

CITY OF EASTPOINTE
COUNTY OF MACOMB
STATE OF MICHIGAN

ORDINANCE NO. 1183

AN ORDINANCE TO AMEND CHAPTER 50, ZONING, OF THE CITY OF EASTPOINTE

The City of Eastpointe ordains:

Section 1. Medical Marijuana Overlay Districts.

Article XXIII, Sections 50-258 through 50-261, of the Codified Ordinances of the City of Eastpointe is hereby created to read as follows:

ARTICLE XXIII. MEDICAL MARIHUANA OVERLAY DISTRICTS

Sec. 50-258. Intent.

Medical marihuana districts are intended to provide opportunities for the development of certain medical marihuana facilities that have been granted a permit by the city and have been granted a state license pursuant to the MMFLA. The city desires to allow approved medical marihuana facilities to operate exclusively within those zoning districts as identified in Table 1 and that comply with the requirements of the buffer districts, and separation standards in order to limit any secondary effects of such operations.

Section 50-259. Districts Permitted.

The city shall limit the number of permits and zoning districts upon which medical marihuana facilities are hereby authorized under this article to the following:

Table 1		
FACILITY TYPE	ZONING DISTRICT	NUMBER (per City)
<i>Grower</i>	-	0
<i>Processor</i>	-	0
<i>Secure Transporter</i>	B-3, General Business* and I-1, Light Industrial**	2
<i>Provisioning Center</i>	B-3, General Business* and I-1, Light Industrial**	3
<i>Safety Compliance</i>	B-3, General Business* I-1, Light Industrial** and OS-1, Office Service	2

*Excluding B-3 zoned properties on 9 Mile, west of Kelly Road.

**Excluding I-1 zoned properties on Stephens Road.

Sec. 50-260. Buffer districts and separation standards.

- (a) The buffer district is defined as the area within 50 feet of the following:
 - (1) Any property with a residential dwelling unit on the property.
- (b) The buffer district is further defined as the area within 500 feet of the following:
 - (1) Any private or public preschool, elementary, secondary, vocational or trade school, college or university.
 - (2) Any public park.
 - (2) Existing licensed child care centers.
 - (4) Any existing place of worship or religious assembly.
- (c) A Licensee shall not operate a medical marihuana facility within the buffer districts.
- (d) Medical marihuana provisioning centers shall not be closer than 1,000 feet from any other medical marihuana provisioning center measured from property line to property line.

Sec. 50-261. General provisions.

- (1) A Licensee shall 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.
- (2) A Licensee shall operate the medical marihuana facility in compliance with all applicable state and city regulations for that type of medical marihuana facility.
- (3) The required separation distances from a marihuana facility to the various buffered uses listed in Section 50-260(a) and (b) shall be measured at a right angle from the nearest point of ingress/egress of the proposed marihuana facility to the centerline of the road, along the centerline of the road and connecting at a right angle to the nearest property line of the buffered uses listed in Section 50-260(a) and (b).
- (4) The medical marihuana facilities in this Article shall follow the definitions provided in Article X. Medical Marihuana Facilities.

Section 2. Severability. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication. The Clerk shall publish this Ordinance within ten days in a newspaper printed and circulating within the City of general circulation.

Section 5. Effective Date. This Ordinance shall become effective ten days after date of adoption by the City Council.

CERTIFICATION

We, Monique Owens, Mayor, and Elke Doom, City Clerk, for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance 1183 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, June 16, 2020, in the City Hall.



Monique Owens, Mayor



Elke Doom, City Clerk