section 122-102 of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to read to add a line entry/category 23, which encompasses all of the recreational marihuana establishments identified in section 122-74, and shall indicate that they are excluded from the R-1, R-2, RM-1, and RM-2 Districts.

Section 3. Amendment. Section 122-132(c) of Chapter 122 of the City of Bay City Zoning Ordinance, is added to read as follows:

- (c) The uses prescribed by section 122-74 are not permitted in the O-1 District.

Section 4. Amendment. The table in Section 122-152 of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to indicate that a marihuana microbusiness, marihuana retailer, marihuana secure transporter, and a marijuana safety compliance facility is a permitted use in the C-1, C-2-A, C-2-B, and C-3 Districts.

Section 5. Amendment. The table in Section 122-192 of Chapter 122 of the City of Bay City Zoning Ordinance, is amended to indicate that a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, and a marihuana safety compliance facility are permitted uses in the M-1 and M-2 districts.

Section 6. Amendment. Section 122-213(b)(2)d. of Chapter 122 of the City of Bay City Zoning Ordinance, is added to read as follows:

- d. The uses identified in section 122-74 shall not be permitted in a PUD as they are not deemed compatible with residential uses, which are encouraged in a PUD, as set forth in subsection b.