Andy Schor
Mayor

LANSING PLANNING BOARD
Special Meeting
Monday, August 8, 2022, 6:00 p.m.
600 W. Maple Street, Lansing, MI 48906
Neighborhood Empowerment Center - Training Room

Due to safety concerns resulting from the COVID-19 pandemic, this meeting will be accessible to the *public* on Microsoft Teams via this hyperlink

AGENDA

1. OPENING SESSION

A. Roll Call

B. Excused Absences

2. APPROVAL OF AGENDA

3. PUBLIC HEARINGS

A. **Amendments to Chapter 1300 of the Lansing Codified Ordinances** – Update the Ordinance to reflect changes in laws and rules by the Cannabis Regulatory Agency and to add a Section to codify the process for temporary marihuana events

5. COMMENTS FROM THE AUDIENCE (please limit comments to 3 minutes per person)

6. BUSINESS

A. **Minutes for approval:** July 5, 2022

B. **Amendments to Chapter 1300 of the Lansing Codified Ordinances** – Update the Ordinance to reflect changes in laws and rules by the Cannabis Regulatory Agency and to add a Section to codify the process for temporary marihuana events

7. ADJOURNMENT

Next Regularly Scheduled Meeting: September 6, 2022

For special accommodations, please give 24 hours' notice prior to the meeting by calling Sue Stachowiak in the Planning Office at 517-483-4085

Summary of changes to Chapter 1300:

1300.02: add definitions for Marihuana Educational Research License (new license type) and expand definition of Marihuana Microbusiness to include Class A (new license type).

1300.04: amend definition of applicant to reflect current state practice.
-Amend insurance requirements to expand access to coverage.

1300.09: add drive thru as a permissible accessory use for marijuana sales with zoning approval.

1300.11: assigns Educational Research Facilities to same zoning as Safety Compliance, Processors, and Secure Transporters (Industrial, Mixed Use, and Urban Flex).

1300.17: codifies Mayor's 2020-01 Executive Order and adds licensing fee.

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1300.02, 1300.04, 1300.09, AND 1300.11 TO UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES BY THE CANNABIS REGULATORY AGENCY, FORMERLY KNOWN AS THE MARIJUANA REGULATORY AGENCY, AND ADDING SECTION 1300.17 TO CODIFY THE PROCESS FOR TEMPORARY MARIHUANA EVENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1300, Sections 1300.02, 1300.04, 1300.09, and 1300.11 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended and Section 1300.17 is added to read as follows:

1300.02. Definitions, interpretation and conflicts.

For the purposes of this chapter:

(a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. (MMFLA), as amended, the Marihuana Tracking Act ("MTA"), MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA"), MCL 333.27951 et seq., shall have the definition given in those acts; if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA MTA, or MRTMA then the definition in the MMMA, MMFLA, MTA, or MRTMA shall apply.

(b) Any term defined by 21 USC 860(e) referenced in this chapter shall have the definition given by 21 USC 860(e).

(c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA, MTA, or MRTMA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA and MRTMA unless superseded or preempted by the MMFLA and/or MRTMA.

(d) All activities related to medical marihuana, including those related to a Medical Marihuana Provisioning Center, a Medical Marihuana Grower Facility, a Medical Marihuana Secure Transporter, a Medical Marihuana Processor or a Medical Marihuana Safety Compliance Facility shall be in compliance with the rules of the Marihuana Regulatory Agency, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City, the MMMA, MMFLA and the MTA.

(e) All activities related to non-medical marihuana shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City and MRTMA.

(f) Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this chapter without obtaining the required licensing set forth in this chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter, and/or State law. Any license granted pursuant to this chapter shall be exclusive to the licensee, and is a revocable privilege. Granting a license does not create or vest any right, title, franchise, or other property right.

(g) The following terms shall have the definitions given:

Application/License Application means an application for a license pursuant to the terms and conditions set forth in Sections 1300.04 and 1300.05.

Application for a License Renewal means an application for a license renewal pursuant to the terms and conditions of Section 1300.07.

Buffered Use means a use subject to the buffering and dispersion requirements of Sections 1300.10 and 1300.11.

Building means an independent, enclosed structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures not in compliance with MMMA or MRTMA. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Chapter means this Chapter 1300.

Church means an entire space set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

City means the City of Lansing, Michigan.

Clerk shall mean the City Clerk of Lansing, Michigan.

Council or *City Council* means the City Council of Lansing, Michigan.

Employee means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

License means a license issued for the operation of a medical marihuana facility or marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to Section 1300.07.

Licensee means a person issued a license for a medical marihuana facility or marihuana establishment pursuant to this chapter.

Limit means a competitive application process by which the municipality selects applicants who are best suited to operate in compliance with the Michigan Regulation and Taxation of Marihuana Act and this chapter and prevents the Department of Licensing and Regulatory Affairs from issuing a State license within the municipality's jurisdiction if the applicant is not selected, in compliance with MCL § 333.27956(1) and MCL § 333.27959(4).

Marihuana Educational Research License **means any person or entity licensed by the United States Drug Enforcement Administration (DEA) and in affiliation with a degree or certificate program offered by an institution of higher learning accredited by the Higher Learning Commission and subject to the requirements outlined under State of Michigan Rule 420.27a, as may be updated or amended from time to time.**

Marihuana Establishment means any marihuana operation that is required to be licensed under this chapter and possesses a license or approval to operate under the MRTMA, including a Marihuana Microbusiness, a Marihuana Retailer, a Marihuana Grower, a Marihuana Processor, a Marihuana Secure Transporter, a Marihuana Safety Compliance Facility, and a Designated Consumption Establishment.

Marihuana Grower means a licensee that is a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to terms and conditions of this chapter that cultivates, dries, trims or cures and packages marihuana in accordance with State law.

Marihuana Microbusiness means a person or entity licensed **as a marihuana microbusiness or class A microbusiness, as defined by State of Michigan Rules 420.105 and 420.105a which may be updated or amended from time to time,** ~~to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments,~~ located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter.

Marihuana Operation/Operator means all types of medical and non-medical marihuana establishments and facilities operating in the City of Lansing that are required to be licensed under this chapter and possess a license or approval to operate under State law.

Marihuana Processor or *Medical Marihuana Processor Facility* means a commercial entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, processes and packages marihuana,

and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.

Marijuana Regulatory Agency or *MRA* means the agency within the State of Michigan Department of Licensing and Regulatory Affairs created pursuant to Executive Order 2019-07 to regulate medical and recreational marihuana.

Marihuana Retailer means a licensee located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to a marihuana establishment and to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility or *Medical Marihuana Safety Compliance Facility* means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids.

Medical Marihuana Facility means any facility or center that is required to be licensed under this chapter and possesses a license or approval to operate from the State under the MMFLA, including: A Medical Marihuana Provisioning Center, a Medical Marihuana Processor, a Medical Marihuana Grower Facility, a Marihuana Secure Transporter, and a Medical Marihuana Safety Compliance Facility.

Medical Marihuana Provisioning Center means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this chapter, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by State law. Medical Marihuana Provisioning Center, as

defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with State law and regulation. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the State's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a Medical Marihuana Provisioning Center for purposes of this chapter.

MMFLA means the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. as amended from time to time.

MMMA means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

MRTMA means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended from time to time.

MTA means the Marihuana Tracking Act, MCL 333.27901 et seq., as amended from time to time.

Ordinance means the ordinance adopting this Chapter 1300.

Park means an area of land designated by the City as a park on its master plan or on a Council-approved list of City parks.

Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

School means and includes buildings used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12, and headstart when that instruction is provided by a public, private, denominational, or parochial school.

Secure Transporter or *Medical Marihuana Secure Transporter* means a commercial or business entity that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed to operate by the City pursuant to the terms and conditions of this chapter, that stores marihuana and transports marihuana between medical marihuana facilities or marihuana establishments for a fee and in accordance with State law.

Stakeholder means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, the managers and members; with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders; and with respect to a partnership or limited liability partnership, the partners, both general and limited.

State means the State of Michigan.

Ward means the four wards of the City of Lansing as outlined in 2-203 of the Lansing City Charter.

(h) Any term defined by the MMMA, the MMFLA, MTA, or MRTMA and not defined in this chapter shall have the definition given in the MMMA, MMFLA, MTA, or MRTMA as applicable.

1300.04. License application submission.

(a) Each marihuana operation must be licensed by the City. Applications for a license shall be made in writing to the City Clerk.

All applications submitted to the City Clerk in accordance with the provisions of this chapter shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this chapter of the same or different natures simultaneously, as permitted by law.

(b) A complete application for a license or licenses required by this chapter shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:

(1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.

(2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.

(3) Any applicant who meets any of the follow criteria must provide the necessary disclosure information outlined in 1300.04(b)(1) and (2):

(A) For an individual or sole proprietorship: the proprietor and spouse.

(B) For a partnership and limited liability partnership: all partners and their spouses.

(C) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the partnership, and their spouses.

(D) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the company, and their spouses.

(E) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(F) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(G) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(H) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(I) For a trust: trustees, any individual or body able to control and direct the affairs of the trust, and any beneficiary who receives or has the right to receive more than 10% of the gross or net profit of the trust during any full or partial calendar or fiscal year and their spouses.

(3) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.

(4) The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the City Clerk.

(5) Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies for every applicant, licensee, stakeholder, and employee to the City Clerk within five business days of receipt.

(6) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.

(7) A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:

i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and

ii. A current organization chart that includes position descriptions and the names of each person holding each position.

(8) One of the following: (a) proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of any lease for the premises.

(9) Verify compliance with State-mandated security measures as outlined in Emergency Rule 35 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.

(10) A floor plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.

(11) Verify compliance with State-mandated marketing and advertising restrictions as outlined in Emergency Rule 52 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.

(12) A location area map, as measured pursuant to Section 1300.10, of the marihuana operation and surrounding area that identifies the relative locations and the distances, as measured pursuant to Section 1300.10(d), to the buffered uses set forth in Section 1300.10(a), and noting any residentially zoned property within one-quarter mile of the marihuana operation.

(13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.

(14) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.

(15) Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least $1,000,000.00 for property damage; (b) at least

$1,000,000.00 for injury to one person; and (c) at least $2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B~~+~~, **DemoTech**~~consistent with State law~~**, or similar rating from another credit rating agency for the insurance industry.** The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.

(16) i. Proof of a surety bond in the amount of $50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions, and obligations of this chapter in a manner and surety approved by the City Attorney; or, in the alternative,

ii. Creation of an escrow account as follows:

a. The account must be provided by a State or federally regulated financial institution or other financial institution; and

b. The account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and

c. The account must be in the amount of $20,000.00 and in a form prescribed by the City Attorney.

(17) Projected or actual annual budget and revenue based upon generally accepted accounting principles (GAAP standards) demonstrating sufficient financial resources to fund and execute the submitted business plans and building plans.

(18) An estimate of the number and type of full-time equivalent jobs that the marihuana operation expects to create and the amount and type of compensation for each position, including but not limited to healthcare, retirement, and paid time off.

(19) Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marihuana.

(20) Execution of the Financial Resources Litigation History form made available by the City Clerk.

(21) Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.

(22) Any other information requested by the City Clerk to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.

(23) There is an ongoing obligation to provide updated information to the City Clerk. Should there be a change to any portion of an application, the applicant must advise the City Clerk within seven days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.

(c) Each application shall be accompanied by a license application fee in an amount of $5,000.00.

(d) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the City Attorney, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.

(e) No application shall be approved unless:

(1) The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this chapter.

(2) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code and this chapter.

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City, including but not limited to, non-payment of property taxes.

(4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.

(5) The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

1300.07. License renewal application.

(a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.

(b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by Section 1300.04(b).

(c) An application for a license renewal shall be accompanied by a renewal fee in an amount of $5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.

(d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.

(e) No application for a license renewal shall be approved unless:

(1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for compliance with all laws for which they are charged with enforcement within the past calendar year.

(2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana operation are not currently in default to the City, including but not limited to property taxes.

(4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.

(5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

(6) The applicant possesses the necessary State licenses or approvals.

(7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.

(8) The marihuana operation has not been declared a public nuisance.

(f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.

(g) If an applicant receives conditional approval to receive a license but fails to obtain that license within 24 months from the date of conditional approval, the City Clerk may revoke the conditional approval and deny licensure. conditional approval is not a license and in no way permits growing, processing, testing, transport, or sale of marihuana or marihuana product.

1300.09. Minimum operational standards of a marihuana operation.

Except as may be preempted by State law or regulation:

(a) Every Medical Marihuana Provisioning Center, Marihuana Retailer, and Designated Consumption Establishment must be located in a building, as defined under Section 1300.02.

(b) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall be open between the hours of 10:00 p.m. and 9:00 a.m.

(c) Consumption of marihuana shall be prohibited on the premises of a marihuana operation except as permitted by City Charter Section 8-501, State law, and a designated consumption establishment license has been obtained.

(d) No marihuana operation shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana operation is operated; or any other nuisance that hinders the public health, safety and welfare of the residents of the City.

(e) The license required by this chapter shall be prominently displayed on the premises of a marihuana operation.

(f) The premises shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises. Refusal to permit inspection may result in revocation or suspension of licensure.

(g) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

(h) No other accessory uses are permitted within the same establishment or facility unless expressly permitted by State or local law.

(i) All processing activity shall be performed indoors in a building.

(j) All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:

(1) Maintaining adequate personal cleanliness;

(2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

(3) Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(k) Marihuana operations must be kept clean and in good repair, including proper disposal of all waste and litter.

(l) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall permit the sale, consumption, or serving of alcohol.

(m) Any marihuana licensee engaged in the sale of marijuana must apply for and receive approval from the Zoning Administrator prior to operating a drive-through (drive-thru).

1300.11. Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

(a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to Ind-1 (suburban industrial), Ind-2 (general industrial) and Ind-3 (urban industrial) zoning districts as identified in this Code.

(b) All Marihuana Safety Compliance Facilities, Marihuana Processors, **Educational Research Facilities,** and Marihuana Secure Transporters shall be limited to Ind-1 (suburban industrial), Ind-2 (general industrial), Ind-3 (urban industrial), and DT-2 (urban flex) zoning districts as identified in this Code.

(c) All Designated Consumption Establishments shall be limited to S-C (suburban corridor), MX-C (mixed use urban corridor), MX-2 (mixed use community center), MX-3 (mixed use district center), Ind-1 (suburban industrial), Ind-2 (general industrial), Ind-3 (urban industrial), and DT-2 (urban flex) zoning districts as identified in this Code.

(d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

1300.17. Temporary Marihuana Events

(a) Any temporary marihuana event occurring in the City of Lansing shall submit the following to the Office of the Mayor for municipal approval or denial:

(1) A full and complete copy of the application submitted to the State of Michigan;

(2) Proof of Marihuana Event Organizer License from the State of Michigan;

(3) A complete Special Event Permit Application if the event is to occur on City-owned property;

(4) Submission of a $5,000 license application fee;

(b) Upon receipt of a completed application meeting the requirements of this section and payment of the appropriate license application fee, the application shall be referred to the following departments for their approval: the City Attorney, the Police Department, the Fire Department, and the Department of Parks & Recreation if hosted on City-owned property.

(c) The Mayor is the final authority in the decision whether to approve, deny, or modify the application.

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2031.

Approved as to form:

_____

City Attorney

Dated: _____

Regular Meeting
LANSING PLANNING BOARD
July 5, 2022
6:30 p.m., Conference Room
Neighborhood Empowerment Center
600 W. Maple Street

DRAFT MINUTES

1. OPENING SESSION

Chairman Ruge called the meeting to order at 6:45 p.m.

a.	Present:	John Ruge, Josh Hovey, Katie Alexander, Marta Cerna & Thomas Morgan
b.	Absent:	Farhan Bhatti, Tony Cox & Monte Jackson
c.	Staff:	Susan Stachowiak

Mr. Morgan made a motion, seconded by Mr. Hovey to grant excused absences for Tony Cox, Farhan Bhatti & Monte Jackson. On a voice vote, the motion carried (5-0).

2. APPROVAL OF AGENDA

Chairman Ruge approved the agenda by unanimous consent.

3. COMMUNICATIONS

A. Email from Roxanne Case, Executive Director, Ingham County Land Bank in support of Z-2-2022 & Z-3-2022

4. PUBLIC HEARINGS

A. **Z-2-2022,** Vacant parcels located between 3220 & 3330 W. Miller Road – Rezoning from "R-3" Suburban Detached Residential to "R-6B" Urban Residential

Ms. Stachowiak stated that this is a request to rezone the vacant parcels located between 3220 and 3330 W. Miller Road from "R-3" Suburban Detached Residential to "R- 6B" Urban Residential for the purpose of constructing a duplex on each of the 2 parcels. She explained that there is a very eclectic land use and zoning pattern in the area. She further explained that duplexes are an appropriate use of the subject properties, given the location, size and frontage along W. Miller Road which is a bus route and designed to carry a relatively high volume of traffic.

Ms. Stachowiak said that a straight rezoning to the "R-6B" zoning district would allow, based upon the lot size, up to 6 residential units, depending on the number of bedrooms in each unit. She said that allowing more than 2 units could conflict with the low-density development pattern being advanced in the City's Design Lansing Comprehensive Plan for the area. In order to prevent over densification, the

applicant has agreed to a conditional rezoning limiting use of each of the 2 parcels to either 1 single family dwelling or 1 duplex.

Chairman Ruge opened the public hearing.

Raymundo Garcia, applicant and property owner, spoke in support of his request. He spoke about the need for more housing in the City and the excessive cost of construction materials right now, thus making it difficult to finance the construction of single-family residential homes.

Seeing no one else wishing to speak, Chairman Ruge closed the public hearing.

B. **Z-3-2022,** 3021 Aurelius Road – Rezoning from "R-2" Suburban Detached Residential to "R-6B" Urban Residential

Ms. Stachowiak stated that this is a request to rezone the vacant parcel located at 3021 Aurelius Road from "R-2" Suburban Detached Residential to "R-6B" Urban Residential for the purpose of constructing a duplex on the property. She explained that there is a very eclectic land use and zoning pattern in the area including several duplexes mixed in amongst the single-family residential houses along the east side of Aurelius Road. She further explained that a duplex is an appropriate use of the subject property, given its location, size and frontage along Aurelius Road which is a bus route and designed to carry a relatively high volume of traffic.

Ms. Stachowiak said that a straight rezoning to the "R-6B" zoning district would allow, based upon the lot size, up to 6 residential units, depending on the number of bedrooms in each unit. She said that allowing more than 2 units could conflict with the low-density development pattern being advanced in the City's Design Lansing Comprehensive Plan for the area. In order to prevent over densification, the applicant has agreed to a conditional rezoning limiting the use of the property to either 1 single family dwelling or 1 duplex.

Chairman Ruge opened the public hearing.

Raymundo Garcia, applicant and property owner, provided his comments during the public hearing for Z-2-2022.

Seeing no one wishing to speak, Chairman Ruge closed the public hearing.

5. COMMENTS FROM THE AUDIENCE

6. RECESS – Not taken

7. BUSINESS

Mr. Hovey made a motion, seconded by Mr. Morgan to remove Z-2-2022 and Z-3-2022 from the Consent Agenda and placed them under New Business. On a voice vote, the motion carried unanimously (5-0).

A. Consent Items

(1) Minutes for approval: June 7, 2022

Without objection, the June 7, 2022, minutes were approved.

B. Old Business - None

C. New Business

1. **Z-2-2022,** Vacant parcels located between 3220 & 3330 W. Miller Road – Rezoning from "R-3" Suburban Detached Residential to "R-6B" Urban Residential

   Mr. Morgan expressed concerns about limiting the density to 1 single family dwelling or 1 duplex, given the need for more housing in the City, particularly on parcels that are located on a major bus route. He said that the City Council needs to decide if they want to impose that limitation.

   Mr. Ruge said that he is concerned about increasing the density in the area, even for duplexes. He explained that the property is surrounded by single family residential properties, and it may not be fair to those residents to start introducing higher density uses into the area as that may not be what they expected to occur when they purchased their homes.

   Mr. Morgan stated that the City needs more housing and it should be located on major bus routes. He also said that this is a political decision that the City Council should make regarding whether it wants to allow higher density uses in the area.

   Mr. Morgan made a motion, seconded by Mr. Hovey to recommend approval of Z-2-2022 to rezone the 2 vacant parcels located between 3220 & 3330 W. Miller Road from "R-3" Suburban Detached Residential to "R-6B" Urban Residential. On a roll call vote (5-0), the motion carried unanimously.

2. **Z-3-2022,** 3021 Aurelius Road – Rezoning from "R-2" Suburban Detached Residential to "R-6B" Urban Residential

   Mr. Morgan made a motion, seconded by Ms. Alexander to recommend approval of Z-3-2022 to rezone 3021 Aurelius Road from "R-2" Suburban Detached Residential to "R-6B" Urban Residential. On a voice vote (5-0), the motion carried unanimously.

8. **REPORT FROM PLANNING MANAGER** - None

9. **COMMENTS FROM THE CHAIRPERSON** - None

10. **COMMENTS FROM BOARD MEMBERS**

11. **PENDING ITEMS: FUTURE ACTION REQUIRED**

12. **ADJOURNMENT** – The meeting was adjourned at 7:08 p.m.