

190461

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances Chapter 12, Business and Occupations Generally; Article XVI, Medical Marihuana Facilities, by the addition of Section 12-96.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; adding Article XVI, Section 12-96, Sixty Day Emergency Opt In to Related Recreational Marihuana Facilities, Elimination of License Cap, which shall read in its entirety as follows:

§12-96. SIXTY DAY EMERGENCY OPT IN TO RELATED RECREATIONAL MARIHUANA FACILITIES; ELIMINATION OF LICENSE CAP.

(a) *EMERGENCY.* THE STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ANNOUNCED ITS INTENTION TO ACCEPT APPLICATIONS FOR RECREATIONAL MARIHUANA LICENSES, OF ALL TYPES ON NOVEMBER 1, 2019, WHICH EFFECTIVELY CREATED A NOVEMBER 1 DEADLINE FOR THE CITY TO HAVE AN ORDINANCE REGULATING OR PROHIBITING RECREATIONAL MARIHUANA LICENSES IN PLACE.

AS OUTLINED IN THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), BEING INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ, AND ITS CORRESPONDING ADMINISTRATIVE RULES, THE STATE SHALL GRANT ANY MARIHUANA LICENSE APPLICATION THAT MEETS THE STATE CRITERIA.

PURSUANT TO THE MRTMA SEC.6(3)(C), SUCH APPLICANTS ARE ONLY LIMITED TO NON-RESIDENTIAL AREAS AND 1000 FEET FROM AN EXISTING K-12 SCHOOL. THE CITY WILL HAVE NO ADDITIONAL OPPORTUNITY TO REVIEW SUCH A LICENSE APPLICATION, IN THE ABSENCE OF A CITY ORDINANCE, PURSUANT TO THE MRTMA SEC.9(3) UNLESS IT HAS A PROHIBITING OR LIMITING ORDINANCE IN EFFECT AT THE TIME SUCH AN APPLICATION IS RECEIVED.

AS DEMONSTRATED ON THE ATTACHED MAP, THE ABSENCE OF SUCH AN ORDINANCE WOULD AFFECT THE WELFARE AND PROPERTY RIGHTS OF THE CITIZENS OF THE CITY OF FLINT, AS MARIHUANA ESTABLISHMENTS COULD ARISE IN AREAS DIRECTLY ADJACENT TO RESIDENCES, PRESCHOOLS, PARKS, AND PLACES OF WORSHIP. PURSUANT TO THE CITY CODE, SEC. 50-183, THE CITY HAS DETERMINED THAT MARIHUANA ESTABLISHMENTS ARE INCOMPATIBLE IN SUCH PROXIMITY TO THESE PROPERTIES; AND THE ABSENCE OF THIS ORDINANCE WOULD DIRECTLY AFFECT CITY RESIDENTS. THIS RESULT, CONTRARY TO CURRENT CITY CODE AND COMBINED WITH THE IMMEDIATE NECESSITY OF SUCH AN ORDINANCE IN EFFECT BY NOVEMBER 1, 2019, CONSTITUTES AN EMERGENCY FOR THE PURPOSES OF CITY CHARTER SEC. 3-307.

WHILE THE CITY DESIRES TO TAKE IMMEDIATE ACTION TO SEIZE THE OPPORTUNITY PRESENTED BY NEW RECREATIONAL MARIHUANA BUSINESSES, CHANGES TO THE ZONING CODE REQUIRE A PUBLIC HEARING BEFORE THE CITY'S PLANNING COMMISSION, PURSUANT TO THE ZONING ENABLING ACT, PRIOR TO IMPLEMENTATION OF SOME ASPECTS

**OF RECREATIONAL MARIHUANA LICENSURE.**

THE CITY NONETHELESS INTENDS TO PRESENT AN ORDINANCE TO THE PLANNING COMMISSION THAT WOULD RECOMMEND THAT MARIHUANA MICROBUSINESSES BE TREATED SIMILARLY TO LIQUOR STORE OR MEDICAL MARIHUANA PROVISIONING CENTERS, THAT DESIGNATED CONSUMPTION ESTABLISHMENTS AND MARIHUANA EVENT ORGANIZERS BE TREATED SIMILAR TO ENTERTAINMENT VENUES.

(b) *LICENSURE OF RELATED RECREATIONAL MARIHUANA LICENSES BY THE STANDARDS SET FORTH IN THE MEDICAL MARIHUANA OPT-IN ORDINANCE.* MARIHUANA ESTABLISHMENTS, AS AUTHORIZED BY AND DEFINED IN THE MRTMA, SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE REQUIREMENTS ALREADY SET FORTH IN THE CITY'S CURRENT MEDICAL MARIHUANA OPT-IN ORDINANCE, SEC. 50-183, TO THE EXTENT THOSE ESTABLISHMENTS ARE DEFINED AS A RELATED LICENSE TYPE AS SET FORTH IN THE MRTMA ADMINISTRATIVE RULES.

**SPECIFICALLY:**

- (1) MARIHUANA GROWERS SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE REQUIREMENTS APPLICABLE TO MEDICAL MARIHUANA GROWERS;
- (2) MARIHUANA SAFETY COMPLIANCE FACILITIES SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE

REQUIREMENTS APPLICABLE TO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES;

- (3) MARIHUANA PROCESSORS, SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE REQUIREMENTS APPLICABLE TO MEDICAL MARIHUANA PROCESSORS;
- (4) MARIHUANA RETAILERS, SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE REQUIREMENTS APPLICABLE TO MEDICAL MARIHUANA PROVISIONING CENTERS; AND
- (5) MARIHUANA SECURE TRANSPORTERS SHALL BE SUBJECT TO THE CRITERIA, ZONING RESTRICTIONS AND LICENSE REQUIREMENTS APPLICABLE TO MEDICAL MARIHUANA SECURE TRANSPORTERS.

(c) *APPLICATIONS FOR RELATED RECREATIONAL MARIHUANA LICENSES.* APPLICATIONS FOR THE ABOVE-LISTED LICENSES SHALL BE TAKEN AND EVALUATED IN THE SAME MATTER, AND SUBJECT TO THE SAME CRITERIA, AS OUTLINED ABOVE AND AS SET FORTH IN THE MEDICAL MARIHUANA OPT-IN ORDINANCE, SEC. 50-183, EXCEPT AS SET FORTH IN (D) BELOW.

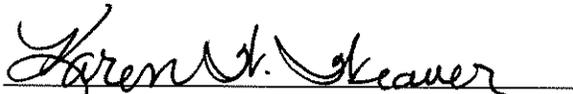
(d) *ELIMINATION OF LICENSE CAPS.* THE LICENSE CAPS, AS IDENTIFIED IN SEC. 50-183 BUT NOT OTHERWISE INHERENTLY RELATED TO ZONING, ARE HEREBY ELIMINATED FOR MEDICAL MARIHUANA ESTABLISHMENTS, AND SIMILARLY SHALL NOT APPLY TO

**RELATED RECREATIONAL MARIHUANA ESTABLISHMENTS.**

**IN RECOGNITION OF THE EFFORTS AND COMMITMENTS MADE BY THE MEDICAL MARIHUANA FACILITY APPLICANTS THROUGHOUT THE RUBRIC SCORING PROCESS, THE CITY SHALL EXHAUST THE LIST OF PROVISIONING CENTER APPLICATIONS, IN THE ORDER SET FORTH IN RESULT OF SAID SCORING, BY HEARINGS OF ALL SUCH APPLICATIONS BY THE CITY'S PLANNING COMMISSION, PRIOR TO NEW RETAIL OR PROVISIONING CENTER APPLICATIONS BEING HEARD BY THE COMMISSION.**

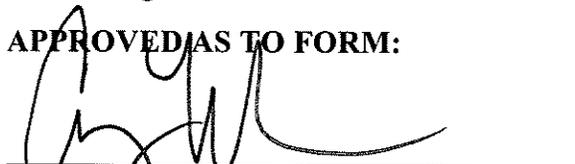
**Sec. 2. This ordinance shall become effective immediately upon adoption, and pursuant to City Chart 3-307(E) shall expire after a period of sixty (60) days.**

Adopted this 31st day of October 2019, A.D.

  
Dr. Karen W. Weaver, Mayor

  
Inez M. Brown, City Clerk

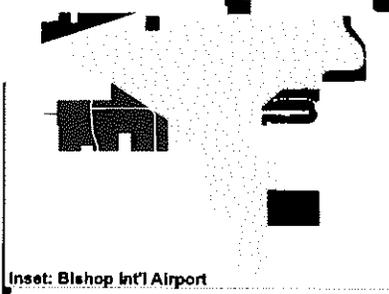
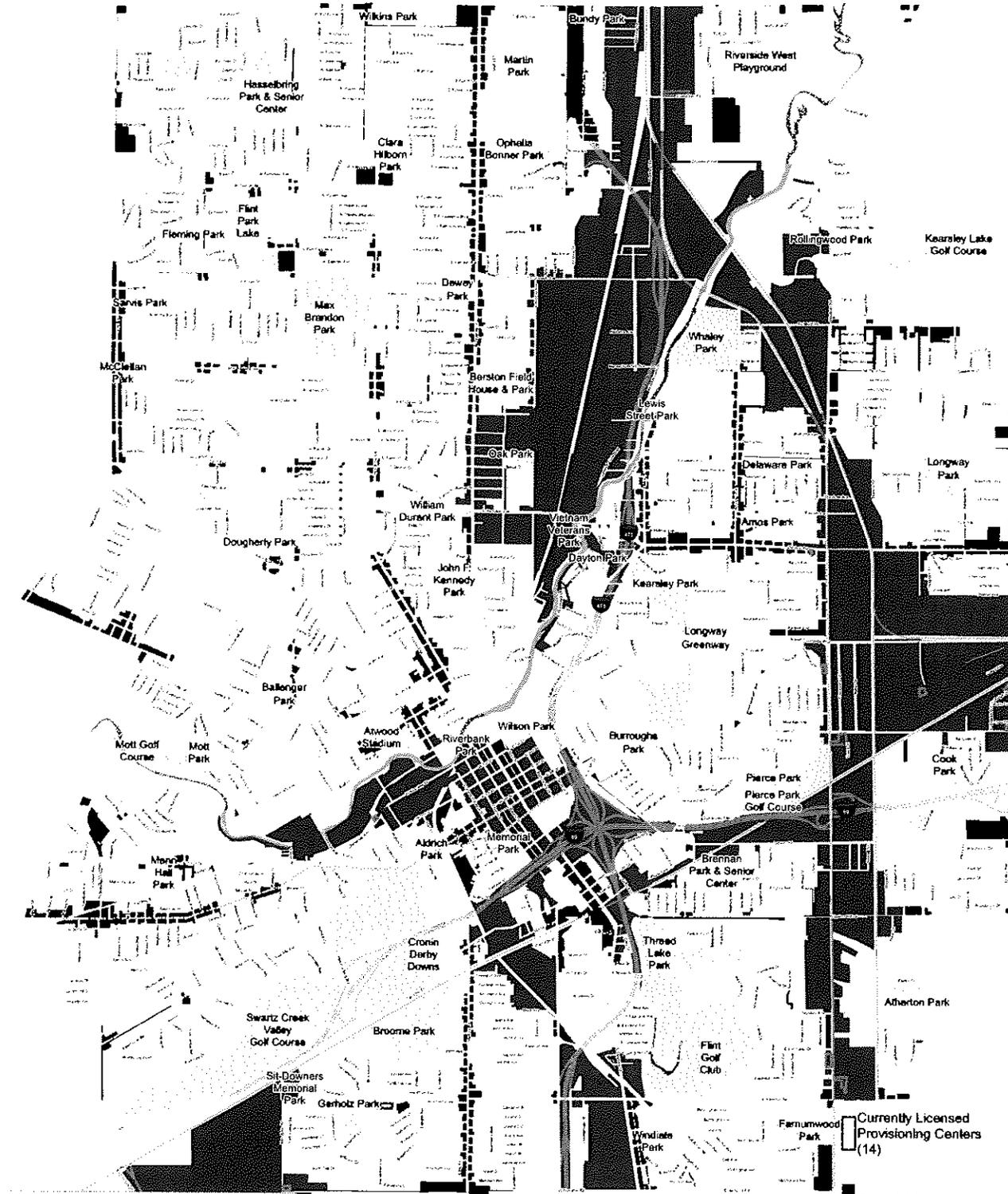
**APPROVED AS TO FORM:**

  
Angela Wheeler, Chief Legal Officer

S:\REE\Medical\Marijuana\Chapter 12, Business and Occupations; Article XVI, Emergency Sixty Day Opt In to Related Recreational Marihuana Facilities, Intention for Full Approval §12-96.docx

# No Ordinance Recreational Marijuana Map

For Discussion Purposes Only



Inset: Bishop Int'l Airport

- ANALYSIS CRITERIA:**
- SPECIAL REGULATED USES SHALL BE PERMITTED IN D, E, F, AND G ZONING DISTRICTS.
  - SPECIAL REGULATED USE CANNOT BE WITHIN 1000 FT OF A K - 12 FACILITY.



Currently Licensed Provisioning Centers (14)

Potential Areas

Parks

Faith Based

Schools

Feet 10/23/2019

