

**CITY OF LINCOLN PARK, MICHIGAN**  
**CERTIFIED COPY OF RESOLUTION #2020-320A**

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF LINCOLN PARK, WAYNE COUNTY, MICHIGAN, HELD IN THE JOHN A. ALOISI COUNCIL CHAMBERS, OF THE MUNICIPAL BUILDING.

UNDER THE DATE OF: October 19, 2020

MOVED BY: Council President Breeding      SUPPORTED BY: Councilman Salcido

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY ADDING, REPLACING OR REPEALING PORTIONS OF CHAPTER 1260, SECTION .08 ENTITLED DEFINITIONS, CHAPTER 1286 SECTION .03 ENTITLED SPECIAL LAND USES IN THE GID, CHAPTER 1296, SECTION .02 ENTITLED SITE DESIGN STANDARDS AND CHAPTER 1290, SECTION .02 ENTITLED OFF-STREET PARKING AND LOADING." be given its third and final reading, and be ADOPTED by TITLE ONLY said ordinance having been posted conspicuously for 72 hours.

THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by adding, replacing or repealing portions of Section .08 of Chapter 1260, Section .03 of Chapter 1286, Section .02 of Chapter 1296 and Section.02 of Chapter 1290 as follows:  
1260.08 RULES OF CONSTRUCTION; DEFINITIONS.

(b) In addition, as used in this Zoning Code, the following words and terms shall have the following meanings:

**CO-LOCATE OR CO-LOCATION:** Any combination of growers, processors, and/or marihuana retail establishments that may operate as separate marihuana businesses at the same physical location.

**MARIHUANA:** all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. Marihuana does not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (ii) industrial hemp; or (iii) any other ingredient combined with Marihuana to prepare topical or oral administrations, food, drink, or other products.

**MARIHUANA ACCESSORIES:** Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

**MARIHUANA BUSINESS:** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, marihuana provisioning center, marihuana secure transporter, or any other type of marihuana establishment or facility licensed by LARA.

**MARIHUANA GROWER:** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**MARIHUANA PROCESSOR:** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**MARIHUANA PROVISIONING CENTER:** A licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers pursuant to the MMFLA.

**MARIHUANA RETAILER:** A licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to the public in accordance with the MRTMA.

**continued.**  
MARIHUANA SAFETY COMPLIANCE FACILITY: A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.  
PRIMARY CAREGIVER OR REGISTERED PRIMARY CAREGIVER: A person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of Marihuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

QUALIFYING PATIENT OR REGISTERED QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another State or other entity of the United States which identifies the person as a registered qualifying patient.

#### 1286.03 USES PERMITTED AFTER SPECIAL APPROVAL

In a General Industrial District (GID), the following uses may be permitted subject to the applicable site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval, and subject, further, to the approval of Council after recommendation from the Planning Commission in accordance with the processing procedures in Section 1262.08, Powers of Council Re Special Approval:

- (a) Breweries, distilleries, canning factories and chemical plants.
  - (b) Central station lights or power plants.
  - (c) Junkyards and scrapyards.
  - (d) Kennels.
  - (e) Mining, excavating or other removal of sand, earth, minerals or other materials naturally found in the earth.
  - (f) Open storage yards of building and construction contractors, equipment and supplies and lumberyards.
  - (g) Outdoor theaters.
- (Res. 98-340A. Passed 9-21-98.)
- (h) Marihuana establishments:
1. Marihuana Retailer establishments;
  2. Medical Marihuana Provisioning Centers;
  3. Marihuana Secured Transporter establishments;
  4. Marihuana Grower facilities;
  5. Marihuana Primary Caregiver facilities;
  6. Marihuana Processing establishments; and
  7. Marihuana Safety Compliance facilities.

(i) Pawn shops  
1296.02 SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL.

The following standards are in addition to the requirements of Section 1296.01, Site Plan Review:

Note: The requirements noted in this section are in addition to, or, where in conflicts, supersede, those general requirements by zoning districts, as indicated in Section 1296.01, Site Plan Review. For all uses permitted after special approval, see the processing requirements in Section 1262.08, Special Approvals.

#### QQ. Marihuana Establishments

(1) All establishments and facilities shall operate in compliance with the Michigan Department of Community Health, the MRTMA, the MMMA, and all administrative rules and regulations in the Ordinance Chapter 853 Marihuana Licenses.

(2) A minimum setback of two hundred (200) feet shall separate a marihuana establishment from all public or private schools providing education for kindergarten through 12<sup>th</sup> grade.

(3) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

**continued.**

- (4) The marihuana business shall comply with all performance standards as set forth in Section 1294.31 of this Zoning Code. Such compliance shall specifically include adequate facilities for ventilation and odor control.
- (5) The location from which a primary caregiver manufactures, stores, and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.
- (6) Except for marihuana retail establishments and provisioning establishments, dispensing of marihuana is prohibited.
- (7) Temporary outdoor marihuana special events are prohibited.
- (8) All activity related to marihuana businesses shall be conducted indoors.
- (9) No outdoor storage shall be allowed.
- (10) Waste receptacles that are outdoors must be enclosed, and locked at all times when not in use.
- (11) Loading zones for any marihuana business shall not be visible to the public. Loading zones shall be either fully or partially enclosed. Loading zones shall be any of the following: an area indoors that meets the loading zones size requirements, an area enclosed by two or more walls, a vehicle bay, or garage, or any other configuration that blocks the transfer of goods from vehicle to facility. All products shall be transferred directly from the vehicles into the establishment. Should a vehicle have to maneuver to enter the loading zone, it is subject to parking lot requirements in 1290.08.
- (12) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- (13) Provisioning centers and retail facilities shall be open to the public no earlier than 9 a.m. and shall close no later than 10 p.m.
- (14) If a building with windows is utilized as a marihuana grower facility, any lighting methods shall not exceed the foot candles permitted for the exterior of the building between the hours of 11pm and 7am.
- (15) A roof on a marihuana grower facility may consist of a sturdy transparent material, such as glass, approved by the Building Superintendent, to allow for sunlight into the growing area of the building. If such transparent material is utilized, it must be fully covered with a non-transparent material between dusk and dawn that prevents interior lighting from escaping through the roof.
- (16) The portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lincoln Park Fire Department to ensure compliance with the Michigan Fire Protection Code
- (17) Exterior lighting shall be required for security purposes, and shall be implemented in accordance with the provisions of the Zoning Ordinance.
- (18) If a marihuana business ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire.

#### 1290.02 NUMBER OF SPACES REQUIRED.

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings, or changes in use, as specified in Section 1290.01, Off-Street Parking Generally, shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts; 1290.05, Off-Street Parking B Areas; Business Districts; 1290.06, Off-Street Parking C Areas; Industrial Districts; or 1290.07, Parking in Residential Districts, as may be applicable.

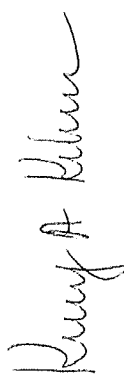
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Use	Number of Spaces
(c) <u>Business and Commercial</u> Retail stores, except as otherwise specified herein (includes marihuana retailers and provisioning centers)	One (1) for every two-hundred-fifty (250) square feet of gross floor area.
(f) <u>Industrial</u> <u>Marihuana growing facility</u> <u>Marihuana safety compliance facility</u> <u>Marihuana processing establishment</u> <u>Marihuana secured transporter establishment</u>	1 for every employee on peak shift, 1 for every 1,000 square feet of gross floor area for facilities/establishments over 5,000 square feet

Motion unanimously carried.

ADOPTED: October 19, 2020  
PUBLISH: October 28, 2020  
EFFECTIVE: November 4, 2020

I, Kerry A. Kehrer, duly authorized City Clerk of Lincoln Park; do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Mayor and Council on September 8, 2020 said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976.



Kerry A. Kehrer  
City Clerk