

AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Sections 138-363, 138-387, 138-417, 138-427, 138-442, 138-457, 138-472, 138-487 and Add New Section 138-528 to Chapter 138 Zoning, to Establish Zoning Requirements for Marihuana Businesses.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-363 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-363. – Principal uses permitted.

Principal uses permitted in the Industrial District are as follows:

(1)-(3) *No Change.*

(4) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 2: Section 138-387 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-387. – Principal uses permitted.

Principal uses permitted in the Local Business District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 3: Section 138-417 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-417. – Principal uses permitted.

Principal uses permitted in the Downtown District are as follows:

(1)-(10) *No change.*

(11) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 4: Section 138-427 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-427. – Principal uses permitted.

Principal uses permitted in the Gateway District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 5: Section 138-442 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-442. – Principal uses permitted.

Principal uses permitted in the Coolidge District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 6: Section 138-457 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-457. – Principal uses permitted.

Principal uses permitted in the Twelve Mile District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 7: Section 138-487 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-487. – Principal uses permitted.

Principal uses permitted in the Eleven Mile District are as follows:

(1)-(21) *No change.*

(22) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 8: Section 138-528 of Chapter 138 of the Berkley Code of Ordinances, shall be added, as follows:

Sec. 138-528. – Marihuana Business regulations.

- (a) A Marihuana Business must front on a major thoroughfare with the primary ingress/egress onto a major thoroughfare.
- (b) The Marihuana Business must have all applicable state and local licenses and approvals to operate.
- (c) The property where the Marihuana Business will be located must be entirely within the boundaries of the City, and must not be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

- (d) Notwithstanding any other provision in the zoning ordinance, a Marihuana Business must operate within a fully enclosed building.
- (e) Pursuant to Article XV of Chapter 30 of the Berkley City Code, all Marihuana Business license approvals are subject to the following:
 - (1) Public notice requirements as outlined in Sec. 30-904; and
 - (2) Site plan approval from the Planning Commission must be obtained prior to receiving license approval from the City Council. Failure to do so will result in license denial as outlined in Sec. 30-911.

SECTION 9: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 10: Effective Date


This Ordinance shall become effective 30 days following the date of adoption.

SECTION 11: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on First Reading at a Regular City Council Meeting on December 2, 2019.

Passed on Second Reading at a Regular City Council Meeting on December 16, 2019.



Bridget Dean
Mayor Pro Tem

Attest:



Victoria Mitchell
City Clerk