

STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF TAYLOR

ORDINANCE NO. 23-512

AN ORDINANCE AMENDING THE TAYLOR, MICHIGAN, CODE OF ORDINANCES BY AMENDING APPENDIX A, ZONING, OF THE TAYLOR CODE OF ORDINANCES BY ADDING A NEW ARTICLE 11, ENTITLED, ADULT USE MARIHUANA

THE CITY OF TAYLOR ORDAINS:

SECTION 1. That a new Article 11, Adult Use Marihuana, be added to Appendix A, Zoning, of the Taylor, Michigan Code of Ordinances as follows:

Article 11
Adult Use Marihuana

Article I. GENERAL PROVISIONS

Sec. 11-1 ADULT USE MARIHUANA.

A category of uses permitting adult use establishments licensed pursuant to the MRTMA, the MMFLA, and Chapter 11 of the City ordinances.

Sec. 11-2 GENERAL PROVISIONS.

The following apply to all adult use marihuana establishment in the City of Taylor, unless otherwise noted.

A. General Requirements:

- (1) All location criteria and required separation distances apply to both new marihuana establishments and to any proposed change in the location of an existing marihuana establishment.
- (2) All location criteria and required separation distances apply to both marihuana establishments and similar protected uses located in adjacent governmental jurisdictions.
- (3) A marihuana establishment is prohibited from operating in any residential zoning district or in a residential unit.

- (4) Only the City Council shall have authority to grant a variance from the requirements of this Adult Use Marihuana zoning ordinance. Variance requests shall first be submitted to Planning and any appeal to the Zoning Board of Appeals. Upon the variance approval by Planning or the Zoning Board of Appeals, the request must then be submitted to the City Council for final approval or denial.
- (5) Drive-throughs and curbside service are not permitted with any marihuana establishment.
- (6) A licensee may not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.
- (7) A licensee must operate the licensed establishment in compliance with all applicable state and City regulations for that type of establishment.

B. Location criteria. All marihuana establishment types in the City of Taylor must meet the following location criteria, except safety compliance operations:

- (1) Required distance. These required distances shall not apply if the marihuana establishment is separated from the named protected use by travel lanes of an Interstate Highway or railroad tracks. Interstate Highway does not include Telegraph Road or the connector between Telegraph Road and I-75.
 - (a) A marihuana establishment must not operate within 2,500 feet of a preexisting private or public school, providing education in kindergarten or any grades 1 through 12.
 - (b) A marihuana establishment must not operate within 2,500 feet of any preexisting church, temple, synagogue, or other place of worship.
 - (c) A marihuana establishment must not operate within 2,500 feet of any district within the Taylor city boundary zoned residential.
 - (d) A marihuana establishment must not operate within 2,500 feet of a preexisting public library.
 - (e) A marihuana establishment must not operate within 2,500 feet of any preexisting state-licensed, childcare center, public playground, public pool, or youth center.
 - (f) A marihuana establishment must not operate within 2,500 feet of another marihuana establishment.
- (2) Measuring the required distance. The required distance is measured in a straight line from the nearest structure of a protected use to the front main entrance of the nearest structure on the property in which the marihuana establishment is to be

located. It will be up to the applicant at the time of application to prove to the satisfaction of the city that its establishment will meet the minimum distance requirements.

C. Grower establishments. Growers are licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. The three grower license types are Class A (authorized to grow up to 100 plants); Class B (authorized to grow up to 500 plants); and Class C (authorized to grow up to 2,000 plants). An excess grower holds five Class C adult use marihuana grower and at least two Class C medical marihuana grower licenses. In the zoning districts where a grower establishment is permitted with development standards, the following standards apply:

1. grower establishments are permitted only in I-1 and I-2 Zoning Districts.
2. Excess grower establishments are permitted only in I-1 and I-2 Zoning Districts.

Permitted outdoor activities. All grower facilities and operations must be within a fully enclosed and secured building. Growing and cultivation may not occur in an outdoor area.

D. Processor establishments. Processors are licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments. In the zoning districts where a processor establishment is permitted with development standards, the following standards apply:

- a. Permitted only in I -1 and I-2 Zoning Districts.
- b. All processing operations must be conducted within a fully enclosed and secured building.

E. Safety compliance operations establishment. Safety compliance establishments are licensed to test marihuana, including certification for potency and the presence of contaminants. In the districts where safety compliance facility is permitted with development standards, the following standards apply:

- a. Permitted in I-1 and I-2 Zoning Districts.
- b. Street type limitations. A safety compliance facility cannot be located in the occupied space along a priority street side of a building.

F. Secure transporter establishment. Secure transporter establishments are licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. In the zoning districts where secure transporter establishment is permitted with development standards, the following standards apply:

- a. Permitted only in I-1 and I-2 Zoning Districts.

Warehousing activity is only permitted as an accessory use to the principal permitted secure transporter use.

G. Retailer establishment. Retailer establishments are 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. In the zoning districts where a retailer establishment is permitted with development standards, the following standards apply:

- a. Permitted only in I-1 and I-2 Zoning Districts
- b. All retailer activities must be conducted within an enclosed building.
- c. A retailer is not permitted on the same property or parcel or within the same building where any of the following are located:
 1. A package liquor store.
 2. A convenience store that sells alcoholic beverages.
 3. A fueling station that sells alcoholic beverages.
- d. A separation distance of 2,500 feet is required from any other provisioning center or retailer, except when the retailer is co-located with a provisioning center, as provided by state regulations and this ordinance. This requirement shall not apply if the marihuana establishments are separated by the travel lanes of an Interstate Highway or railroad tracks. Interstate Highway does not include Telegraph Road or the connector between Telegraph Road and I-75.
- e. The consumption of any marihuana product is not permitted on the premises of a retail establishment.

H. Medical Marihuana. A category of uses permitting medical marihuana facilities licensed to operate pursuant to the MMFLA and Chapter 11 of the City ordinances.

1. General provisions. The following requirements apply to all medical marihuana facilities, unless otherwise noted.

- a. General requirements.
 1. All location criteria and required separation distances apply to both new medical marihuana facilities and to any proposed change in the location of an existing medical marihuana facility.
 2. All location criteria and required separation distances apply to both medical marihuana facilities and similar protected uses located in adjacent governmental jurisdictions.
 3. A medical marihuana facility must not operate in any residential zoning district or in a residential unit.

4. Drive-throughs and curbside service are not permitted with any facility.
5. A licensee may not operate a marihuana facility at any place in the City other than the address provided in the application on file with the City Clerk.
6. A licensee must operate the licensed facility in compliance with all applicable state and City regulations for that type of facility.

2. Location criteria. All marihuana facility types must meet the following location criteria from protected uses, except safety compliance facilities.

1. **Required distance.** These required distances shall not apply if the marihuana establishment is separated from the named protected use by an Interstate Highway or railroad tracks. Interstate Highway does not include Telegraph Road or the connector between Telegraph Road and I-75.
 - a) A marihuana establishment must not operate within 2,500 feet of a preexisting private or public school, providing education in kindergarten or any grades 1 through 12.
 - b) A marihuana establishment must not operate within 2,500 feet of another marihuana establishment.
 - c) A marihuana establishment must not operate within 2,500 feet of any preexisting church, temple, synagogue, or other place of worship.
 - d) A marihuana establishment must not operate within 2,500 feet of any district within the Taylor city boundary zoned residential.
 - e) A marihuana establishment must not operate within 2,500 feet of a preexisting public library.
 - f) A marihuana establishment must not operate within 2,500 feet of any preexisting state-licensed, childcare center, public playground, public pool, or youth center.
2. **Measuring the required distance.** The required distance is measured in a straight line from the nearest structure of a protected use to the front main entrance of the nearest structure on the property in which the marihuana facility is located. It will be up to the applicant at the time of application to prove to the satisfaction of the city that its establishment will meet the minimum distance requirements.
3. **Grower facility.** A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marihuana for sale to a processor or provisioning center. The three grower license types are Class A (authorized to grow up to 500 plants); Class B (authorized to grow up to 1,000 plants); and Class

- C (authorized to grow up to 1,500 plants). In the districts where grower facility is permitted with development standards, the following standards apply:
- (a) Grower facilities are permitted only in I-1 and I-2 Zoning Districts
 - (b) Permitted outdoor activities. All grower facilities and operations must be within a fully enclosed secured building. No growing or cultivation may occur in an outdoor area.
 - (c) Multiple facilities on a lot. The following applies for multiple facilities on one lot.
 - 1. Except as permitted by state regulatory rules for Class C growers, only one medical marijuana grower facility license is allowed per parcel or lot.
4. **Processor facility.** A licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center. In the districts where processor facility is permitted with development standards, the following standards apply:
- (a) A processor facility is permitted only in I-1 and I-2 Zoning Districts
 - (b) Only one medical marijuana processor facility license permitted per parcel or lot.
 - (c) All processing operations must be conducted within an enclosed building.
5. **Secure transporter facilities.** A licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee. In the districts where a secure transporter facility is permitted with development standards, the following standards apply:
- (a) A secure transporter facility is permitted only in I-1 and I-2 Zoning Districts
 - (b) Warehousing activity is only permitted as an accessory use to the principal permitted secure transporter use.
6. **Safety compliance facility.** A licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility. In the districts where a compliance facility is permitted with development standards, the following standards apply.
- (a) Permitted in I-1 and I-2 Zoning Districts

- (b) Street type limitations. A safety compliance facility cannot be located in a building's occupied space fronting a priority street.

7. **Provisioning center.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL § 333.26421 et seq., is not a provisioning center for purposes of this article. In the districts where provisioning center facility is permitted with development standards, the following standards apply:

- (a) Permitted only in I-1 and I-2 Zoning Districts
- (b) Only one provisioning center license is permitted per parcel or lot.
- (c) All provision center activities must be conducted within a fully enclosed building.
- (d) A separation distance of 2,500 feet is required from any other provisioning center or retailer, except when the provisioning center is co-located with a retailer as provided by state regulations and this ordinance. This requirement shall not apply if the marihuana establishments are separated by the travel lanes of an Interstate Highway or railroad tracks. Interstate Highway does not include Telegraph Road or the connector between Telegraph Road and I-75.

A provisioning center is not permitted on the same property or parcel or within the same building where any of the following are located:

- 1. A package liquor store.
- 2. A convenience store that sells alcoholic beverages.
- 3. A fueling station that sells alcoholic beverages.

The consumption of marijuana products is not permitted on the premises of any retail facility or provisioning center.

SECTION 2. SEVERABILITY. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby temporarily and repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the passage by the City Council and the publication of the Ordinance in accordance with the Charter of the City of Taylor and the statutes of the State of Michigan.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Taylor, at a Regular Meeting held in the Council Chambers at the Taylor Municipal Building, 23555 Goddard Road, Taylor, Michigan on the 19th day of September, 2023.

I further certify that the following Council Members were present at said meeting:

Johnson, Ramik, Winton, Geiss, Brandana and Rose.

Members were absent: None.

I further certify that Council Member Brandana moved adoption of said Ordinance, and said motion was supported by Council Member Johnson.

I further certify that the following Council Members voted for adoption of said Ordinance: Johnson, Ramik, Geiss, and Brandana and the following Council Members voted against adoption of said Ordinance: Winton and Rose.

ORDINANCE NO. 23-512

RESOLUTION NO. 9.457-23



CYNTHIA A. BOWER, CITY CLERK

I hereby approve the foregoing Ordinance.



TIMOTHY O. WOOLLEY, MAYOR