



**CITY OF BERKLEY
MARIHUANA BUSINESS LICENSE APPLICATIONS
FREQUENTLY ASKED QUESTIONS**

Q: For my organization's benefit to the community, apart from taxable value, I would like to donate to a department or other City agency; do I need to make these donations ahead of submitting my application?

A: You should not complete these donations ahead of, or during, your application submission. We ask that you detail your plans for donation that will be completed once you receive approval for your local license.

Q: I am having difficulty purchasing insurance pursuant to the requirements outlined in the application and ordinance, what should I submit?

A: In speaking with other municipalities and insurance carriers, we acknowledge the difficulty and in most instances the impossibility of securing the insurance without a physical building or operational business to insure. We will accept within your application package a letter of intent from a commercial liability insurer licensed and admitted to do business in Michigan indicating an intent to insure the business after the business obtains a marihuana license and gets up and running.

Q: If my property has a vacated alley, can I get those points?

A: No. A vacated alley means that the alley no longer exists and has been incorporated into the subject property. Therefore, it does not count and may not warrant the award of those points.

Q: My property is located in the Green Zone, but I won't be able to get the 19 points for being located on Eleven Mile Rd, Woodward, or Twelve Mile (Coolidge to Woodward). Why is there a separate point designation from Green Zone to the merit point system?

A: The Green Zone shows all properties in the City that are zoned to permit marihuana businesses. The merit point is specific to where we would like to encourage redevelopment of properties. Such properties are located outside the DDA District and are not subject to facade grant matching or other redevelopment incentives.

Q: Does a facade change constitute a redevelopment of a vacant or underused building or property?

A: Redevelopment is defined as any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility. Site redevelopment includes equal or greater stormwater control than the previous development.

Q: What are the parking requirements for marihuana businesses? What if the property does not have enough parking on-site? Does street parking count?

A: Parking requirements for marihuana businesses are the same as retail businesses, as noted in Section 138-219 of the Zoning Ordinance. One parking space per 225 sq. ft. of usable floor area. Usable Floor Area can be calculated as 70 percent of gross floor area. For commercial properties that do not have sufficient parking on the subject property, the City encourages shared parking agreements with an adjacent commercial property owner within 500 ft. of the subject property. This must be agreed to and signed prior to application. The agreement must provide details on the number of parking spaces to be shared, the adjacent property use and hours of operation, and agreement on site maintenance. Shared parking agreements are not permitted wherein the parking area is located across major thoroughfares, such as Coolidge, Catalpa, Twelve Mile, Eleven Mile, etc.

Street parking shall not be included in the parking requirement.

Q: The property owner has expressed interest in closing the existing business whether the marihuana license is granted or not. Does this constitute displacing an existing operational business in Berkley, worth 22 points?

A: If there is a demonstrated history of the property owner trying to sell the property prior to the adoption of City ordinances permitting marihuana businesses and/or if the existing property owner signs an affidavit of their desire to close shop regardless of the award of the business license, we will not consider this a displacement of an existing business. The property would be awarded 22 points; however, the application may not be awarded 25 points as neither the structure or property has been vacant for a period of 4 months or longer. Additionally, if the existing business occupied more than 50% of the existing structure or property, you would not be awarded the 25 points either.

Q: The business occupant has expressed interest in moving to a new location in the City. Will this constitute displacing an existing operational business in Berkley, worth 22 points?

A: Our intention with this point criteria and overall is for Berkley businesses to not be "pushed out" by incoming marihuana businesses. Therefore, if a business is intending to move to a new location within the City of Berkley and provides the applicant with a signed and notarized letter affirming this decision, it will grant the applicant the 22 points. However, the application may not be awarded 25 points as neither the structure or property has been vacant for a period of 4 months or longer. Additionally, if the existing business occupied more than 50% of the existing structure or property, you would not be awarded the 25 points either.